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>> Mayor Reed: I think we'll have another council member to join us shortly. If we need to vote on anything we'll have three or if not we'll just proceed. Any changes to the agenda order that we need to consider? Nothing, all right. Then the first item of review is the council meeting for April 5th. Anything on page 1? Page 2 or 3? I have a note that 1.2, proclamation on month of the child might be deferred to the evening.

>> We haven't confirmed on it yet so I'm going to be checking on it.

>> Mayor Reed: We can just do it under orders. Anything else on page 2 or 3? Page 4 or 5? Page 6 and then we have the housing authority agenda.

>> (inaudible).

>> Mayor Reed: Let's see no evening meeting, right? Wait a minute. Possibly deferring the proclamation to the evening meeting would be problematic.

>> That's why the meeting --

>> Mayor Reed: It would be a different meeting. Let's see I have some requests for some changes.

>> (inaudible).

>> Add it through the amended agenda (inaudible) still working with that.

>> Mayor Reed: Additions or request for a commendation to secret Ra grand opening of the temple, Councilmember Herrera and then staffing modifications for the Redevelopment Agency. Any other requests for additions?

>> Councilmember Constant: I just Mr. Mayor I just wanted to make sure that the ceremonial that I deferred from this week is added on. Okay. Thank you.

>> Yes, the Greek Independence Day.

>> Councilmember Constant: Yes. Thank you.

>> Excuse me mayor, we also do need a waiver on the adds that you just approved, the San José Redevelopment Agency civil service staffing reductions.

>> Mayor Reed: Sunshine waiver?

>> Yes.

>> Mayor Reed: Anything else? In way of additions? I have -- that's all the written requests. Is there a motion?

>> Councilmember Oliverio: To approve April indicated.

>> Mayor Reed: Sunshine waiver?

>> Councilmember Oliverio: Of course.

>> Councilmember Constant: Second second.

>> Mayor Reed: The motion is to approve, all in favor, opposed, none opposed, that's approved. April 12th agenda for the city council. Anything on page 1? Page 2 or 3? I noticed last week, or that was yesterday. We had kind of lengthy commendations. So at that rate we're not going to be able to do more than three a week. But we

only have three set for this week so it's less of an issue but if we -- people want to add, we're going to have to go through the timing of the ceremonial items. To fit them all in.

>> Councilmember Oliverio: Can the Rules Committee limit it to any number it wants?

>> Mayor Reed: Rules Committee we certainly can do anything we want. We have a written policy on the number tabbed length. But I don't want to take more than the half-hour to do those. Anything else on page 2 or 3? Page 4 or 5?

>> Councilmember Oliverio: I guess the only question I'd have is do we want to do a time certain on the big one 3.3?

>> Mayor Reed: Medical marijuana? p.m. end of the day?

>> Councilmember Constant: You have an estimate of a lot?

>> Councilmember Oliverio: Only a handful.

>> Mayor Reed: If we take the happy hollow stuff and the convention center stuff fund first, so we get those out of the way.

>> Reflect to be heard last?

>> Mayor Reed: Last, how long that might be, we don't have a lot on the agenda, so --

>> We should get there quickly.

>> Just wanted to just add a special note here, under item E we're still refining the processing fee. We did plug in a number, it may change through the amended agenda process before the 12th.

>> Mayor Reed: Are all the other staff reports and things out? I know some of them, I've heard, are out. I haven't read them all.

>> Deanna Santana: So the plan for preparing the documents, these are documents that have largely been out since June 2010. We will have a cover memo that if you recall, at the rules committee where this item was discussed the direction was to prepare the council to approve any or all of the ordinances. And so the -- we have broken down the recommendation so that the council can begin to initiate Planning Commission action setting the land use policy. For a later time, once it goes through the planning process. The second part B would set the registration process which is part B under title 6 and that was also previously reduced in June and December. Part C is the regulations themselves for operating and then for D since we are still trying to establish cost recovery plan, and confirm rates for staffing cost for 11-12, we'd like to put that off to the manager's budget addendum process, because by that time we'll have clear figures to present to the council and the fiscal issues can be passed as part of the budget in June. In the last is reflective of the Rules Committee discussion where we separate out the application processing fee. In the event that the city council would like to initiate the planning, the land use process, and the registration process, and take its time to review the regulations. So it may sound a little confusing and we hope that our cover memo will make it a little bit clearer but all the previous drafts will be resubmitted and we will caveat out where there might be minor changes at this point.

