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City of San José Rules and Open Government Committee meeting.

>> Mayor Reed: Start the meeting. Let's do that. Rules and Open Government Committee meeting for October 14th, 2009. Any changes to our agenda order? We need to -- all right. We will just plow through the agenda as printed. The first item is the October 20th council meeting. Any changes on the comments comments on page 1? Page 2 or 3? Page 4 or 5? Page 6 or 7? I have a question regarding item 3.5, the Team San José performance measures. When I read the staff report three of the four performance measures don't have the data from last year's performance. I think it's a little premature to be talking about the new performance measures, when we don't even know what we did for June 30th ending period.

>> Ed Shikada: Excuse me, Mr. Mayor, Ed Shikada, City Manager. Let me check with staff and the pleasure of the committee, either defer that today or come back with recommendation under orders of the day.

>> Mayor Reed: Well, why don't we at least defer it for a week to 27th. That way we get it off the 20th agenda. There are a few other things that will take up, any time that we can open up here.

>> Ed Shikada: Very good.

>> Mayor Reed: Anything else on 6 or 7? 8 or 9? 10 or 11? We had a discussion about 8.1 last time about the agenda language, because of the supplemental staff recommendation.

>> Yes, we're going to be working on cleaning up the language.

>> Mayor Reed: All right.

>> City Attorney Doyle: For Friday we'll have it all.

>> Sorry On 6.3 we're either deferring this item until Thursday or Friday. We're economicking with staff.

>> Mayor Reed: That was the 2009 special events venue report, reviewed until some time?

>> To early November.

>> Mayor Reed: But definitely off of this agenda. Anything else on 12 or 13? 14 or 15? Or 16? We have two items that we are recommending go into the evening, in addition to the land use items, so we end up with the police records item, and the Taylor-Mabury transportation item, and then the land use items on the evening. I think we'll get through the rest of the afternoon agenda before the evening meeting starts. [Laughter]

>> Mayor Reed: I'm predicting 5:30. We have some requests for additions to the commendations, the elementary school in the evening, commendation to the association of Vietnamese, Bay Area, some excused absences requests to go on for Vice Mayor Chirco and Councilmember Chu. Any other requests for additions?

>> Mr. Mayor, there are two other additional. There is a request for a commendation for the Alum Rock business association. And then a proclamation declaring October as Filipino history month. But that item is requested to be heard in the evening.

>> Mayor Reed: So that would give us three items on the afternoon -- no, four items on the afternoon ceremonial, and two in the evening, I think is the way that that's settles out. Are those commendations ready to go?

>> I'll have to check. I believe so.

>> Mayor Reed: Because the people are walking them in. They need to be ready, so that the staff has a chance to get them done before the meeting. Any other requests for additions or changes?

>> Move to approve with additions.

>> Mayor Reed: I don't think your microphone is going to pick up.

>> Councilmember Pyle: Move to approve (inaudible).

>> Second.

>> Mayor Reed: Move to approve as stated. All in favor, opposed, that's passed. October 27th draft agenda. Anything on page 1?

>> City Attorney Doyle: Mr. Mayor, I think we're going to have closed session begin at 9:00 on that date, as well.

>> Uh-huh.

>> City Attorney Doyle: I'm looking at the redevelopment agency, sorry.

>> Mayor Reed: I'm sorry --

>> City Attorney Doyle: It says 9 o'clock.

>> Mayor Reed: Is the time to start on both the 20th and 27th for the closed session.

>> Excuse me, Mr. Mayor. On the agenda for October 20th, did that include request for travel for Councilmember Nguyen? Wanted to make sure that was --

>> Mayor Reed: I didn't have a -- oh, I'm sorry, that was on page 1, that was on the agenda that way, it was part of the motion. Thank you for pointing that out. Back to the 27th. Page 1. Anything on page 2 or 3? My printed version is blank on 3. Is that okay? Okay. Anything else? On 2 or 3? 4 or 5? 6 or 7? 8 or 9? 10 or 11? On 4.2, actions related to multifamily housing Bella Vita at Newbury Park, I don't know if this would be affected by what we have to do with the redevelopment agency budget in the next month or so. But I would like for staff to take a look at that before we can consider it next week, if it shouldn't be on the agenda. Because since the state of California is taking \$75 million from us some things are going to have to be delayed. And I don't want us making decisions ahead of the decision that then precludes us from being able to do whatever we need to do with the redevelopment budget. Anything else on 10 or 11? I have some requests for additions. Councilmember Chu's travel to San Antonio for a league of national cities and Anaheim for California league of cities. Any other requests for additions or changes?

