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>> Mayor Reed: Let's call the meeting to order. This is the Rules and Open Government Committee meeting for October 10, 2012. Any changes to the agenda? No. First item is the October 16th council agenda. Anything on page 1? Page 2 or 3? We've got a note that 2.7, final expenditures for 11-12 we're going to have a replacement memo of some kind?

>> That is correct. We should have that memo out by the end of the week, at the latest.

>> Mayor Reed: There's a memo out already?

>> It should be in your packet.

>> Mayor Reed: Anything else on 2 or 3? Page 4 or 5? Page 6 or 7. Page 8 or 9? We have the HCP session scheduled to be heard before consent calendar and after ceremonial item, we'll do that study session portion of it before we get into the regular part of the agenda. So I want to make sure that the agenda language here clear, that this is a study session. We're not expected to take action. And that will be brought back to the council for action at some time. Staff was originally thinking that would be --

>> City Attorney Doyle: Well, it is part of the council meeting, not a study session, it is to review and contemplate by city council. It is really a listen and comment.

>> Mayor Reed: I want that to be sure. I didn't want people to get confused. Since we've delayed this this is about the time we would take action.

>> City Attorney Doyle: It is coming back for action depending on the council comments.

>> Councilmember Constant: Mr. Mayor, would it harm to say, no action taken?

>> Mayor Reed: It is a study session only no action to be taken so let's make it clear.

>> City Attorney Doyle: To the world.

>> Mayor Reed: Yes, because originally whether we started talking about the schedule, I think maybe 16th might have been the date that staff thought we would take action. People can wound up unnecessarily, they can wait that until later. I have some requests for additions, approval of a youth job fair as a city special event and then some actions related to the restoration of San José fire station number 5, we've had to move our firefighters out of there. I see this is going to require a two-thirds vote. Why would that require two-thirds vote?

>> City Attorney Doyle: What it requires is to make the finding in A requires 8 votes. It's getting around the public meeting requirements.

>> Mayor Reed: Okay so this is not a short notice, we can just do a sunshine waiver on this.

>> City Attorney Doyle: Do the sunshine waiver and when it gets to council it will need eight votes to make the first find.

>> Dennis Hawkins: We'll revise the wording working with the attorney's office.

>> Mayor Reed: So once we get past the first finding, then the rest are just the majority decisions?

>> City Attorney Doyle: Right.

>> Mayor Reed: And then we need a sunshine waiver on the youth job fair addition and addition of the fire station 5 items. Anything else in the way of addition or changes?

>> Councilmember Oliverio: Motion to approve the agenda with the additions and sunshine waiver.

>> Vice Mayor Nguyen: Second.

>> Mayor Reed: Motion to approve with the sunshine waivers. Councilmember Constant.

>> Councilmember Constant: I have a question. Obviously item 3.6 will mostly take a long time.

>> Mayor Reed: That's the ballot propositions.

>> Councilmember Constant: Yeah, so obviously I think everybody on the council has already staked a position on it. On each of these items. And I'm not sure if it's something that we could do just at the meeting or what. But is it possible at the meeting after public comment, would it be possible just have a motion that we vote on each one without having lengthy debate? Because everyone has already stated personal opinions and the odds are --

>> City Attorney Doyle: That would be a motion to cut off debate and two-thirds vote required to limit debate. So it's a procedural item, a process, but it's doable if you get the votes.

>> Councilmember Constant: I think each one of these could go on for an hour, easily.

>> City Attorney Doyle: Suggest you may have an hour to allocate it and try to limit the debate.

>> Councilmember Constant: I'd like to do something to kind of rein it in kind of. Because we have how many items? One two three four seven items. So even if they only take a half hour each look how long we could be here.

>> Vice Mayor Nguyen: Can we move it to last on the agenda?

>> Councilmember Oliverio: Of course, push it out.

>> Councilmember Constant: Let's defer it to November 8th.

>> Mayor Reed: Well I don't have a great deal of hope that that somehow would limit the debate on it but it is practically last anyway. Because the habitat plan is going to be first. That just -- there's a deferral of 4.2, sale of city property. So it's really only 4.1 and the --

>> Councilmember Constant: And 9.1.

>> Mayor Reed: And the recognized obligation payment schedules that would come after it anyway. So if we just put it last then at least we would get those two out of the way. I don't predict that will necessarily shorten the debate.

>> Councilmember Constant: Maybe we could lose a quorum or something.

>> Mayor Reed: You never know. So if we put that last, and then we can discuss at the meeting how much time to allocate for discussion. Maybe just limit councilmembers to two minutes. I'm always a fan of a two-minute rule.

>> Councilmember Constant: Me too. One and a half would be better.

>> Mayor Reed: So we put that last, maker of the motion?

