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City of San José Rules and Open Government committee meeting.

>> Mayor Reed: Call this meeting to order. This is Rules and Open Government committee meeting for June 16th, 2010. Do we have any changes to our agenda order to discuss? No. We'll consider the city council agenda for June 22nd, is our first item.

>> Mr. Mayor, I -- regarding agenda order, I do wanted just to make an announcement that item J-1A which is an appeal of the denial of an access to public records requested by Evan Keyser dated May the 13th. The appellant is from Baltimore and has requested a one-week deferral so that he can provide the council with some additional information in writing, and so we would like to go ahead and defer that now for one week.

>> Mayor Reed: Will we be here in one week?

>> Lee Price: Yes, we are meeting next week. Your final Rules and Open Government committee for the fiscal year.

>> Mayor Reed: Okay, we'll not take that up today, we'll defer it a week. No objections to that? Defer it for a week, at the request of the appellant. Back to the June 22nd agenda. Really long agenda. So we'll start closed session at 8:00 and attempt to start the regular session at 10:00. Anything else on page 1 of note? Anything on page 2 or 3? Page 4 or 5? Page 6 or 7? Page 8 or 9? Page 10 or 11? Still on the consent calendar. Page 12 or 13? Item 2.33 is ordinances related to the retirement benefit calculations. That's the second reading of what we took up at yesterday's meeting or do we need to add something else on that, from yesterday's meeting?

>> City Attorney Doyle: No, that is the second reading. Yes.

>> No, wait, why would that be there?

>> City Attorney Doyle: Looking at 2.33?

>> Mayor Reed: 2.33.

>> City Attorney Doyle: That is a different ordinance. This is one to allow compliance with internal revenue code Section 415.

>> Mayor Reed: I know what that is. What about the one that we need to do the second reading on?

>> Lee Price: That will show up on the amended agenda under 2.2.

>> Mayor Reed: Anything else on 12 or 13? Page 14 or 15? Municipal regulations enforcement pertaining to medicinal use of cannabis. I'm suggesting we start that at 8:00 a.m. Just kidding. Figured on shortening the meeting a little bit, getting an early start. Anything on 14 or 15 besides that little joke? Page 16 or 17? Page 18 or 19? Page 20 or 21? Wage 22 or 23? Or 24? Agenda order, to it like we did yesterday, take up the redevelopment agency agenda in the morning. The joint agency items and then back into the rest of the council agenda.

>> Councilmember Chirco: I just have a question. My staff had written sunshine waiver request for legal documents on 9-1 and 2-33?

>> City Attorney Doyle: Yes, I have a request on 3.8.

>> Mayor Reed: 3.8 is?

>> City Attorney Doyle: Which is an ordinance regarding retiree health care. We were directed to have an ordinance and we have approval of an ordinance, and that is going to be late. The lowest cost plans which we need to implement for retirees. 9.1 is a Cisco development agreement. That is something that we should have out. We got final comments from Cisco Monday. So we were still in process of putting that all together. And then the San José parking settlement, is -- that's actually going to the redevelopment agency agenda but we'll wait until we get there.

>> I think we requested a sunshine waiver on 2.33 last week.

>> City Attorney Doyle: We have that and 3.10 as well.

>> Mayor Reed: Anything else on the agenda order? We have the cannabis item on last, not before 3:00. I think everything else will probably just work our way through the agenda.

>> Councilmember Chirco: There's another note it says 3.2, for consent.

>> Mayor Reed: 3.2 is --

>> Those are the budget items that need to be heard before the consent calendar, and that's noted on the agenda.

>> Councilmember Chirco: Okay.

>> Mayor Reed: So we would, for closed session, take out of closed session, take up the agency and then item 3.2 on the budget or do we need to do the budget before we can take up the agency agenda,.

>> No, you should be able to do the -- sorry Mr. Mayor, Gary Miskimon with the agency. The City's actions are not dependent -- excuse me the agency's actions are not dependent upon the City's budget actions.

>> Mayor Reed: At least not this --

>> This time.

>> Mayor Reed: This time. The agency, what about the joint items are any of those dependent on the budget actions?

>> Abi Magamfar: Yes, Mr. Mayor, there is one item, a cooperation agreement between the agency and the city, that is a joint item under agency agenda.