>> Councilmember Pyle: Move to approve agenda with those additions.

>> Councilmember Nguyen: Second.

>> Mayor Reed: Move to approve with those changes. All in favor, opposed, that's approved. Redevelopment for October 20th.

>> Mr. Mayor, members of the committee, Gary Miskimon. We have nothing on that date, we would ask that you cancel the meeting and we could ask you keep it open for any items on the evening agenda.

>> Motion.

>> Second.

>> Mayor Reed: Motion to cancel the afternoon agenda, just the afternoon, all in favor, opposed, none opposed, that's approved. October 27th redevelopment agency agenda? Anything on page 1, time of closed session?

>> I believe we'd have to change the closed session time to match up with the city.

>> Mayor Reed: 9 a.m.

>> 9 a.m..

>> Mayor Reed: Anything on page 2 or 3? Any other dishes or changes?

>> No, sir.

>> Motion to approve.

>> Mayor Reed: Motion to approve as amended. All in favor, opposed, none opposed, that's approved. Review of upcoming study sessions. We have none to talk about today. No legislative update today, state or federal. We have a meeting schedule recommendation from the City Clerk to set a special council meeting for Thursday, December 3rd, that's a Thursday, December 3rd, at 9:00 a.m. 'til noon in here, for the purposes of conducting interviews and making appointments to Appeals Hearing Board, Civil Service Commission, Police and fire Retirement Board, and the Federated Retirement Board. What's the latest count on the number of participants in that?

>> I believe on the appeals hearing board we have seven. We have three candidates for the civil service commission, and under the policy, you would be interviewing all three, the three top vote-getters. Police and fire retirement board, there is one candidate. It's a candidate who you appointed in March. And then in the federated retirement board there are three candidates for one seat.

>> Mayor Reed: So if we could --

>> So a total of seven, a total of 14 on all four boards.

>> Mayor Reed: Okay, we could probably get that done between 9:00 and 12:00. On average, it takes about 15 minutes per candidate, based on past experience. We may run past noon in order to get it done, but 9:00 to 12:00 seems to work. Anything else on that? That will be just in here, just on interviews, nothing else to do. Is there a motion, then?

>> Councilmember Pyle: So moved.

>> Councilmember Nguyen: Second.

>> Mayor Reed: Motion to approve the recommendation. All in favor, opposed, none opposed, that's approved. Item F is the public record. Anything from the public record the committee wants to pull for discussion? Like to talk about number C, a letter from ICAN regarding underserved Vietnamese community. I'd like to refer that to staff for response. I think it's important, I know staff has done some study on gap analysis and where we're maybe not serving the entire community. It's been a question that's come up before from councilmembers. So I'd like to refer this letter to staff to respond to the letter and after we've seen the response we can decide whether or not we noticed to take any further action on it. Anything else from the public record?

>> Councilmember Nguyen: Motion to note and file.

>> Councilmember Pyle: Second.

>> Mayor Reed: Motion is to approve the referral and note and file the rest. All in favor? Opposed? None opposed, that's approved. Appointments to boards, commissions and committees. Recommendation to appoint Donna Cox to the mobile home advisory commission as a resident, I think is the category for the term ending December 31st, 2011. I have a memorandum from Councilmember Chu who is liaison to that committee.

>> Councilmember Nguyen: Motion to approve.

>> Councilmember Pyle: Second.

>> Mayor Reed: Motion is to approve. All in favor? Opposed? None opposed, that's approved. We have some things to review. First is, the City Auditor's monthly report for activities of September 2009. Sharon Erickson is here.