>> Mayor Reed: What about on the proposal to limit the numbers, where does that fit into this?

>> Deanna Santana: The proposal to limit the numbers is reflected in both title 20 and title 6 and so we would want discussion from the council and input, input on the zoning as well as the numbers so that we can bring that back and initiate the proceedings with Planning Commission and map out where the sites would -- the eligible sites within the city would fall and bring that back for ordinance approval at a later time.

>> Mayor Reed: Okay. One of the things --

>> Deanna Santana: Wanting to add more.

>> I was going to say the proposed ordinance that was submitted in December already has the number ten as a cap. So that's what's being sent to you to review is the ordinance that has a cap of ten. However, the council can on that date decide to put a different number on there so long as we articulate the reasoning for putting a number other than that number.

>> Deanna Santana: The reason for the different number. We would want to initiate that with the Planning Commission and bring it back as a more complete ordinance at that time.

>> Mayor Reed: That is in the zoning code item A that we would see that?

>> Deanna Santana: Right.

>> Mayor Reed: One of the things I think could be helpful, haven't seen all of the memos and everything, again it's been a while, is how we vote on these. We've got six different recommendations. You might want to slice those up into different pieces so the council can make those decisions without having to consider every one in one package. I think of the way we handle the meeting, I'm thinking of the way we did the sign code updates. There was a series of decisions that got made.

>> We had discussed with staff the possibility of breaking them down, as Deanna was saying into three different sections that could be adopted independent of each other. But clearly all of them would all need to be dealt with to be able to have a comprehensive program. The first part of it, as you indicated mayor, is the land use part of it. In order to introduce an ordinance with regard to the land use you have to initiate it then send it to the Planning Commission for their comment and then come back and approve the land use part of it separately. The other sections are also the sections dealing with the registration, who gets to reply for one of these spots, depending

how many of had. And the third part is the regulatory and enforcement. How much regulation do you want and how do you want to enforce it. Those are the things that Councilmember Liccardo indicated he wanted to streamline process so it wasn't clear to the staff what was meant by streamlining. We thought that the proposals that were brought back in December had a comprehensive regulatory process. But to the extent that the council would like to streamline it further that would give you an opportunity to look at those sections separately from the land use and from the registration.

>> Mayor Reed: Okay, if I would just invite any councilmembers to once you've got a chance to read everything to think about what pieces of this in terms of the council discussion and action might be broken into smaller pieces. Councilmember Oliverio.

>> Councilmember Oliverio: Mayor along these lines you were talking about on the sign code I think it would just be beneficial to have the full presentation all encompassing from staff and then return the conversation back to the council to say, okay, what is the number you want, what is the land use you want, have separate votes. Then moving forward, okay, what sensitive areas should be included from the 500 feet because it talked about last week by our planning director, the more you add the more -- and I'm assuming Joe at the planning staff you're going to bring that map to show how many can exist in a certain zoning?

>> Joe Horwedel: Right, we had a map that we prepared a number of months ago that looked at the sensitive use analysis, we're working on getting some new maps because we're suggesting some other zoning districts to broaden where they might go. So we'd bring those for the council meeting on the 12.

>> Councilmember Oliverio: And then I think once you get past those items then it comes down to some of the requirements you may impose on an applicant as being a minimum qualification, whether it's the background check they pay for at their cost with the PD, whether the council wants to delve into the topic of allowing or mandating onsite cultivation, things of that matter I think just single subject items that the council can grasp versus the all encompassing.

>> Councilmember Constant: So basically one end at a time?