>> City Attorney Doyle: I don't think it's dependent on city appropriations though. It's a standard joint agreement getting agency money into the city.

>> Abi Magamfar: That is correct. It needs to be approved before the City's budget approval.

>> Mayor Reed: Okay. So redevelopment and the joint items then on to 3.2, the various budget items that's everything that has to be done to get it in place depending on what we do on -- tomorrow. And then, related to tomorrow, are there items in all of the things we need to approve that need a second reading, and can those be done on this Tuesday meeting?

>> City Attorney Doyle: No, the charter requires a turn around time of six days. And so we -- if the ordinances get adopted tomorrow we'll have to come back in August, August 3rd, unless the council sets a special meeting later next week.

>> Mayor Reed: We'd love to do that. Is there any --

>> City Attorney Doyle: I wouldn't suggest -- I don't think that it's time-sensitive. We've talked to the Clerk's office and we're okay everything going in second reading in August. They wouldn't be effective until late in July even if they were adopted.

>> Mayor Reed: Those are mostly on the fees and charges part of it?

>> City Attorney Doyle: The council setting ordinance will be amended, we'll have come back on August 3rd as well. Those are the types of things we're looking at.

>> Lee Price: Looking at the agenda for tomorrow, there are a few under the budget actions that relate to amending or repealing sections of the Muni code. But staff says they're not time sensitive or the ordinance can clearly state when the actions take effect.

>> Mayor Reed: So if we discover something tomorrow as we're going through it that does need to be implemented by second reading before the fiscal year starts, we'll have to notice another special meeting?

>> Lee Price: Yes.

>> Mayor Reed: Sometime.

>> Lee Price: We need the six days.

>> City Attorney Doyle: You'll need the six days if we need to have the second reading before.

>> Mayor Reed: Okay, and that would be sometime after the 22nd.

>> Lee Price: Right.

>> Mayor Reed: Whatever that is.

>> Lee Price: Probably Thursday.

>> Mayor Reed: We can take that up tomorrow if we discover something. Looks like now everything can wait until August that would be a problem. Anything else on the sequence of the agenda? Or the timing? What about the financing authority piece? When should we take that up? We did that in the morning or try to do that in the morning?

>> We can. We can try. I haven't heard about bond counsel coming but would I need to check. I'm not sure.

>> City Attorney Doyle: We can find out.

>> Mayor Reed: We can make that adjustment depending upon when it works.

>> Pete Constant: Could we set a timing for the medical marijuana?

>> Mayor Reed: Not before three.

>> Pete Constant: Not before 3:00.

>> Mayor Reed: I have some requests for commendations, to Alfonso Rodriguez, commendation to OSSAY scholarship recipients, proclamation recognizing June 23rd as Olympic day, and then a report on resource allocation plan for the B.E.S.T. program. Any other changes or additions?

>> There is one item that staff requested, given that they're still in negotiations, they wasn't to have the ability to add something by Friday if something came up and so they're just not sure at this point you know what the result of that --

>> Mayor Reed: Because we have Police and Fire at least in which they are not on the agenda in any form. But if we do get some sort of an agreement, we'd like to get them on the agenda. So can we just tell the clerk, if you get something from Alex Gurza asking it be put on the agenda, it gets on the amended agenda?

>> For the 22nd?

>> City Attorney Doyle: For the 22nd, yeah.

>> Mayor Reed: For the 22nd.

>> City Attorney Doyle: As long as it meets the Brown Act requirement.

>> Mayor Reed: I guess that's a waiver, is that what that is?

>> Pete Constant: I'll take take a stab at a motion. A motion to approve as amended with adds as directed to the City Clerk to accept from OER if necessary, as long as it meets the Brown Act requirements.

>> Mayor Reed: Pretty good.

>> Thank you.

>> Councilmember Chirco: And that's sunshine waivers as requested?

>> City Attorney Doyle: Yes.

>> Councilmember Chirco: Second.

>> Mayor Reed: We have a motion to approve. All in favor, opposed, none opposed. No meeting on June 29th, so far. June 22nd redevelopment agency agenda. So next item to consider.

>> Lee Price: Did you want to look at the special agenda for tomorrow?