>> Sharon Erickson: Good afternoon. Just very briefly, during the month of September, we conducted a couple of training classes for city staff. One was on risk analysis, another was on use of performance measures. We issued two audit reports during the month of September, one was a follow-up report on our SEA report on performance management and reporting in San José, and also an audit of the park trust fund. A couple of items are on the Public Safety, Finance and Strategic Support agenda for later this week. For tomorrow, actually. The semi annual audit recommendation follow-up report and then audit of animal care and services. Coming up, in November, just to give you a preview, we will have an audit of pensionable time reporting, we'll have the annual financial statements and single audit as of June 30th, 2009. The compliance review of the city's investment program. I believe that the police sworn-nonsworn civilianization review may end up slipping to December from the November meeting, but we are still in the drafting process on that. That's my report for the month of September.

>> Mayor Reed: Any questions?

>> Councilmember Pyle: You must all be working overtime up there.

>> Sharon Erickson: It's a great team, good staff.

>> Councilmember Pyle: Very impressive, the amount of work that you've been able to put out. And with that move to approve.

>> Councilmember Nguyen: Second.

>> Mayor Reed: Motion is to approve the report, all in favor, opposed, none opposed, that's approved. Next item is to defer the discussion of consideration of permanently to contracting authority for the City Manager to October 28th Rules and Open Government Committee meeting.

>> Councilmember Nguyen: Motion to approve.

>> Councilmember Pyle: Second.

>> Mayor Reed: Motion is to approve, all in favor, opposed, none opposed, that's approved. Then we have one two three four requests for designation of events as city sponsored events in order to allow us to accept donations of materials and services for the event. We have the youth job fair, and district 2 Edenvale technology park resource fair, district 4 mid autumn effectively, district 5 Christmas toy drive. Any discussion on any of those four items? Councilmember Pyle?

>> Councilmember Pyle: I'd like to brag about Councilmember Nguyen. But please, join in.

>> Councilmember Nguyen: Sure.

>> Councilmember Pyle: This weekend in a quorum at the plans we were expecting somewhere in the neighborhood of 125 or so people, and it was doubled. It was doubled. Maybe there was more than that.

>> Mayor Reed: Is this a forum?

>> Councilmember Nguyen: No, this is the youth job fair.

>> Mayor Reed: Oh, the job fair.

>> Councilmember Nguyen: Yes, the job fair. Actually, I wanted to give a plug to KOIV for helping us publicize the event. We had youth lining up around the corner of the building from 8:30 to 2:00 p.m. and we had approximately 250 youth who actually came to the job fair which really has been indicative of the economy, the downturn of the economy and how that really impacted the families in the city. A lot of youth who came actually shared how they are looking for jobs to help support their families, because either one of the parents lost their job. So it was really successful event, and this is a collaboration between councilmember Nancy Pyle and my office.

>> Mayor Reed: That's good news, it's great.

>> Councilmember Pyle: I would like to say too that every single one of those students was well dressed, polite, very mannerly, and they were interested in getting the skills to get the best jobs they can. They had a great great attitude. It was warming.

>> Mayor Reed: Any comments on any of the others or questions about any of the others? If not, we'll approve all four of them with one motion.

>> Councilmember Pyle: Motion.

>> Councilmember Nguyen: Second.

>> Mayor Reed: All in favor, aye, opposed, none, that is approved, all four of those are approved. Next is a review of additions to council committee agendas. I have a recommendation from myself, Councilmember Liccardo and Kalra, to refer to transportation and environment committee a proposal regarding taxicab driver permits. We have a memo on that, also have some requests to speak. If anybody else want to speaks on this you can fill out a card or just wait and speak whenever we get to it, since it's a small crowd. First question is, we have a memo, if staff has any additional comments beyond what's in the memo.

>> Ed Shikada: No comments, Mr. Mayor. We'd anticipate bringing this to the committee in November. And so we would look forward to a discussion with the committee.

>> Mayor Reed: So the date for the November T&E committee meeting would be --

>> Ed Shikada: I believe it's November 2nd, November 2nd.

>> Mayor Reed: Well, you're not going to have an ordinance drafted by then?

>> Ed Shikada: Correct. We'd effectively bring forward the memo as drafted for council direction on the particulars of the ordinance.

>> Mayor Reed: So the committee would have a discussion on this on November 2nd Some direction on staff, and then eventually it will work its way back to the council after the committee's done its work.