>> Councilmember Oliverio: That would be fine.

>> Mayor Reed: The motion is to approve the agenda as amended with the waiver, sunshine waivers including the 3.6 last. To be considered. On that motion I have one request to speak, Mr. Wall.

>> With reference to fire station number 5 please make a special note, ministerial degree prohibit Applegate Johnson incorporated in participating in any way for any type of construction anything to do with this city

again. With reference to 4.3 the habitat plan please make public comment with reference to referencing the nitrogen deposit fee an the vehicle trips fee who has to pay and how much. With item 3.4, with the fire department reclassifications and benefit and pay plan amendments. It is my recommendation that you pay the firefighters and command staff what they want and give them back their benefits and retirement and quit arguing on the issue. 2.9 this amendment with Stokes, Jones and Stokes incorporated for 453,971 billed for a CEQA process for a co-generation facility. Mr. Mayor, this master plan should have already incorporated something like this. And so I think there's some very serious decision making going on with the water pollution control plant. Well, ESD management in general especially in light of the horrendous appointment to that director position. And also, deal with the environmental services department with reference to a sewer service and use charge application to the Santa Clara Valley Water District to coordinate recycled water operation maintenance facilities, that's item 2.10. I think you should make special note with that, with the continued absence of that info memo that his honor Councilmember Oliverio requested it would seem decades ago that hasn't shown up for some unknown reason, thank you very much.

>> Mayor Reed: Thank you. I had one more thing to request on item 4.3, the draft Santa Clara Valley habitat plan, is the agenda should reflect that this is a continuation of a hearing that we already started because we had a study session two weeks ago we didn't get finished and this is a continuation, this is one thing and then there should be a length to the staff presentation from that meeting that goes with this as well. Because people get that, because we are not going to have the staff presentation again and I don't anticipate repeating all of the same public testimony again either.

>> Dennis Hawkins: Mr. Mayor just for information. We typically do do that, if there's been a memo or a presentation previously and the item's been continued we'll link back to that original document. And so we'll do so in this, as well. And we have got it noted as was continued from 9-25. But we could look at perhaps some additional language.

>> Mayor Reed: Yeah, in the beginning it says, as referred by the Rules and Open Government committee, actually continued from the 9-25 meeting would probably be a better way to describe it. Because I don't want to repeat everything we already did.

>> City Attorney Doyle: Mr. Mayor on the length of the meeting I was noting the second presidential debate is on that night as well at 6:00 so that might be an incentive to limit the discussions.

>> Mayor Reed: I think we'll probably be done with the habitat conservation plan discussion by then.

>> Councilmember Constant: I was more worried about the other discussion.

>> Mayor Reed: Just getting ready to start the others.

>> Councilmember Constant: Even at two minutes per councilmember per item, that's almost three hours and 20 minutes, so hopefully, quick --

>> Mayor Reed: Okay. We have a motion to approve with the amendments and the waivers. On the motion, all in favor, opposed, none opposed, that's approved. Our next item is the October 23rd draft council agenda. Anything on page 1 to talk about? Page 2 or 3? Page 4 or 5? Page six or seven?

>> Councilmember Oliverio: Question mayor for the City Clerk. Will the cost analysis will that be coming out this week?

>> Dennis Hawkins: Yes. We're working on a supplemental memo that should be released on Friday, at the latest, it would be Monday.

>> Councilmember Oliverio: Thank you.

>> Mayor Reed: Cost analysis on boards and commissions?

>> Councilmember Oliverio: Yes.

>> Dennis Hawkins: And just to clarify, there will be some other supplemental information included in that memo as well as the cost information.

>> Mayor Reed: Anything on page 6 or 7? Page 8 or 9? I have some requests for addition. Accommodation Almaden little league all stars. For the evening, how many do we have in the evening? The evening session looks longer than the afternoon session. Already have three items scheduled in the evening for ceremonials.

>> Mayor, we have four in the evening only because some were rescheduled from the last evening meeting that was cancelled.

>> Mayor Reed: So will this addition make it five or this addition makes it four?

>> No, makes it four.

>> Mayor Reed: That gives us four which on average is I think we're averaging more than five minutes per ceremonial. So we need to make sure that we talk to people presenting them that they follow the guidelines in terms of the time. Because we have quite a few other things on the evening agenda that we're going to take a while to get through. I don't see anything on the evening agenda that we could push to the afternoon agenda so looks like we'll have a shorter meeting in the afternoon in this case.

>> Dennis Hawkins: Mr. Mayor, I wanted to mention on 11.3, we have that shown on the agenda as to be heard no earlier than 1:30. Talking with staff, they felt that items 11.4 and 11.5 should be heard in the evening based upon community interest. But 11.3 seemed like it would be a likely candidate to be heard in the

afternoon. However that's the committee's discretion whether or not you'd like to have all the planning items in the evening or have this one in the afternoon. But tentatively we put 11.3 for the afternoon.