>> Mayor Reed: Sure, let's look at the special agenda for tomorrow before we leave the city council part of this. Everything that we moved from yesterday. And this is a special meeting. Right? Do we have to do anything else? I see we've got some findings or something that we have to --

>> City Attorney Doyle: I think it's envisioned that you will convene in open session and council by two-thirds vote have to waive the sunshine requirements, four-day requirement and then it's anticipated we would adjourn into closed session, if we need to and then we'd come back into open session.

>> Mayor Reed: Okay.

>> City Attorney Doyle: And for the record mayor you'll note the items 2 through 6 actually 2 through 5 that gives the council the option to approve April agreement, or implement. So it's crafted, it's different than yesterday. Actually 1 through 5 is crafted differently. It's not just implementation. It gives you an option to have an agreement or implementation.

>> Mayor Reed: That was the same agreement language we had for Alp.

>> Councilmember Chirco: I know that the City Manager had asked about unity 99.

>> City Attorney Doyle: I think with respect to unity 99, she's not here, but my understanding any changes she would probably propose tomorrow, written or verbal.

>> Ed Shikada: Correct, there might be a supplemental in verbal in regards to the events as they arise.

>> Mayor Reed: Anything else in regards to special special meeting?

>> Councilmember Chirco: Move approval.

>> Mayor Reed: All in favor, opposed, none opposed, that's approved. Now the redevelopment agenda for June 22nd. Anything on page 1? Already forgotten our previous discussion because I've been at this too many hours with not much of a break. So the consent calendar first or the redevelopment agency agenda first? Where did we end up?

>> Redevelopment would come first.

>> Mayor Reed: Okay, so that's a change on page 1 here.

>> That's correct.

>> Mayor Reed: Anything on 2 or 3? And 4 or 5. I have a question about the strong neighborhoods business plan update which is 8.3. I understand that one of our committees, neighborhood services and education committee, had a pretty lengthy discussion about that. And my question is, is it really ready to go on the council on the longest day of the year, to have any kind of a discussion might take an hour.

>> Ewww.

>> Mayor Reed: I just wonder about the questions that got asked, the answers at your committee, that we multiply that times five, with ten or 11 councilmembers in it.

>> Councilmember Chirco: Let's not. My question to add is one of the reasons I had voted to have it move forward so that it wouldn't stop work on kind of -- on kind of developing this. They can continue the work. So that it comes back with kind of a clarity and answers to the questions that were asked. I would -- and it's not time sensitive which I don't think it is.

>> Abi Magamfar: That's correct, Vice Mayor, it is not time sensitive. We were trying to align the timing with the timing of the budget and changes in staffing as we anticipate is going to take place with the budget actions. So if the committee's desire is to defer it to August that will be fine. We will inform the community leaders accordingly.

>> Councilmember Chirco: Yes, because Kip said, they needed to more -- to better answer the questions that were asked. So I don't know if it's ready for prime time yet.

>> Abi Magamfar: We have been working on that. We could be prepared, but the mayor is correct, it may become a lengthy discussion. We were anticipating to make a five-slide presentation but that wouldn't stop members of the council and the public to ask more questions. So --

>> Councilmember Chirco: Then why don't we just defer this until August?

>> Mayor Reed: I think that would be fine. Another thing to consider I know you've been working on this business plan for a while but if things change with the county, I don't know how that would affect how the business plan gets rolled out. It would be another question to think about before August. So defer that to August. And then the inclusionary housing.

>> Mr. Mayor, if I may, the inclusionary housing item was deferred yesterday, so that will appear as 8.4 on this agenda. And if I may, in addition, we had an item that came through closed session, the settlement agreement with San José parking and that would be added as a consent item on this agenda as well. And I do away want to request a sunshine aware for the staff report which is being distribute and the legal documents which are being posted.

>> Mayor Reed: Anything else on the agency agenda?

>> Yes, sir, if I may one last item I would hope would be for the cooperation agreements which are listed as item 8.2, the other item on the agenda, and the staff report I anticipate being submitted before very longer and the two development agreements which will be posted an on our Website.

>> Mayor Reed: Anything else?

>> Councilmember Chirco: Want to try that one Pete?

>> Pete Constant: Yeah, I make a motion with what he said.

>> Councilmember Chirco: I'll second what he said.