>> Ed Shikada: Right.

>> Mayor Reed: That's the idea. Councilmember Nguyen.

>> Councilmember Nguyen: Thank you, Mayor Reed. I just have a couple of brief questions. One had to do with, I just wanted to understand the thought behind designating the Chief of Police to halt the issuance of driver permits. I just wanted to have an understanding. The director of aviation would have a say in something like this, since these tax permits also have to do with the L port. I just wanted to have an understanding of how it came about to designate the authority to Rob Davis.

>> Mayor Reed: I think that's just because ultimately the police department is the ultimate issuing authority within the city.

>> City Attorney Doyle: That's correct, that's correct. So it is the chief oright now that has the authority to issue. This is direction to look at ways to deal with these tough times, and if he halts or has some criteria to halt in the future.

>> Ed Shikada: Actually, Councilmember Nguyen, if you excuse me, I think that actually it does point out perhaps the clarification that would be helpful to staff. If I'm not mistaken, I believe the citywide permits are actually called licenses, is that correct, and that the airport's are permits, something to that effect. So if I could Mr. Ortbal --

>> Mayor Reed: We'll get Jim Ortbal to come up.

>> Jim Ortbal, the assistant director of aviation. Taxicab companies receive licenses. Drivers get permitted, and cars get inspected and licensed. [Laughter]

>> And the Chief of Police issues driver permits on a citywide basis. The director of aviation only issues them at the airport. But a driver must have a driver's permit issued by the Chief of Police before they can get an airport driver permit. So airport drivers are a subset of this citywide driver force, if you will. So the Chief of Police must issue a driver permit before anybody is authorized to drive in the city. So this really doesn't directly affect the airport from that standpoint.

>> Councilmember Nguyen: Thank you. Appreciate the clarification. Another question I had, I received a couple of calls, and these are legitimate concerns about the outreach that was or was not done prior to putting together this memo. I think this is a great vision, and I completely support it. But I was wondering, was any outreach done to the smaller taxi companies and if that has not been conducted, in the process of bringing this back to the full committee, will there be extensive outreach to the smaller taxicab companies in our city?

>> Ed Shikada: In Mr. Ortbal could respond with respect to the outreach that staff has done once this memo came up.

>> Once we did receive the memo from the City Clerk, we did send it out electronically to our taxicab distribution list which includes companies and drivers. But given it's not a staff proposal, when we did receive it we did distribute it to the list that we have. So that is the extent of our outreach. But given some staff proposal, I think that's all we could do as staff.

>> Councilmember Nguyen: If I may, if I could just follow up on that, if I could ask Mayor Reed, since you're one of the authors on the memo, how do you envision outreach to all of the taxi companies especially the smaller ones?

>> Mayor Reed: Well, we have a pretty good record and experience in doing outreach when we deal with taxi issues so I would expect once that transportation and environment committee takes this up substantively, that we know everybody, where the companies are, we should be able to reach everybody and make sure they're aware of the substantive part of it before it gets back to the council everybody will have had a chance to know about it, I think, based on our past experience.

>> And I would add, mayor, that we can depending upon the action of the Rules Committee today staff can make notice of the action that the Rules Committee took and if it's referring it to the transportation and environment committee on November 2nd, we can inform the industry and the various stakeholders that that's when it will be heard and they'll obviously be aware to come and provide testimony at that point in time. Certainly staff can do that.

>> Councilmember Nguyen: Thank you. Those are all of my questions.

>> Mayor Reed: Councilmember Liccardo is here. I don't know if he wants to speak on that or not. Probably does. Now he does.

>> Councilmember Liccardo: Thank you, mayor.

>> Mayor Reed: Because Sam has had some conversations with members of the taxi industry as well.