>> Mayor Reed: You could say that, in fact, you did say that.

>> I agree.

>> Mayor Reed: All right well after you've seen all the staff reports in one place you can think about this and we can talk about this before we start that meeting. Anything else on this agenda?

>> So just a quick note that this report will go out on Friday, but everything -- all of the key policies are already out. They've been out since June but the cover memo outlining the process for the session will go out on Friday.

>> Mayor Reed: Anybody who is looking for some light reading, where are all of those things that have been out since June, how would they find them?

>> Deanna Santana: There's three different sites, we have a medical marijuana site where all of the resources are posted to the City's main website. Then you can look at the June 25th council agenda item, and I believe it was item 3.3 or something in the 3 section, and then the December 14th study session which is also linked to the council agenda.

>> Mayor Reed: Okay.

>> Councilmember Constant: Motion to approve.

>> Councilmember Oliverio: Second.

>> Mayor Reed: Motion is to approve as amended. All in favor, opposed, none opposed, that's approved. Redevelopment Agency for the 5th, no meeting necessary. And --

>> That is correct. We will be canceling that meeting with the exception of any closed session requirements or if we meet in the afternoon for any reason with the city, otherwise we'll post a closed notice.

>> Mayor Reed: Okay, motion to approve the cancellation of that portion of the meeting.

>> So moved.

>> Second.

>> Mayor Reed: All in favor, opposed, none, that's approved. April 12th agency agenda. Anything on page 1? Page 2 or 3?

>> Mr. Mayor, members of the committee just to point out I realize this looks like a light agenda but item 3.2 is the financial progress report and the board had directed that we come back monthly with that report. This will be -- and we've usually done it on the second Tuesday each month so that's the reason that we're having this then of course to clean up some of the administrative actions that require board approval.

>> Mayor Reed: Anything else on that?

>> Councilmember Constant: Motion to approve.

>> Councilmember Oliverio: Second.

>> Mayor Reed: Motion is to approve. All in favor? Opposed, none opposed, that's approved. Nothing under upcoming study session agendas, so we'll go to legislative update. Verbal report on Sacramento or whatever.

>> Betsy Shotwell: Mr. Mayor, members of the Committee, Betsy Shotwell, Director of Intergovernmental Relations. I'm sure you probably saw the headlines of negotiations with regards to the state budget and having the tax extenders on the June budget over for now. They have also not put the Redevelopment elimination or Enterprise Zone elimination bill up for vote since they did two weeks ago in the Assembly and fell one vote short. So there are items still out there still pending and also the need to find a way in which to eliminate the remaining 15 plus billion dollar deficit prior to July 1. So that's where things are in Sacramento, they're going back in session tomorrow morning at 9:00 but remains to be seen what actions we'll be taking in the near future. It's day to day, hour to hour. Our lobbyist, Roxann Miller continues to meet with everyone and anyone and all our collaborators on the CRA alternative proposal that's out there, as well. That's where things are, of course I'll be happy to answer any questions.

>> Mayor Reed: Any questions? Nope, thank you.

>> Betsy Shotwell: All right.

>> Mayor Reed: That's all on the state, federal report -- oh I'm sorry, we have one more, that's a position on AB 57 carried by Jim Beall regarding adding San José and Oakland to the MTC.

>> Councilmember Constant: Motion to approve.

>> Second.

>> Mayor Reed: Motion is to approve.

>> Betsy Shotwell: Thank you. This is the first of the expedited process this year. We're using the form that the agenda services came up with last fall and obviously welcome any comments or suggestions to improve this but I hope this will make this a little easier and more stream lines as we do expedite bill processes and request a one week turn around.

>> Councilmember Constant: Well I'd like to see I like the new format. It's much easier to read and find what you need quickly. And I think it's great, keep it up and I'll add 52 the motion the one week turn around.

>> Betsy Shotwell: Thank you.

>> Mayor Reed: This has been added to one assembly bill committee. What's the next one local government?