>> Mayor Reed: Motion to approve as amended? And with the wonderful continuation until August included and sunshine waivers included. All in favor, opposed, none opposed, that's approved. Nothing for the 29th, we hope. We have already talked about the timing of that, so now we're down to legislative update. We have some federal items to consider.

>> Betsy Shotwell: Thank you mayor, members of the committee, Betsy Shotwell, director of Intergovernmental Relations. You have before you Patton Boggs' report they generated last week. Just to give you a sense of where things are in congress, what issues are being looked at that I know the media has been covering. Probably the summation of this document is that most of these high-profile issues will not be addressed before the November election, if this year, at all, and will be moved into the next Congress starting next year. The one issue that is in play this week, the tax extenders bill, which will extend unemployment benefits, COBRA, youth programs, which is highlighted on pages 2 and 3 of their report, that did come up for vote today in the senate, and it failed 45 to 52. It's a \$140 billion bill. Their concern, of course, as I'm sure you've seen in the headlines is that it would add about \$80 billion to the federal deficit. There is this expression of "Deficititis" now that they are using a lot in Congress to describe the concern of many member of Congress regardless of parties or where they are in the political scheme of things. And there will be another version of the bill tomorrow brought up by the senate, by senate Republicans, more scaled down. It is not anticipated it will have the necessary 60 votes. So they're trying to get this done before their August recess as soon as they can, because a lot of the unemployment benefits are coming to an end this week without this extension. So that's in play. And again, the other issues that are highlighted here with all the other issues that are in play, don't see a whole lot of progress. This just sort of lays out the subject matter and the issues currently in Congress. Be happy to answer any questions.

>> Mayor Reed: Okay, Pete.

>> Pete Constant: Had a question that actually came up at the national leaving cities, crime prevention and public safety committee related to S-3194. The collective bargaining for public safety personnel, and

what they pointed out is that at first glance it appears not to affect states like California that have collective bargaining on the books so it's been kind of going by with not a lot of attention from the states and localities. But the way it was explained to us and I don't know how accurate it is but I think we need to look into it, is that even states like us that have our own collective bargaining guidelines and arbitrations and all the different things we have in place, that there are portions of this bill that could usurp our authority and send disagreements to the FLRA for resolution, instead of the process that we currently use in our state, and here in San José. And --

>> Mayor Reed: Probably be an improvement.

>> Pete Constant: Well, maybe but the federal government rarely moves faster than the state or the local. I just think it's something that we should look into. Based on what they were telling us. I just want to make sure that if there are significant pitfalls to us that would alter negatively alter the way we've been doing things, then we might want to take a position on it. It seems to have been tried to get in multiple times throughout the year and hasn't quite yet been successful. But I think it would be important for us to weigh in if it's going to negatively affect us.

>> Mayor Reed: Interesting question. I just got a notice sometime in the last couple of days by e-mail that'll that the NLRB had ruled in the grievance around the convention center, and the problem with the two Teamsters locals fighting over us. How long did it take, a year? And we're still waiting two years for a PERB ruling on the one item that's been litigated through PERB. NLRB might be better. I don't know. It's hard to know, if you don't ever get an answer.

>> Pete Constant: I was wondering too, what is the difference in the NLRB and the FLRA and how they operate? I mean, there is a lot of -- I just have a lot of questions regarding it, and I just think we need to be careful, because I'd hate to not take a position on something that ends up really changing how we operate. And the way the league presented it to us in the committee meeting was that it really is kind of the opposite of state and local control. So I just think we need to look into it and be cautious.

>> Betsy Shotwell: Very good. I do notice they have a brief summary in the state league newsletter from Friday. I will follow up on this and look into it. This did catch my eye, as well, unfortunately last week and of course this week, I felt this was not the week to talk to Alex about this and others --

>> Mayor Reed: Definitely not.

>> Betsy Shotwell: I will -- I am going to look into this. It also caught my eye too.

>> Pete Constant: And Mitch Herricks would be -- I think he's the one who brought it to our attention.

>> Betsy Shotwell: I will follow up.

>> Mayor Reed: Anything else from the committee on this item?

>> Councilmember Chirco: Move to accept with the follow-up as called out by Councilmember Constant.