>> Councilmember Liccardo: Yes, several -- several drivers, and I can't tell you exactly how many, because I know that the number probably has changed over time but have formed a taxi drivers association that came to me along with Dan Fenton a couple of months ago asking for this kind of measure. And we certainly have -- we sat down with Larry Silva a couple of months ago and certainly we know there's more outreach to be done. I've also talked to, I believe, another individual who is here who is representing several of the smaller taxi companies. And I think while there has been a desire I think I'm hearing from some to reopen the entire taxicab license allocation process, I've been pretty clear about the fact, that's not my intention. I don't think staff wants to go there, if I can speak for them for a moment. I don't think we want to reinvent the entire wheel. We went through this battle several years ago. This is a very limited measure to deal with a very limited set of circumstances, which is the very difficult predicament that a lot of drivers are facing today. Obviously, more outreach will be forthcoming. We're going to be going to committee, there's going to be lots of time to talk about this, to tweak the proposal, to ensure that no harm is done.

>> Mayor Reed: Any other questions? I think I'll take public testimony now, because I know there are people here want to speak. Larbir sangpuni first and Kabedi Kabe.

>> Good afternoon, mayor and city council, I'm owner of Peters cab company and city cabs. Now, to beginning start, we are a small company, most struggling because we provide what the city requirement is, computers, 15 car, 15 drivers. And also, CND, all kind of hybrids we have, and what we need, we didn't get. We had to provide, you know, survive because we didn't get enough permits based on the company. We ask for three permit, used to aid permit, and we need to go equal permit, we need plain feeling, one for each, so we have to issue, you guys have to issue like seven, eight permit, then you can - I don't mind you can reallocation, top of that. Because we have computer, everything. And we hurting, we hurting because you guys know economy, everything. So we then appeal for that because we keep asking, we have some meeting, Liccardo office, and always appeal, please do it, do it, and we don't hear anything from city. So again, please. So for the drivers, we need more drivers, you know. There, we need a gap, if you want -- if you really want to, you can based on the company, you can do some limit on the cabs. But we can make double shift or you know. So we need more cab driver too, also. That's all, thanks.

>> Mayor Reed: Kabidi Kaba is our next speaker.

>> I am Kabidi Kaba representing the San José taxi driver association, I'm the president of the association. Mr. Mayor, Chuck Reed, thank you for the support you gave us, in signing for the memorandum that we are wishing to go through. And also, thanks, Sam Liccardo, and his assistants, and the D.O.T. members, Bill and Ben, whom we discussed with them thoroughly about our issues, because they came supporting for us. We highly appreciate them. So we also need this Rules Committee to support the drivers regarding our issues. Our issues is very simple. Because of the economy situation of present time, we are in very problematic situations. We can't make many of the drivers are about 600, 548 to about 600 now in the city. There is no abundant of drivers in the city. We can't make money, we can't pay our gate fees regularly also. The companies, I understand the interest of the companies and our

interest cannot much at any time. The companies need more drivers. More cops. But we, the drivers, are suffering. They don't know whatever -- what the suffering we have to pay them the money. We at least minimum each driver pays to the companies, minimum of \$800 a month. With the maximum of about \$2,000, \$2500 each month, each driver pays. So we want to you take into consideration our hardworking and our problems at this moment, especially at this economic downturn, to halt on the drivers, and the cops limits, that's what we want from you now. Thank you.

>> Mayor Reed: Sorry, your time is up. Bikran Jit Singh.

>> Good evening, Mr. Mayor and committee members. Thank you so much for giving us the opportunity to come here and speak. As the other cab company owner mentioned, we do want to speak against this memo, because I don't think at this point we need to put a cap on the drivers. Like other fellow said, if we really want to put a cap, it should be based on the company and the size of the company. If somebody has too many drivers, yes, you can freeze their hiring or tell them not to hire any more drivers. But the real issue, I think, is not the drivers permit here. The real issue is the airport permits, which we've been talking for so many years probably. That give us equal distribution. And also, we formed, after the PAT was dissolved, we formed a taxi association company owners, and we wrote several letters to the city to bring something to the rules of committee, or brings something to the agenda, to revisit this matter, and change the service model. Because this current model is only hurting us. And it's not a fair process, it's not an equal distribution. It is only helping one or two entities. And if we can revisit this issue and outreach all the stakeholders and come up with the -- some kind of a model in which and everybody is treated fairly and equally, that's the only request we have over and over, please look into this matter. Thank you.

>> Mayor Reed: Julia Miller.