>> Councilmember Oliverio: Since that's my council district that's fine, on 11.3.

>> Councilmember Constant: Since afternoon's fairly short, evening is long, it seems to be getting longer, is there any reason we can't start at 6:00?

>> Mayor Reed: None at all.

>> Councilmember Constant: Anything we do to keep --

>> Mayor Reed: Especially, when we have a short afternoon.

>> Councilmember Constant: Anything we can do to keep from leaving here at 11:00 is a good idea in my mind.

>> Councilmember Oliverio: Councilmember Constant might recommend if he wanted to move the ballot items from the 16th to the 23rd, that would occupy all the time you'd want.

>> Councilmember Constant: You know, that might be a good agenda management thing, if everyone thinks that's a good idea.

>> Councilmember Oliverio: Clearly have a lot of time on the 23rd before the election.

>> Councilmember Constant: We are pretty jammed up.

>> Vice Mayor Nguyen: I'm fine with it.

>> Councilmember Constant: Is anyone here opposed to it?

>> Councilmember Oliverio: I would support that.

>> City Attorney Doyle: I think the city council directed to come back on the 16th. Obviously the rules committee could change that but just for information.

>> Councilmember Oliverio: Well but it's also to the Rules committee to figure out if councilmembers are going to meet now for one hour in the afternoon and nothing else and have the opportunity to schedule things that clearly aren't impacting someone from putting a shovel in the ground to build something or the hiring of an employee, then clearly I would think this would be fine.

>> Councilmember Constant: So unless anyone's opposed I would make a motion to that effect. That's to approve the 23rd agenda, as we have it presented here, with moving the ballot measure discussion and endorsements from the previous meeting to this meeting.

>> Councilmember Oliverio: Second.

>> Mayor Reed: The motion is to move the ballot measures a week. If we did that, that would be on the 23rd agenda. Do we want to have those first in the afternoon make sure that we get to them, don't run out of time, because we have a really busy evening?

>> Councilmember Oliverio: I would still recommend they're heard last in the afternoon. That will you know make the discussion fit the time appropriate since we'll have the evening session.

>> Councilmember Constant: And if people want to eat dinner they'll keep their comments short.

>> Mayor Reed: And then I'll look at the 16th agenda. Again before we make that decision. So on the 16th we would still have the HCP which I think will take multiple hours. City Manager's annual report. And a few other things as well. So on the 16th there's no evening agenda. So if we run long we'll just keep going. And then if we switch the ballot measures to the 23rd, it's not the only thing on the agenda but --

>> Councilmember Oliverio: Most of those lengthy items are in the evening.

>> Mayor Reed: So I would say even if the ballot measure discussion took an hour, I'm more optimistic than Councilmember Constant, about the amount of time. I don't think we need to start at 6:00. I mean I don't see us --

>> Councilmember Oliverio: Can we decide that next week?

>> Mayor Reed: The 6:00 start is really about the length of the evening agenda. The question is if we put the ballot measures on will we have enough time in the afternoon to start at 6:00 or do we need to start at 7:00? It looks like we could start at 6:00 and still have an hour for a dinner break.

>> Councilmember Constant: I with would think so.

>> Mayor Reed: I would hate to make council work through dinner without feeding them. Even if we had ballot measures ton 23rd.

>> Dennis Hawkins: Ton 23rd we'll juts plan on bringing in dinner so if it goes later the council will still be able to take a short break.

>> Councilmember Constant: So I'd amend my motion to start at 6:00.

>> Dennis Hawkins: Should we notice board and neighborhoods commission be heard no earlier than 6:00 p.m?

>> Councilmember Constant: I think everything we have listed for 7:00 we just change to 6:00 to keep it clean.

>> Mayor Reed: So it would be no earlier than 6:00. Is that a problem with the commendations? I don't know if that would be a problem.

>> I'm just let them know.

>> Councilmember Constant: Or if we know that the commission discussion is probably going to stay a while and we have all those ceremonials we could keep land use at 7:00 and the ceremonials and the neighborhoods commission at 6:00. Because it's just the ceremonials are going to take 20, 30 minutes and we are going to have -  
- I would be shocked if we got through boards and commissions in less than 30 mission minutes.

>> Mayor Reed: Do you want to have the neighborhoods commission discussion before or after you do the boards and commissions discussion, what's the order there in terms of making some sense?

>> City Attorney Doyle: The ballot measures are before or after?

>> Mayor Reed: No, the ballot measures are in the afternoon. Just the evening session and the order, if we started at 6:00.