>> Betsy Shotwell: Local governmental. Nora Campos, Rich Gordon and Eloise Salinas is on the committee, but I'm sorry, I can't remember the chair.

>> Mayor Reed: Did you have anything to add to that?

>> Hans Larsen: Briefly, (inaudible) passed the assembly transportation committee on a 13-0 vote, a very strong showing for the legislation. We've got great support from VTA, Silicon Valley leadership group, San José and Oakland, it is noted that San Francisco was opposing the legislation but, it's a good positive step forward thus far.

>> Mayor Reed: We have a letter from the Contra Costa County cities in support as well, I believe.

>> Betsy Shotwell: Yes, Contra Costa transportation authority supports.

>> Mayor Reed: On the motion, one more?

>> Hans Larsen: I might add too, also key in importance in this is the strong support from MTC staff. And --

>> Mayor Reed: Yes.

>> Hans Larsen: -- they're working with us in Oakland to do this and they see this as a right direction for their organization to take. As you know their current representation structure was established in 1970 and a lot has changed particularly the advent of Silicon Valley and San José becoming the largest city in the Bay Area so we certainly appreciate MTC's support for this reform legislation.

>> Mayor Reed: Both the staff and the board have supported us so it wouldn't have moved forward without their support. On the motion? All in favor? Opposed? None opposed, that's approved. Federal update.

>> Betsy Shotwell: Thank you mayor. Just want to comment that I think the fifth or sixth continuing resolution expires April 8th and once again the Democrats and Republicans are about \$50 billion apart in cuts and they'll either extend for a few weeks, find middle ground to extend this for the rest of the remainder of this fiscal year or the federal government will shut down. So here we are again.

>> Mayor Reed: So they're 50 billion apart on how many trillions of dollars of budgets?

>> Betsy Shotwell: Lots.

>> Mayor Reed: They are arguing down to the 1% range but it's important.

>> Betsy Shotwell: Yes.

>> Councilmember Constant: Dangerous when you're not working.

>> Betsy Shotwell: They have been on recess and of course came back this week. That's why I'm going to try to time these reports so they're not out of date within a day as reports can be.

>> Mayor Reed: We have the status report on Patton Boggs that we need to move on.

>> Councilmember Constant: Motion to accept the report.

>> Mayor Reed: Motion is to accept the report.

>> Councilmember Constant: Thanks I really appreciate it, these reports make it easier to keep up on these obscure things that we don't see every day so I appreciate it.

>> Betsy Shotwell: Thank you.

>> Mayor Reed: Thank Patton Boggs for their work on this last trip to Washington that I was on and arranging the meetings that we needed just specifically for San José's interests. Did a good job for us on that.

>> Betsy Shotwell: And thank you mayor for attending.

>> Mayor Reed: Motion is to approve. We have one request to speak. David Wall.

>> David Wall: Good afternoon. This is in reference to the Patton Boggs report that sits before you. Look on page 12 I believe where you have access to security funding for wastewater and water plants. I don't see us getting any money for that. On page 14 it was an interesting comment, I'll quote, we should not waste taxpayer dollars on failed government programs that do not work, and actually make things worse, for struggling homeowners. That is in reference -- close quotes by the way, that is in reference to the neighborhood stabilization program. I don't think that you needed to go to Washington for that. I believe there's been at least one citizen who's warned you about the incompetencies of that program. Page 18 references build America bonds. I don't know if San José requested or received any of that funding that might offset costs for the water pollution control plant or other sewer related issues or any other infrastructure issues. Page 19 through 21 is interesting. Meetings with agency officials considering this document was about 21 pages, only two pages are listed for that. Mr. Mayor, when you consider the hundreds of thousands of dollars, last time I knew it was around \$600,000, for this -- this liability which I -- to the taxpayers is special interest firm, nowhere in here is the City of San José even

mentioned. It would be nice if they just put like, hi San José, thanks for the \$600,000. But San José isn't even referenced in the report. So really what good is Patton Boggs to the City of San José when really this report is nothing but a newspaper, a very highly priced newspaper. Most of the information that's gained from it you could watch from a varietal of news sources or read them from different newspapers from throughout the nation. I applaud your efforts in Washington, Mr. Mayor, you're very good at it. But retaining Patton Boggs when you can save firefighters and police officer jobs and other city employees for the money you're paying these people, tell them to take a hike down the Potomac.