>> Good afternoon, mayor, council and staff. Thank you for the opportunity to speak on this issue. I have been asked to represent 11 taxi companies, small and large. And unfortunately, they weren't included in the conversations that resulted in Councilmember Liccardo's modatorium (sic). We did submit some potential changes to this memo, but they weren't incorporated before it was signed. So we're pleased to know that we have an opportunity for more public input and we appreciate Councilmember Liccardo handling this complex situation. Because it really does fall into two parts. Additional drivers but it really should read no additional companies, no additional taxi companies to be permitted in San José. But the actual companies that are currently permitted need the additional drivers in order to survive in this economy, which is really tough, as you all know. Travel is down, hotel occupancy is down. And also, of course, I would like the companies that I represent to be included in the taxi association, and the meetings that Dan Fenton holds, I believe, on either a weekly or a monthly basis. So November 2nd is coming up pretty quick. I don't know if it would be possible to possibly defer the November 2nd meeting until all stakeholders can come to the table. If that's an option, I would appreciate it. But otherwise, I just want to thank the mayor and Councilmember Liccardo for handling this discussion. And the second issue, rambling a little bit here, is the airport permits. And I did hear what the councilmember said about that. It is more complex and would have to be handled in a different way but I do think it needs attention. Thank you for your time.

>> Mayor Reed: Dave Logan.

>> Good afternoon, I'm Dave Logan, operations manager for yellow and checker cab. It's hard for us at this point to say what we feel about this proposal, because we haven't really seen any details. And I think the real devil in this whole thing is going to be the details. And I think there's a lot of details that have to be looked at. I know I'm going to sit down and put my thoughts and questions on paper so I can get them addressed. One thing I would like to ask, though, is, has anybody gone back for the past six months in 30-day increments and seen how many new driver permits have been issued? I don't know how many there have been. What we did at yellow cab six months ago, we made a commitment to our drivers that we were not going to bring on any new drivers. We have honored that, and we have that in place right now, and definitely until the economy turns. There may be a way that the industry can self-regulate, something like we're doing as opposed to going in this direction. But I really would ask you to please, we need to get a lot of attention to details in this thing. Because if we go ahead and pass something, and we don't have the details worked out, there's going to be nothing but problems afterwards. So does anybody know by chance how many brand-new taxi driver permits are issued in 30 day increments for the last six months?

>> Mayor Reed: Well, Jim Ortbal might. But we'll bring him back up after we get the public testimony. Jim can answer any questions that need to be answered. We'll get all the public testimony done first. Kendy Salig. If I get your name wrong just tell me.

>> My name is Kendy Salig. I'm association and the number of taxis in the city, at this time of the year, the economy turn down, and it's been overflow, to the train station, it's overpark, double park which is in layout, Santana Row, anywhere in the city is more than the demand of the city. So it's been overflowed so I support the board members what they propose. Thank you.

>> Mayor Reed: Maconen.

>> Yes, my name is Maconnen. I'm the owner of national cab. Mr. Mayor, council, we are not treated fairly, 2007 up until now. You are squeezing the small cab companies because of the airport. The airport, you get 84 permit to one company, or two cab companies, excluding eight cab companies out of the airport. This, we're losing drivers. The guys who got 84 permits, he didn't train eight for permit. He is waiting from the small companies, drivers. We train drivers, they go to the bigger companies because of the airport. What, to me, please, be fair. Treat us fairly. We are human beings. When we are, I am American citizen now but I am not treated equally. Not me or the small cab companies. Now we are saying, okay, I had -- I trained more than 30 drivers, the police officer (inaudible) more than 30 drivers since I open the company. I trained them, they pass their test, they go to yellow. Because they get the permit, airport permit. So we have a big problem, please. Be fair. Treat us fairly. Thank you.

>> Mayor Reed: Sherry Singh.

>> Good afternoon, honorable mayor and city council, I'm Sherry from American Cab, I'm the manager. I'm here, again, on this memorandum calls up. The company is new, we are still in the process of growing. Yeah, it's okay if someone has 100 cabs, in the company, you put a limit, they can survive. But because of this economic situation, someone has ten, 15 cabs, we put a cap on that we can't grow. All of our efforts and money will go and win. Secondly, we want airport permits distributed to all of the cab companies. We are doing business in same city, we are doing same kind of business so why don't we get equal permits for all the cab companies? That's all I want to say, thank you.