>> Dennis Hawkins: I think that probably doing the boards and commissions and the neighborhoods commission and the council rules of order first, and then the planning items following that, is -- I think that would be prudent. That's kind of how we have it arranged now.

>> Mayor Reed: Right. In what order will we do boards and commissions versus the specific neighborhood commission discussion?

>> Dennis Hawkins: I think they're linked so I think they could be heard almost simultaneously. I could do the presentation on the structural improvement piece and work with the managers office on the neighborhoods commission piece and then have council discussion and community input for both those two items at simultaneously and then the council could act on the neighborhoods commission and the boards and commission piece since they are linked.

>> Mayor Reed: Okay. That makes some sense. So back to your motion Councilmember Constant.

>> Councilmember Constant: So my motion would be that ceremonials and the council conduct and commission stuff would be no earlier than 6:00. And all of the land use items would be no earlier than 7:00.

>> City Attorney Doyle: Mayor, technical question just on clarification. Since the committee already approved the 16th agenda, this is essentially a motion to reconsider that because you're moving the ballot measures to the 23rd and the motion.

>> Councilmember Constant: Simply a motion to amend, right?

>> Mayor Reed: Okay so it's a motion to --

>> Councilmember Constant: Amend so we only have to make one motion.

>> Mayor Reed: To amend the 16th and approve the 23rd. Clerk did we get it clear enough?

>> Dennis Hawkins: I think we got clear direction from the committee.

>> Councilmember Constant: I can make it muddier if you like.

>> Dennis Hawkins: No need to muddy the waters. Between the managers office, the attorneys office and our office we'll get everything squared away as you directed.

>> Mayor Reed: Okay, request to speak on it, Mr. Wall.

>> Item 2.7, is an amendment, second amendment to the agreement with Macias, Gini & O'Connell, LLP to provide audit services for the Diridon development authority. I wonder, Mr. Mayor how much money, I mean we're talking \$2,70,430 for these services and for what are we getting for them? What part of this illusory baseball stadium is part and parcel to this overall allocation, that should be answered at the meeting next week. 2.8, the contract amendment with emergency housing consortium for homeless prevention rapid rehousing, this is getting to be a sweet gig entitlement program, Mr. Mayor. You are adding \$46,446.70 to an overall contract amount of \$2,673,440.70. I might add, are these people being permanently housed in San José or when the money's run out are they going to be back on the streets? I think the City of San José should get out of the homeless prevention business and put this money back into Police and Fire. On item 3.6 we see that command staff reallocation issue on pay and benefits. There is an omission that I forgot to mention previously. It doesn't include the firefighters themselves. I believe the City Manager may have done this in a moment, let's say there was an undigested bit of beef or cheese, and she just forgot. So I'd like to see the firefighters -- as a matter of fact, item E on the public record addresses that issue. I think we should take better care of our firefighters and not have these omissions such that we see, thank you.

>> Mayor Reed: That conclusion the public testimony. We have a motion to name the 16th and approve the 23rd as previously discussed. On that motion all in favor? Opposed? None opposed, that's approved.

>> Dennis Hawkins: Mr. Mayor, if I could.

>> Mayor Reed: Yes.

>> Dennis Hawkins: In the interest of there's been a lot of community interest in those board and commission items. I'll be sending out an e-mail to the council offices as well as commission staff this afternoon advising them of the time change for the board and commission items so that the public is aware that it will be heard at 6:00 rather than 7:00 and so we'll start that public information today.

>> Mayor Reed: And more likely 6:30 if we have four ceremonials, close to 6:30 in case anybody's wanting to come a little bit later. Okay, I think we're done with the two council agendas, study session agendas we have none to talk about. But I would just ask the question about yesterday's discussion on study sessions, and when we would at the Rules Committee look at all of the things that we might need a study session on, look at the schedule and figure out how do we get into the sequence that we talked about yesterday. I don't know if we do that in a couple of weeks or what you think.

>> Ed Shikada: Staff is really still kicking it around. One option we did discuss is to bring it back with the committee work plans which would typically be late in December or early January. So you'll have the full picture of the items that will be coming to all the committees and we could even queue up a presentation that would put all of them together as a package. That's one option to consider or the setting of the dates for the spring study sessions would likely come either end of November or thereabouts.

>> Mayor Reed: Okay. Just on the list of things to be done. Legislative update we have a question --

>> Councilmember Oliverio: Mr. Mayor, yet there was some interest for a study session on the implementation of the Green Vision but question I have is: We as a council adopt the annual report every year for the Green Vision. It would seem that that's actually a time when people who have questions or comments would be an appropriate time to talk about it. So it sort of seems like there's a concept of a study session as a specific meeting on its own or the ability for councilmembers to speak on a topic during a regularly scheduled meeting. I mean to me it seems to be equivalent as we're all together we're all in the same place, so anyway, just curious as we tackle those topics as they come up.