>> Mayor Reed: Sorry your time is up. We have a motion to accept the record, all in favor, opposed, none opposed, that's approved.

>> Betsy Shotwell: Thank you.

>> Mayor Reed: Public record, 96 the committee would like to pull from the public record to discuss?

>> Councilmember Constant: Mr. Mayor, I just wanted to -- find it here -- I just wanted to ask a question in relation to the letter from Martha O'Connell which is item B. I guess the thing that I'd like to see is if staff could get back to us on the garbage issue. It steeples me, that's something that's come up to me before. And I know we allow apartment complexes to have the bigger bins, the shared waste disposal and recycling and just see if there's a particular reason we can't do that, or not. I think the other issues are a little more involved, quite frankly, for us right now but I think we need to look at them and I'd like to refer the whole thing to staff but particularly right now to have a discussion on the garbage cart portion to see what we can do, if there's something that's preventing us from doing that.

>> Mayor Reed: I don't have any problem with having staff answer the question about garbage carts but referring everything in here to the staff and having them work on it is a bad idea. Because changing the rent control ordinance around mobile home parks is something I'm totally opposed to because we've litigated this, the

statute of limitations has run and if we open it up, we got to start all over again. And there are people with many, many millions of dollars who would like to re-litigate it.

>> Councilmember Constant: I meant to refer the letter over to them not necessarily to refer this to workload.

>> Mayor Reed: Okay. Cards here.

>> Councilmember Constant: No card, Martha?

>> I sent it in.

>> Mayor Reed: I got one for open forum, public records, over here two people want to speak on the public record, Martha O'Connell and David Wall.

>> Martha O'Connell representing mobile home park residents. That was a Freudian slip. And my letter does not make any reference to opening up the ordinance. It would not be necessary. I'm here to talk again about the notification under prop 218. Prop 218 is a minimum requirement. It does not prevent the city from letting folks who live in mobile home parks who pay property taxes, this is my property tax bill. I pay property taxonomy manufactured home. We are being billed both in property taxes and fees as homeowners and yet we're being denied the right to speak at these hearings to protest the storm drain, the sewer, the water and the garbage increases and I would assert that not to allow us, when we pay these taxes and these fees to protest is an unfair denial of our rights of both due process and to petition our government for redress. Mobile homes are unique in California. They are recognized as unique housing under Civil Code 798 Et al, the state recognizes we are not renters per se. I'd like to point out that at least 17% of the folks who live in them are seniors. There is 10,928 spaces, 17% are specifically set aside for seniors, and I would suggest that it's probably more like 30 or 40% of these spaces because seniors live in family parks also. So once again I am asking that you notify us. We pay property tax. Let us come to these hearings and protest these raises and one final point on councilperson Pyle's suggestion that organizations do that work. Less than 9% of the people who live in mobile home parks belong to

any organization. It is not up to me as president of home or any other organization to hand these notices out. I suggest the city do that, let us come and register our protest. Thank you.

>> Mayor Reed: David Wall.

>> David Wall: Martha brings up a very interesting point. Because the mobile home parks are the actual land owners yet the sewer service and use charge is a pass-through tax to the mobile home owners, which is inherently unfair. But my discussion will focus on item C entitled, Councilmember Liccardo stabs San José firefighters in the back. With reference to his attached memo with information contained therein has not analytically accurate however there is a need for the discretionary period that was at the February 14th, 2011 budget study session, in which the retirement obligation cost from the General Fund from \$156 million to \$256 million to \$400 million for 20 consecutive years, that's if times are good, with reference to director of retirement services testimony that it could go to \$650 million a year or higher, I think that that testimony and updates on that should be forwarded to the public safety, finance and strategic support committee meeting on a monthly basis. So everyone in particular can get an idea about these escalating retirement costs in a more analytical format than what was held. Thank you.