>> Mayor Reed: Motion is to approve. I just had one comment. I am thinking about making a trip to Washington in late July. I'm working with Patton Boggs to see whether it's worth my time and effort during July to go to Washington.

>> Pete Constant: You miss the humidity or --

>> Mayor Reed: Apparently there's a very important thing I need to do there. I don't know how important it really is, so we'll find out.

>> Betsy Shotwell: All right.

>> Mayor Reed: And I'll certainly report to the committee if I go. Anything else? We have a motion to approve. All in favor. Opposed, none opposed, that's approved. Meeting schedules we have a request to approve a city council study session on pavement maintenance conditions and funding strategies. That's the request of the Department of Transportation. Hans.

>> Hans Larsen: Mr. Mayor, Hans Larsen, acting director of transportation. We're setting Tuesday October 12th in the afternoon are for a study session on the issue of pavement maintenance. This has been recommended by the transportation and environment committee that we hold a special session with the full council. This came out of a report that we provided to the committee on the City's larger infrastructure backlog. The area of pavement maintenance was highlighted as the City's most significant concern, given the size of the pavement infrastructure we have, 2300 miles of streets and \$250 million backlog that we already have. And the reality is that we're short every year 20, \$30 million in terms of keeping up with it. The purpose of the study session is for the full council to understand the condition, the implications of just relying on existing funding sources. And we are projecting that in the next decade with just available funding our \$250 million backlog could become a \$1 billion backlog. So the key thing we

would like to have a discussion with council on is our strategies, in terms of regional advocacy, as well as the local efforts that we can take to help address this serious issue.

>> Pete Constant: Thank you, mayor. Hans and I have had a lot of discussion about this, as well as with Jim Helmer previously. I've had a lot of talks with Katy Allen as well. I really, first I think this is important for us to do. But I think we need to have a broader discussion. And I think we need to take all of the unfunded infrastructure and deferred maintenance, and I know we've had updates and we get sporadic reports from the different departments and we had a discussion last year where we tried to pull it all together and have a discussion. But as we just heard from Hans, and we know by our previous discussions, that the problem just continues to build. My fear is that it's going to make the GASB problem look like a small problem soon. And we need to, in my opinion, I think we need to have a bigger discussion on the whole infrastructure deferral of maintenance problem, and figure out a way on how we can quantify what the problem is and what the problem will be like Hans just said and then really figure out what our priorities are going to be to fund that. When we looked at the GASB liability and saw the \$1.6-something billion and everybody gasped and said what are we going to do with this? But we came up with a plan, we implemented the plan, and as painful as it was to be making those payments this year, and what it did to our budget, at least we knew that we had a 30-year window that we were going to address this problem. I think we need to do the exact same thing. Because the gravity of this problem is almost just as big and soon will be bigger. And it just seems we have a lot of talk but we don't have a plan. And I don't know if it's going to take us putting together stakeholder group like we did with the GASB and kind of work through the different options and come up with a funding strategy, but I think we have no other alternative but to do something like that so that in 20 years, 30 years, 40 years or 50 years, whatever period we end up picking out there is at some point in the future where we know the problem will no longer be a problem. Because otherwise the problem just keeps getting bigger and bigger and bigger. And there's no doubt that it's going to be pain in the short term, but I think that's the broader view we need to take. I'm saying not to have this study session, but I think this has to be the basis for had that bigger discussion and we need to take some significant action.

>> Hans Larsen: If I might add just some comments about sort of the context of the discussion with the transportation and environment committee. The May report was on the broader infrastructure backlog for all of our systems, transportation, sanitary sewers, and what the committee recommended was, given the size of it, clearly half of the problem is on the pavement maintenance issue. And the financial implications of doing knock on pavement were very serious. And so the committee took forward a recommendation, let's start on something and really focus on this. Not set ago side the larger issue, but perhaps, setting some priorities and really moving forward and taking action on what was really the largest element of the backlog and the one that had serious fiscal implications for doing nothing. So I think we're -- you know continue to have annual reports on this and continue to work on the strategies, but pavement sort of rose to the top as something we should pay significant attention to in the very near term.

>> Mayor Reed: I would like to have at least as part of this meeting, a presentation on the rest of the backlog. Here's the big one, and then we're carving out time just to focus on transportation. I've already forgotten what else is in the rest of the backlog, and I know that it changes from time to time. It would be good to start on with the bigger picture, and then take the time to focus on the transportation, I think.