>> Mayor Reed: Yes, I think that's a good example of one that we're going to do something anyway, to have a study session around it, that has its own schedule. That's one of the things I anticipate talking about when we look at the list of possible study session items, is what's moving and when is it moving just as part of that discussion.

>> Councilmember Oliverio: And is another alternative scheduling items for discussion on a council meeting that has a very limited agenda?

>> Mayor Reed: Yes, that's certainly possible, we've done that in the past successfully, and occasionally it doesn't work. Sometimes it does.

>> Councilmember Oliverio: Thank you.

>> Mayor Reed: Meeting schedules have nothing on legislative update. Public record.

>> Councilmember Constant: Motion to note and file.

>> Vice Mayor Nguyen: Second.

>> Mayor Reed: Motion to note and file the public record. Mr. Wall.

>> Sure. I'd like to -- item C through G be pulled. Item D is of unique interest, because it deals with His Honor, Councilmember Oliverio, being induced by Councilmember Liccardo to try to come up with this ordinance of blocking sidewalks. Now I contend that there is a very significant problem with this, and the use of an injured child story I found was distasteful and this permit ordinance would not have permitted or prohibited the tragic injury which this memorandum was based. Item number C is very unique and timely. It's entitled Expose Rose, and the Real Rose Herrera, will hopefully hose rose on election day. Once again I'm not a spokesperson, an agent or principal of the San José Police Officers Association and or San José firefighters. I'm just a citizen taxpayer who is extremely grateful to the San José police and San José fire department for their dedication and service. This is

a way to donate money to get rid of a councilmember who raises their hand against public safety and endangers the public. Please make your checks payable to Committee for Safe San José neighborhoods, care of San José Police Officers Association, 1151 North 4th Street, San José, California, 95112. This will go a long way to start establishing very safe neighborhoods, not only District 8, but throughout our city. The other one, Item E, has already been referenced is where and pay and benefit amendment plan for San José firefighters? We can't leave out the firefighters when we're giving out pay and benefit amendments. You've already given pay and benefit amendments to water pollution control plant operators, industrial electricians and now we need to go ahead and start rebuilding our troops since you've destroyed them. Then we have an issue about are managers conspiring to shed city employees by creating hostile work environments. Item F speaks for itself. And then item G make pay and benefit amendments for all city employees, and repent of your sins --

>> Mayor Reed: Sorry, your time is up. Martha O'Connell. It may not be on. I think you're the first to use it. There's a switch somewhere on the side.

>> David and I don't agree on everything so I would just like to extend best wishes to coin person and send her encouragement in her reelection campaign. Would I like to support David on item D which is his statement here, how about an ordinance to prohibit bicycle riding on the sidewalks. Two years ago I was hit by a bicycle, between first and second when I was walking down Santa Clara to get the light rail. And I can tell you that the downtown area is in chaos with these folks riding their bikes. Seniors using walkers, it's unbelievable. You just cannot move out of the way fast enough and these are adults. And I don't understand why we can't have a rule. This item is going to be on the agenda of the health and safety subcommittee of the seniors commission at the end of this month. It was supposed to be heard earlier and a Department of Transportation person apparently told the chair of that senior commission subcommittee that this rule could never be changed. Well I would encourage you to look seriously at banning the use of bicycles on the sidewalks because they are a real danger. Thank you.

>> Mayor Reed: That concludes the public testimony on the public record. We have a motion to note and file. Councilmember Constant.

>> Councilmember Constant: Just a quick comment so that subcommittee doesn't spend time speaking about things we can't deal with. We used to have an ordinance about that, riding bikes on sidewalks and it was eliminated for a specific reason, I believe because of a court decision probably 15, 20 years ago. Are you aware of it?

>> City Attorney Doyle: It's going to require some research. There is the vehicle code that addresses it but there are some exceptions but I don't have all the information.

>> Councilmember Constant: Yeah, I think it was actually a court action that prohibited us from enforcing that section of the vehicle code so something to look into, before you guys spend a lot of time talking about it.

>> Mayor Reed: On the public record we have a motion to note and file. On the motion, all in favor, opposed, none opposed, that's approved. Boards commissions and committees, we have a request to approve a work plan for parks and rec commission and accomplishments for 11-12.

>> Councilmember Constant: Does it make any sense to approve a work plan if we may not have one of these in a couple of weeks? Or should we defer this and wait until the decision was made on what commissions we're going to have?

>> Mayor Reed: Either way. Make a motion.

>> Councilmember Constant: I move that we defer this until after board and commission consolidation.