>> Mayor Reed: Anything else on the public record? I'd just like to note that all of the hearings regarding increases in fees and charges are open to the public. Anybody who wants to can come down and testify. It is prop 218 that tells us how to count. And who we have to notice at a minimum. But the notices for those items are noticed just like every other item that goes on the council agenda, posting, noticing, the prop 218 requires some additional noticing. But nobody will be denied a chance to come testify. Whether or not they own the property, rent the property, or otherwise, those are public hearings for that purpose. That concludes the public record. We have a motion to refer the one question and note and file the rest. All in favor? Opposed, none opposed, that's approved. Workload assessments, we have a request to accept the administration's work plan and asked remitted to development of a request for proposal for management services of the city apples convention and cultural facilities. Lee Wilcox.

>> Thank you, Mr. Mayor, Lee Wilcox, downtown manager for the Office of Economic Development. Just in the way of background, the City has two contracts with Team San José currently, the first for management of the convention center and cultural facilities and second for services rendered and provided for the convention and visitors bureau. On December 7th the council directed the City Manager to prepare a work plan and schedule for issuing a new request for proposal for management of the City's convention center and cultural facilities with the goal of review by the Rules committee and open government by February and final RFP consideration by June of 2011. To meet this time line staff engaged the assistance of a consultant, convention sports and leisure known as CSL. At this time given the complex ability and the number of questions still need to be answered in the development of this RFP, staff is recommending that the June target be extended to December of this year. The city and the CSL have finalized an agreement and CSL has begun work on a best practices report. The focus of this report is to present a concise summary of best practices and methods and structures and policy of different convention center management structures from around the United States and Canada. The goal of providing both strength and weaknesses of each approach. In addition, CSL will provide research and analysis on models of convention center management that extend to other facilities and to other convention and sports -- convention and visitors bureau. Team San José is a little bit unique in this regard that they not only manage the city's convention center but six other cultural facilities in the downtown and the city CVB. It's a pretty unique and innovative model, and before the city moves forward with an RFP we need to have a better understanding of the pros and cons of that model and where it is in the market today. Determining if an RFP should include the City's cultural facilities and if the city wishes to proceed down a separate path and have separate operators for each facility or to exclude that from an RFP is something that needs to be answered in the development of that and that will take some time. In addition, per council direction from December, the city is currently advertising a request for qualifications for an industry advisor to help provide ongoing support and monitoring of the convention center and cultural facilities, finances, operations and marketing. Per the current contract with Team San José been mark study of Team San José's performance is required in the second year and it's staff's thought right now and is advertised in the RFQ that the industry advisor would start this work as soon as an industry advisor is on board. And that RFQ is done being advertised next week and selection panel will meet in early April to select the criteria. Given the previous time frame of June 2011, staff did proceed down this path with two different aspects and agreement with CSL and a separate role for an industry advisor. However, if the council agrees that

extending that June target through to December, it's staff's intention at this time to consolidate that work under one industry advisor role so there's continuity there. Both of these reports would be available by the end of summer and it is our intention to come to the full council in August with an update of these reports a discussion on desired outcomes for the city, prior to moving forward with final development of the RFP. Between August and November the city and consultant will finalize the RFP for consideration by council in November with a goal of issuing it in December. Council chooses to issue a new RFP for convention center management on this time frame the city could see a new operator in the building as early as September of 2012. The current contract with Team San José allows a termination for convenience in July 1st 2012 and speaking with the consultant and looking at various transition models it would allow a new operator with this time line to be in there as early as September 2012. And we feel that if the council wishes to proceed with an RFP, the sooner a new operator would be in there, the better, so they can work on the finalization of the renovation and expansion with Hunt Populous, and be more familiar with the building so when it opens they can hit the ground running. So that completes staff presentation. Be happy to answer any questions you may have.

>> Mayor Reed: Pete.