>> Councilmember Chirco: I just have a question. I know we do an annual survey or biannual survey. If I remember right, transportation was one that continually rose to the top in our surveys as an area of the most significant concern to our community. So I think I like the mayor's strategies, that we keep the bigger picture, but to focus on this memo on the transportation, because I think that would be one that would poll very well. So I would move approval of this meeting, and then using the mayor's strategy for kind of the overview, and then calling out transportation and next-steps.

>> Hans Larsen: I think, yeah, that we would be happy to do that. I think it's very similar to the presentation we provided to T&E, the context of the whole picture. And I think the whole afternoon we can easily accomplish the larger picture and then drill down specifically on pavement.

>> Pete Constant: I'll second that with an additional comment if I may. Some of the areas still concern me a little bit and I don't know since I wasn't at that T&E meeting. But one of the problems we had last year was like in PRNS, we didn't even have an estimate of how much it would cost to figure out an estimate of what our underground infrastructure in our parks were. And it's things like that too that haven't really been quantified yet that I think we need to make sure we drag all that stuff into that initial discussion of what still needs to be done and where the other problems are, just so that we kind of get the entire picture of where -- how big is this piece of how big of a pie.

>> Mayor Reed: But let's not have staff do a lot of work before we figure out how much work we need to do for this. Because I'm sensitive to all the demands we put on the staff. I want to talk about these things, but that doesn't mean we go out and redo everything we've done around this infrastructure backlog. You'll just need to take a look at it and figure out what you need to do for the meeting. But I don't think we're giving you additional direction for a overwhelm bunch of additional work. Don't assume that. I know you don't.

>> Ed Shikada: Yes, the clarification is very helpful. I think the staff can certainly put together the state of the assessments and what we don't know in that.

>> Hans Larsen: Could be manageable.

>> Mayor Reed: We've put a plan together to deal with the retiree health care issue, we've implemented a plan except for that small piece called the IAFF local 230 that haven't agreed to paying their share, although all the other unions have agreed. So there is that one piece of a plan that still needs to be implemented in order to implement the solution that Fire Union helped craft the solution but they haven't implemented it. So planning is good, implementation is always harder. Anything else on this? We have a motion to approve. All in favor, opposed, none opposed, that's approved. Public Record. Anything in the public record the committee would like to pull for discussion?

>> Pete Constant: I make a motion we note and file with special attention to item number H which was my favorite of the bunch.

>> Mayor Reed: I have a question -- is there a second?

>> Councilmember Chirco: I can certainly respect Councilmember Constant's thoughtfulness, and I will second it.

>> Mayor Reed: Okay, On the motion, there's a letter from Lafco, local agency formation commission Santa Clara County which looks kind of like a bill for \$146,000.

>> Pete Constant: Yep.

>> Mayor Reed: For our share of the Lafco operations. I'm guessing that's set by statute, we don't really have a choice.

>> Pete Constant: Yeah.

>> Mayor Reed: We have to participate.

>> Pete Constant: I could probably answer that, because I was on the budget committee that created this budget problem and bill for us in my role as LAFCO. And yes, it is a formulaic sharing of expenses between the county, the City of San José, and all the other jurisdictions in the county.

>> Mayor Reed: Set by state law, or negotiable?

>> Councilmember Constant: I believe it's under the guidelines, the LAFCO guidelines in the Cortese Knox Hertzburg act, but I don't know if I could say that for sure. We're stuck with it.

>> Mayor Reed: At least the county's paying half, and then we're paying half of the remaining half. I think we're undervoted and overbilled, but that's often the case on these regional bodies.

>> City Attorney Doyle: Yeah, it is required. And the question on funding is, it's the unfunded state mandate, can you seek reimbursement from the state but that's something we can always look at.

>> Mayor Reed: Anything else on the public record? We have a motion to note and file. All in favor, opposed none opposed, that's approved. Appointments to boards, commissions and committees. I'm sorry, the public record, Mr. Wall wanted to speak on one of the items. Item F. Video communications or something.