>> Councilmember Oliverio: Second.

>> Mayor Reed: Motion is to defer. And Mr. Wall you want to speak?

>> I'll pass, thank you.

>> Mayor Reed: Okay, motion is to defer this until we've had our boards and commissions study session whenever that is, coming up soon. On the motion, all in favor? Opposed, none opposed, that's approved. We have some items to take up under the rules committee review recommendations and approval category. The first is report on the public calendar postings by city officials on the city Website and a recommendation to revise the frequency from quarterly to biannually. City Manager anything to report other than the report? Tom is here if we need anything.

>> Ed Shikada: We have nothing to report.

>> Mayor Reed: Questions or comments, Councilmember Constant.

>> Councilmember Constant: So I understand, we've been doing this for a while. And there's probably good reason to not tie up staff work with it. But we still have a fairly significant level of noncompliance on a regular basis. And I would hate that we go six months or a year before we discuss the fact that we have areas where you know, 60% of the time, or 40% of the time they're out of compliance. And I really would like to see us move into some form of automated posting. I know my office will have that hopefully within the next couple of months so we won't have to synchronize and download anything. But it seems to me if we came through here and it was 98% compliant, I'd say yeah. But I think we should have the opportunity for a regular review so people can see who's complying and who's not.

>> Mayor Reed: Okay, anybody else?

>> Councilmember Oliverio: Just one question for Tom Norris. The July recess even though the council doesn't have formal legislative meetings you're still required to post a calendar that has nothing on it?

>> That's the way I understand it councilmember. It is problematic confusing to people so actually fit weren't for that period we'd probably have a little higher score than we do now.

>> Councilmember Oliverio: Myself I apologize I didn't update anything during the recess because we didn't have anything going on. So I just want to throw that out there and I agree with Councilmember Constant, if it could be substantially easier if the calendars were just auto-save because you have to do it to save to the web, not like digging a ditch or anything but at the same time, it's still something you have to go do versus it just being automatic. Thanks.

>> Councilmember Constant: I just have a hard time, seeing that we still have technical difficulties, after how many years of doing this. I can see once in a while, but when you have four technical difficulties four weeks in a row I've never seen our I.T. department not be able to resolve a technical difficulty fairly quickly. So that's my concern. I'd like to keep the focus. I would perhaps put a motion hopefully it will be entertained to accept the report, and review the frequency again at the next quarter when we get our next report.

>> Mayor Reed: Okay, so we'll take it up again in a quarter basically is that the motion?

>> Councilmember Constant: Yes.

>> Mayor Reed: No second? I'll second it. Mr. Wall you want to speak on this.

>> As usual I have a running objection that council or you Mr. Mayor should have to bother yourselves with these things. I think they're out of hand. For example, it shows erroneously Councilmember Oliverio missed several of them but yet he's never missed a meeting. So what's the relevance of not turning in your calendar, when he's basically the standard or icon for all of you to copy by not missing meetings? However, it seems to be the absolute number of absences on these calendars from district 3 and district 6, they're similar, I wonder if somebody must have tripped over their foot on an obstruction on a sidewalk and maybe happened to hit their head and forgot to do it. I don't know. But I still would say make an ordinance that you don't have to do this anymore, because it is a waste of your time, the public doesn't really pay any attention to it anyway if they did they would come to meetings and participate. Thank you.

>> Mayor Reed: I have a question about the technical difficulty items on the D-10 chief of staff one. What kind of technical difficulties and is there something we need to do?

>> Well, we almost had blanket technical difficulties this week and last week. And we had to go in and have them manually fixed. That had to do with for some reason, the automatic batch update that I.T. runs, didn't run, that's an example. Others have to do with individuals computer connections. For some reason or another, they're offline or they have some trouble like Councilmember Oliverio did a couple times with updating from offsite. Those are the kind of things that happen. It's -- I believe that a big part of it is the fact that there's so many steps to doing this it's really a rather manual process at that. So if there is some way to do it automatically I think it would be great. My understanding actually is that we could. But it would keep your calendars up all the time. And that would include personal and other information that is redacted. Such as attorney-client privilege.

>> Councilmember Oliverio: Question.

>> Mayor Reed: I have some questions. First Councilmember Constant.

>> Councilmember Constant: There are alternative methods to the one we're using. I use a method that's unlike the other ten offices and it's -- there's really no automation involved. It's just you print and you add and it's done. It's a two-step process and it's very simple. But I'll tell you, there are, like with google calendars, you can sync So it's always 48 hours behind or 28 hours behind or 72 hours behind. Which gives you a window to do whatever you need to do to your calendar to correct it. Plus the beauty of it is, if you miss something, you forgot to put something on your calendar you put it in. It's automatically synced. Unlike now, where it doesn't get added in until the automatic posting a week or two or maybe five weeks like some of these.