>> Mayor Reed: Kerpai Bajwa.

>> Honorable chair and committee members. Good afternoon. And thank you very much for giving me the time to thank you for the memo, I want to thank honorable councilmember Sam Liccardo, Ash Kalra and honorable mayor to go on that memo. As you all know the economy is so bad. This city is the capital city of Silicon Valley and since 2000, the failure of the dot-com, the economy has gone down and down and now the economy is so bad. We are very thankful to you to consider the limit of that drivers. If you go around the city, CalTrain, anywhere, we don't find place to park even. We burn the gas and finally we go home doing something to start making our money. So I request strongly to please go ahead with the memo, pass it for the council committee, and about the concern of the company, I know they have their own concern. But they need to compete with each other to have their drivers not get more drivers from outside. It's already very bad economy and it's too bad for us, we cannot make our living currently. Thank you very much.

>> Mayor Reed: David Wall.

>> David Wall: My only comments on this matter is whether or not Dan Fenton has a conflict of interest. I mean, as head of Team San José and here I see for the first time, he's the chairman of taxi San José, that would give at least, on its surface, an appearance of a conflict of interest. And I would think that you wouldn't permit such a thing to occur at all because of possibilities that taxicab companies might, and I say might, again, have to pay tribute, in some form or another, to get business. So I would look into this Fenton matter and resolve this, in my personal opinion. Thank you.

>> Mayor Reed: Thank you. That concludes the public testimony. I had a couple of comments on it. I wanted to echo something that Sam Liccardo said, which is I'm not interested in reopening the entire ordinance. Changing the allocation system or undoing all the work that we've done in the nine years that I've been on the city council, and mayor, we've worked long and hard on taxis trying to -- we completely changed the system we use at the airport, and I'm not interested in replowing those fields. What I am trying to do is deal with the economic problems that we face today, and this is a modest change that I'm willing to support because the economy is so bad. And I think this is a way that we can help the existing drivers. So I think we'll refer it to the T&E committee. There's lots of details as people pointed out that need to be worked out and that's the best place to do that work. But those that think this will be a chance to re-do the entire deal, I'm not holding out any hope for you because I certainly don't want to do that. We have a system that's worked. It's not perfect but it's a lot better than we had before, certainly better for the drivers and that was one of the objectives that the council had which was to make it possible for these drivers to earn a decent living which has been made more difficult by the economy, but we're not really interested in redoing the entire system. We did that work and staff is -- we'll let it run for a few years

before we decide that it's broken enough to be fixed again I think but right now it seems to be working. So with that, any other questions or comments from the committee? Councilmember Nguyen.

>> Councilmember Nguyen: Thank you, Mayor Reed. I wanted to move this proposal forward with direction to staff to conduct extensive outreach to all the cab companies in the taxi industry. Ask this proposal move forward to the transportation and environment committee and that would be the motion.

>> Second.

>> Mayor Reed: Motion is to refer it to T&E committee with direction to staff to do the outreach that's necessary to make sure everybody gets a chance. Further discussion? All in favor? Opposed? None opposed, that's approved. Taking us to the open government initiatives category. We have none. We're now open forum, does anybody that wishes to address us under the open forum. Mr. Wall.

>> David Wall: I wanted to start out by thanking you again, Mr. Mayor, for your leadership in the arena of budget reductions. Specifically, in your \$27,237.50 pay cut. Once again, we hear or see nothing more in a pay cut coming from the office of City Manager so we're still saying you're leader of the pack here. The other thing I'd like to talk about is, I don't understand why, on your staff, we need a senior policy advisor for public safety when we have an outstanding chief of the San José police, an assistant chief, four deputy chiefs. A fire chief, and associated command staff in the fire department. That would seem to me well enough advice for public safety. In a relation, if you were to cut that part of that would go into a fund to restore the city's tree crew. The storm of late provided the necessity to have the city come out and cut down trees that branches fell in the street, and the unreliability of the contractors that the city has. So my advice is for you to cut that one staff position, because you have plenty of outstanding people from public safety already on the payroll. Thank you.

>> Mayor Reed: Thank you. Anybody else under open forum? No, okay, we are adjourned.