>> David Wall: I think it's item G. And I believe this group should be transferred to your office, Mr. Mayor, since the office of City Manager doesn't see the utility for them. These video multimedia producer positions are very, very valuable. They are very unique and they can be utilized throughout the city for a variety of programs, to put San José on that TV channel. Now, if the office City Manager cannot figure out how to do it, I believe it's imperative that it be transferred to your office, Mr. Mayor. Because I think you would know how to use them. With reference specifically for what was Councilmember Pyle's outstanding employment with Almaden valley lake park. And this is outstanding she raised all this money to keep that park open. And a video showing the park, or other aspects, to also help out the airport, because these folks coming in, landing, could be shown the hotels, and all sorts of other ideas. And this could be of help. And these people are very unique and they were also given great accolade by the City Manager herself for their national recognition. So please save them. And I've given you a formulation of how to fund them, although I don't think it would be very popular with the administration, not your administration but the office of City Manager.

>> Mayor Reed: Our next item is appointments from boards commissions and committees. We have a request from Vice Mayor Chirco to appoint Patricia Colombe to the historic landmarks commission for her third term to last three years. A request from me to appoint Barbara Cox, green energy grants coordinator for.

>> Councilmember Chirco: I would movable for that but I would request a one week turn around on G-1.

>> Pete Constant: Second.

>> Mayor Reed: Okay we have a motion, what did the other one, do they need to go?

>> Lee Price: Could we send both?

>> Mayor Reed: Put them both on the consent calendar, okay, motion is to approve and put them on the consent calendar for Tuesday. All in favor, opposed, none opposed, that's done.

>>> Next item is the auditor's monthly report of activities for May 2010, City Auditor Sharon Erickson is here.

>> Sharon Erickson: Hello. You have before you the report of our activities for the month of May. Summarizes audits in process and those not yet started on our 2009-10 work plan. We'll be back next week with a proposed audit work plan for the next fiscal year. We'll be rolling over some audits and recommending others. I'm happy to answer any questions.

>> Mayor Reed: I had a question about your audit staff attendance at the Bay Area Local Government Auditors quarterly meeting. You made it on the presentation of recovery act auditing. My guess is from what I've read, there are a lot of cities that haven't audited their recovery act spending at all.

>> Sharon Erickson: That is correct, and San José is out front in auditing our spending. We've issued two reports on the topic. The GAO is actually coming out, the California contingent, coming out in the next couple of weeks to speak to my office about the kind of the work that we've done and we'll be proposing to go. They'll also be talking to the City Manager's office of course about actual accomplishments of the program as well, as the auditing function of it.

>> Mayor Reed: I did attend a hearing of -- I think it was a joint committee of the United States Congress on oversight of the ARRA funding and testified a couple of months ago. I know they have great concerns about how the money gets spent. And when the bill was being -- well, final stages of the bill when I was in Washington when the bill was being handled by Congress I heard loud and clear from the house, the senate and from the administration that don't screw this up. Spend the money in the way we're giving it to you. We're giving you a lot of money, spend it right. I want to thank not only our auditor, but the City Manager, and the whole administration, for taking that seriously. Because we can track the money, we know where it went and I think we haven't seen anybody that's doing it better than we are, so good work. Anything else on that?

>> Councilmember Chirco: I would move approval with pride, thank you.

>> Pete Constant: Second.

>> Mayor Reed: Motion is to approve the report. All in favor, opposed, none opposed, that's approved. I think we have nothing left except the open forum, the open government initiative item is deferred one week. Mr. Wall.

>> David Wall: I just want to take this time to publicly thank all of you for all the consideration for the city employees and what you're going through for the budget. It's no fun for any of you. It's no fun to be quasivilified for people who would really like you as neighbors and friends. That's what you really are. That's what you are, you just happen to be elected people, my condolences on that. Except for it's nice to see the mayor and Pete back here on Rules, wouldn't know what to do without them. Sewer service and use charge you have a two-fer staring you in the face. You could tear up the streets, that need repair, redesign and rebuild the collection system at the same time. You save a lot of money that way, you stimulate the economy, and you're going to have to rebuild that collection system anyway, especially the storm drain with those cross-connects. This is something that's a lot more economically advantageous than high speed rail, BART or any of those touchy-feely things. Because there are only two things that you can rely on to move people in the morning. Your bowels or your bladders. Beats light rail.

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