>> Mayor Reed: Councilmember Oliverio.

>> Councilmember Oliverio: Yes I just wanted to throw that out. If we had a different platform, won't mention brand names but different platform in the cloud it would be much easier. Just for example on my error outside of what was beyond my control, when you do the save as, if one letter gets distorted, it doesn't know where to save it to, and you don't know as the person of the calendar that it didn't post you do only know after the fact. Question for Tom, question for today, would it project on future calendar appointments? You're saying if we did it automatically it would expose everything and you might want to redact something. But the question is would it tell you where you're going to be in the future, because that might be a problem.

>> Last time we had meetings with this with I.T. my understanding is that you could sync up your calendar so the public could just see your calendar but they didn't have any way to -- unless you wanted to manually maintain two calendars all the time. I should say we have a new hosted Web system that's coming in called civic plus solutions. That makes it much easier for anybody, not an I.T. person or a technically minded person to post things on the Web. And I can talk to the team that's putting that together and see if we can come up with another process. It would still be somewhat manual but not nearly as cumbersome.

>> Councilmember Oliverio: And then just to speak to the motion. As much as there is -- I mean the majority of the council complies and at the end of the day what they actually have on there is up to them to put on there. So it's much better than the other government bodies do and I would say for me every six months is fine versus revisiting every quarter so I would just prefer to stay at the original recommendation which is every six months.

>> Mayor Reed: So the motion is to maintain the current schedule, and reconsider changing it at the next quarter. Okay, motion is to leave it quarterly but to reconsider the timing of it. The next time we consider it which we probably will whether we put it in the motion or not. On that motion, all in favor? I got three ayes one opposed, that carries on a 3-1. Next item is to approve the consolidated application for appointments of members to the Police and Fire and Federated retirement boards. City Clerk has a recommendation memo.

>> Councilmember Constant: Motion to approve.

>> Vice Mayor Nguyen: Second.

>> Mayor Reed: Motion to approve. I had a couple of comments or questions for clarification. One was, the 50-mile rule.

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

>> Mayor Reed: Is that a 50-mile radius or 50 mile according to Google or, we might want to help them understand what the 50-mile rule is. However we measure, I think we're doing a radius.

>> Dennis Hawkins: I believe the Municipal Code I do believe does specify a radius.

>> Mayor Reed: We should drop that in there and then, one formatting oddity on page -- I don't know what page it is, on the general background page, at least the printed copy I have has paragraphs four, five, six and seven indented as if they were under 3. That's probably just a printing issue. Other than that, the motion is to approve the recommendations. Anything else? On the motion, all in favor, opposed, none opposed.

>> City Attorney Doyle: Just looking at the one area with is familiarity with the board. In all those reports, they are all within the last few years but I don't know if the council wants to consider if there's anything more of things such as the grand jury report, measure B and that you know is a sort of update what information you're asking applicants they may be familiar with but not that these reports aren't important but there may be others.

>> Dennis Hawkins: Mr. Mayor if I could. Previously on the questionnaire what was asked was the travel audit in 2008. So in this version what I've tried to do is go back and capture other significant reports from the auditor such as the pension sustainability report and the others which I thought would be important for the applicants to have a background on, but also important for the council to understand what the thought process is of the prospective member. I'm open to other suggestions as the city attorney's has offered but I did try to update and expand the list of important audits that might be important for the council to know.

>> Mayor Reed: Any others that come to mind, that councilmembers, the Cortex reports, the last Cortex report was three years ago, it's kind of old and they're doing another report so I don't know that I would think it's important to read that necessarily at this time.

>> Councilmember Constant: It might be easier Dennis I don't know if you thought about it, maybe just make a matrix that has, have you read the following report, the name of the report, the link and a spot for comments for each and then as they come and go you're not always renumbering the questions, so we could periodically if you think and the City Manager thinks and City Attorney thinks, it's a good one to throw in, bam, throw it in.

>> Dennis Hawkins: Happy to make that modification.

>> Mayor Reed: Anything else to include?

>> Dennis Hawkins: Would you like me to include anything on measure B or any other council actions?

>> Mayor Reed: I don't know. Measure B is really not their purview, right? Just the charter.

>> City Attorney Doyle: Yes, measure B is the charter and just if there's familiarity with it. That's what I was refer to, the text not the ballot language.

>> Mayor Reed: Well, they certainly ought to be looking at the charter provisions regarding pensions of which measure B amended and added to it because there are other sections of the charter that would govern their work, right? Because you have the old and the new.

>> City Attorney Doyle: The existing and the new as of June.

>> Mayor Reed: .