>> Councilmember Constant: Just some comments. Thank you for the report. I think this is exactly why we made the decision to get started early on this because it is a very complex process and it's very important that the outcome of this process comes out correctly. Because we have a lot riding on this. Not only for the City of San José, and all our downtown residents, but this huge investment we're about to make on the expansion. So while I'm always a very impatient person, I think it's more important that we get things right than get them done too quickly and make mistakes. So I appreciate the report. I'm supportive of the new time frame, especially given all the changes that we're seeing at Team San José and the -- giving them time to work out some of their transitions as we go forward I think is really important. With that I'll make a motion to approve this, does this need to go cross-referenced or just approval? Whatever the right words are.

>> Mayor Reed: Just plan the tiling. We don't have it separately discussed.

>> Councilmember Oliverio: Second.

>> Mayor Reed: Couple of comments. I think this schedule works but there are a couple of things I want to make sure that don't happen. First, the council put in a box where we don't have a choice, because of the timing of construction, the time of the RFP and the timing of the contract. I think we're okay with that and I think it would be important to keep open the council's option of having a new operator before the construction is done so they can start selling the new facility, and it looks like that's feasible under this schedule. And then the other question is about, the peripheral facilities, the cultural facilities. It looks like we'll need to make a decision somewhere in the August to October time frame about whether or not we want to spin those off, do it all in one package, do it in component parts or something like that. So what will we have done by then so that we're in a position where we can make an informed decision about one or more of those cultural facilities?

>> I think in August we would be asking or recommending several actions. We're really hoping that the best practices report gives staff the information we need to make more clear recommendation to you. The complicated matter is really revolve arounds the cultural facilities and the convention and visitors bureau. Both of those. We are going to be extending the current CVB contract with Team San José, or recommend that in the next few weeks to go to the end of the year. The staff would be coming forward with recommendations in August related to A, the cultural facilities and the future of CVB, whether the city wishes to look for a new service provider for that as well.

>> Mayor Reed: Okay and as part of that discussion somehow we must be able to figure out what the performance is for those cultural facilities. And I don't know if we know that now, if we're looking at the whole entity, I'm not sure what's happening with some of the parts.

>> The best practices report measures Team San José's performance not only at the convention center but each of the cultural facilities and the benchmarking study would also look at other operators that go into cultural facilities related to the music industry such as CPA and the civic auditorium is a much different model than convention center management. So specifically with the benchmarking study we will be able to break out each

one of those facilities and see where we measure against other facilities of that nature in and around the United States.

>> Mayor Reed: And then the other piece of this that I think is preserved with this schedule is our ability to make that decision a more -- sooner, more quickly on the cultural facilities. So for example, there's a lot of -- been a lot of discussion about the civic and the performance on the civic has not been anything to brag about. And if we decided that it would be better to get a different operator for the civic, I want to keep open our option to do that earlier rather than later. And it seems to me we do have that with this schedule, we're keeping those options open.

>> We are.

>> Mayor Reed: Okay. Got a request to speak on this. Mr. Wall.

>> David Wall: Every time as a citizen who's paid attention to some things about Team San José over the years, every time the administration or Office of Economic Development speaks, it is a confidence-destroying event. Of all the shenanigans that have happened at Team San José with reference to the responsibility of the administration, to keep these things from happening in the first place, how are we to sit here today with this sugary coated report that things are going to be a good operation? We just reflect on all the auditors reports, that are negative? We reflect upon the hemorrhaging of funds that led to Team San José's director going into retirement. The interaction of council itself as decision makers should be more pronounced during this process. I have no confidence in anything to do with the convention and cultural facilities management or future applications, as they stand today. As a matter of fact, this document itself is going to start a new segments of writings called profile in incompetent management. Good afternoon.

>> Mayor Reed: That concludes the public testimony. We have a motion to approve the recommendation. All in favor, opposed, none opposed, that's approved. Now our next item is a request to approve a commissioner's leave of absence, for Troy Overton from the appeals hearing board, I think that's the board who Mr. Overton has

been called up to -- by the federal government to go back, spend a year, courtesy of uncle Sam, wearing an army university so thank him for his service. The least we can do is give him a leave of absence.