>> Supervisor Yeager: , so I think maybe adding whatever those charter provisions are that are their charter as well as ours ought to be on the list. I mean I would think they would read that but no reason not to give them a reminder that those are important. So it's not just the measure B it's the other sections as well.

>> Dennis Hawkins: We'll work with the City Attorney and we'dal that information. And if I could just to mention we will be reopening the recruitment for the public members this week. The retiree both the police retiree and the Federated retiree positions are up for election now. The nomination period for those positions closed on Friday. We're in the process of verifying the nomination positions, we'll have the final candidates for those in the next few days. The election begins for the retiree positions on October 26th and the ballots will be counted on November 26th and we anticipate coming back to council for interviews for both the retiree positions as well as the public members on December 4th, so that will be immediately prior to the first -- to the Police and Fire board meeting in December but should give time, the council's comfortable with those candidates to make those reappointments. So they will be in effect for the December board meetings.

>> Mayor Reed: Okay, anything else on this? We had a motion to approve, let's take that vote? All in favor, opposed, none opposed, and I'm sure you'll fine some good candidates. We had a request for the district 4 spooky Halloween haunted house as a city sponsored event.

>> Councilmember Oliverio: Motion to approve.

>> Vice Mayor Nguyen: Second.

>> Mayor Reed: All in favor, opposed, none opposed, that's approved. Open forum, Mr. Wall.

>> Sir I created a document for today's discussion, and it flows from yesterday's study session which I thank Councilmember Rocha for the new format of study sessions, if it's going to be adopted. Anyway, looking at it for dates of November 13th and December 10th, there are two housing issues, one of which is homeless

encampments that's one on the 29th and housing investment is slated for November 3rd. I respectfully create the persuasive argument that those two be collapsed down into one meeting to be held on October 29th. Because you relatively have no money left so there's not going to be much discussion about how you're going to do things outside of structural improvements to those problems. And then on November 13th have a study session on the sewer service and use charge and the storm sewer charge, specifically with heavy emphasis on the sewer service and use charge. As it references with your relationship to the Santa Clara Valley Water District, whose meeting or study session is December 10th. Now this would be a great utility to you, so you would be able to answer their concerns about possibly losing significant funding from the sewer service and use charge to proceed with the expansion of the South Bay water recycling and the Silicon Valley water purification project which very well could happen due to the environmental services audit report and the information contained therein. So I hope this has been helpful and I would like to see that collapsing of those two housing issues and the sewer service and use charge discussion study session initiated. Thank you.

>> Mayor Reed: David Antonasio.

>> I just want to bring to your attention, I need your help. About a month, two months ago I had a call from Green waste saying we are no longer your garbage people. So then republic is taking over. No notification from anybody, nobody telling us what's going on so we call republic and they say yeah we're your guy now, city has a new contract whatever. Next thing we know this begin to tell us about our fees and what they're doing and everything and everything seems to be tripling and doubling and I have a subtenant in my building that I'm leasing. And he called me today and he said that as you could see my demurrage charges are \$170. He was told today that for the same dumpster was going to be \$340. And every time you call Republic, all you get it is a runaround and sorry, you know, we're you guy, if you don't like it, tough. We're just getting so much attitude, and I need help with this. I called my landlord today, Dan Caputo, who has the building on 1045 North 10th street, and he said, I haven't even heard of this, David, and he goes, hang on. He gets on his computer and he goes oh my God this stuff is doubling tripling, I never even knew about it. Nobody knows about it, this is going to fester, everybody I talked to small business owners like myself this hasn't hit yet and it's not done right and I need your help. They are not consistent with their charges and they are not laying out what the deal is so please help.

>> Mayor Reed: Thank you. Councilmember Oliverio.

>> Councilmember Oliverio: Yes, Mr. Mayor I'd like to comment. I have had some conversations with constituents that are in commercial that have had their garbage changed, and I think I would bring to the City Manager's attention that republic does need to be a little bit more customer service conscious on this. They are a sole source supplier but they have to give an understanding of where the Green Vision goal was for zero waste. I think part of the increase in cost and I know environmental services has a matrix for accounts that decrease, stayed the same or increased. But part of the reason for increase was before that dumpster used to go 100% to landfill. Now that dumpster is being -- 85% of that is being recycled. But there is a fee to do that, a facility that cost \$22 million and then there's people that actually sort the refuse. But I don't think that's being explained very well to the end customer. Ton other side some have seen substantial increase and I can't speak to why the substantial increase but I think between republic and ESD some, someone needs to give the customer a better answer that be they're getting today.

>> Mayor Reed: Sorry sir this is not on the agenda for discussion, there is referral to staff.

>> Ed Shikada: Be happy to look into that and also have staff follow up with the constituent.

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