>> Councilmember Constant: Yes, Mr. Mayor I definitely think we should. I did have a question on the appointment, the interim appointment. Given the way the Muni code is with the specific attorney category, and that's the position I believe he fills, since he's just on a leave, do we need to fill that specific spot? And then, I know we had another attorney on the board. Do we still have that other attorney on the board?

>> Yes, thank you, Councilmember Constant. Mike Hannon, director of code enforcement. We do have another attorney who's sitting on that board and has agreed to be the attorney-designee for the board.

>> Councilmember Constant: Good, that's what I was getting to. Sometimes we've had difficulty getting those specific assignments, especially since we're talking for such a short period of time. I think given the fact that we just did interviews and that we had two qualified candidates that the council interviewed, it would be my preference that we refer there to the council, asking them to appoint the other candidate, Ms. Cobb, who went through the interview process and got quite a number of votes, and has served on the board before and has a demonstrated knowledge since really, it does take almost a year for someone to get up to speed, and that's how long they would be on. So that would be the motion that I would make.

>> Councilmember Oliverio: Second.

>> Mayor Reed: Okay, seems like a smart thing to do. It's a one-year appointment. Presumably she might be interested. Have to find that out and verify that, I suppose but it would be a good recommendation to the council.

>> My understanding is staff would like a one-week turn around on this. So that I believe he leaves on the 5th so my understanding is you would like on the agenda if you desire for you both give him the temporary leave plus also have the opportunity to appoint at the same time.

>> Mayor Reed: Let's just do it.

>> Technically you just need a sunshine waiver since you won't have time to get the documents ready for -- other than what you have in front of you.

>> Councilmember Constant: So I'll restate my motion then to include the sunshine waiver and the one-week turn arounds especially since this information has already gone out in a recent packet so it's been out there.

>> Mayor Reed: Okay, that's fine, that's the motion. Further discussion? All in favor? Opposed? None opposed, that's approved. Taking us to the open forum. Last item on the agenda. Martha O'Connell and David wall.

>> Martha O'Connell speaking as a citizen. I'm very glad that did you that for the gentleman. Three weeks ago, I came and talked about a woman of color, renowned illustrator, with a recommendation from councilperson Chu who is her community is not represented on the senior commission. She applied, six months ago, she's still waiting. I wish this office of the City Clerk would please send her application to councilperson constant because it's to fill a vacancy, the senior commission has had a vacancy for six months. So if councilperson constant could get that commission, hopefully that lady could be seated just as you've done for this gentleman. So the process is extremely cumbersome, and no commission should sit with an open seat for six months. Thank you.

>> Mayor Reed: David Wall.

>> David Wall: This commentary is referenced by the document that was given to you, building upon testimony I believe yesterday's city council meeting, about access to restricted use funds, specifically yesterday I mentioned the integrated waste fund 423. But as a whole, city employees by position have to be reformulated with appropriate access to the fractions of special funds that they have direct responsibilities for, say, they do an integrated waste activity, a certain percentage of that should be part of their base funding. Taken as a whole this will relieve pressures from the General Fund. Specifically if you look at the attorneys, the attorneys do broad spectrum work across the city. With minor exceptions, only a few of them have access to these funds. Police,

firefighters all could have access to these funds. But to have these funds, you have to cut really brain-dead programs like that environmental innovative center. That is a brick and mortar facility which will only serve a certain sector of the city. By spreading out those duties to fire stations, the hazardous materials people they get direct access to these funds, Mr. Mayor. And that keeps a lot of firefighters, police officers on community patrol beats, looking at garbage or construction projects that are going on, just reference them however you formulate it. Qualify for access to these funds. And it's time to be innovative with these funds versus creating these monuments.

>> Mayor Reed: Speaking of time, your time is up. That concludes the open forum, that concludes our meeting, we're adjourned.

>> Councilmember Constant: Thank you sir.