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>> Mayor Reed: Good afternoon. I'd like to get the meeting called to order. This is Rules and Open Government Committee meeting for February 22nd. Any changes to the agenda order? All right first item would be the February 28th council agenda. Anything on page 1?

>> City Attorney Doyle: Closed session --

>> Mayor Reed: 9:00 start probably still makes sense. Page 2 or 3? Page 4 or 5? While we're on 3, we have a referral from the council on Item 2.6, report from the council liaison to the retirement boards to talk about the scope of the report, so we'll just put that on next week's agenda, maybe for a discussion. Anything else on 2 or 3? Page 4 or 5?

>> Ed Shikada: Mr. Mayor on item 3.3, the IBM report both the City Manager and City Auditor are working on supplemental memos. So we are hopeful to get that out in the next day or so. And may allow the council rather than to refer this item to staff, simply receive the reports from both the City Manager and City Auditor.

>> Mayor Reed: Okay. Do we need to change that on this agenda description?

>> Dennis Hawkins: We might need some language change on the agenda. We'll work with the manager's office on that.

>> Mayor Reed: Okay, if we need to change the language.

>> Dennis Hawkins: Correct.

>> Mayor Reed: Let's at least do that in the revised draft. Anything else on page 4 or 5? Page 6 or 7? The 3.4, priority or policies and ordinances should we hear that last again? If we get to it it could only take about 15 minutes. But getting to it, late in the day is more difficult. So anything else on 6 or 7? Page 8 or 9? Page 10 or 11? 11 is hearings in the evening. Page 12 or 13? Looks like we have plenty of hearings in the evening. Unless

those drop off. Additions and changes. I have a request to add a proclamation to Steve Brown for bravery and heroism from Councilmember Kalra. Any other additions?

>> Councilmember Constant: Motion to approve with the one language modification.

>> Mayor Reed: We have a mowing to approve. Mr. Wall, do you want to speak?

>> Mr. Mayor, on this agenda, 2.10, report on bids for the sanitary sewer condition assessment. \$1,149,000. I would ask the quick, why can't Public Works do this project in-house. Item 4.1, streamlining real estate process to sell surplus properties. I would say we shouldn't be selling any properties because the city would take a loss. Lastly on item 6.1, special accommodation and praise for Councilmember Oliverio to protect school kids, is now on the agenda. Thank you very much, councilmember.

>> Mayor Reed: Anything else on the February 28th agenda? I have a motion to approve with the modifications. All in favor, opposed, none opposed, that's approved. March 6th. Council agenda, 9:00 a.m. start still makes sense. Anything else on page 1? Page 2 or 3? Item 3.5, revised retirement reform ballot measure. I'd like to set that, so that it's heard first after the ceremonial items, in the afternoon. Councilmember Nguyen is planning to attend and if we can give her a start-time, it would be easier.

>> City Attorney Doyle: Before consent? Okay.

>> Mayor Reed: I don't see why not. That way, we're pretty close to knowing exactly what time it will start. Anything else on page 2 or 3? Page 4 or 5? I have no written requests for additions. Anything else on the March 6th agenda?

>> Councilmember Constant: Just a motion to prove.

>> Mayor Reed: Motion is to approve with the modification. Mr. Wall. You want to speak. That was a second by Councilmember Oliverio.

>> Item number 2.8, encumber additional funds to open purchase order, op 46.25 with Baker and Taylor. There is two sections with this, one is for a million 7, the other one seems to be a million 5, limitations, I'd look into this issue of to purchase, quote, "books, and e-books, including trade editions, publisher, library binding, single binding editions, quality paperbacks and processing as required." I think somebody should look at this a little bit carefully. Item 3.4 is unique, write off uncollectible debts. I reject this. I think that this is a perfect opportunity to explore a model using the attorney's office in reference to cash bonuses with the amount of money they could receive from this. I think this is perfect. To send a message to the people who owe the City of San José money. You owe us. If you don't, we're going to turn loose our law firm on you and there will be consequences. But we should compensate our attorneys for having to go the extra distance for this, thank you.

>> Mayor Reed: That concludes the comments. We have a motion to approve as modified. All in favor? Opposed, none opposed, that's approved. Redevelopment we have nothing for either of those two dates. Upcoming study session agendas, nothing, no report today on state or federal legislative. Public record, are there any items from the public record the committee would like to pull for discussion? Mr. Wall you want to speak on the public record?

>> First, it doesn't happen too often but I have to make a public apology. So a public apology is hereby tendered to our honorable City Attorney. I admitted a stipulation as far as the thank you required for the City Manager for screwing up the Applegate Johnson issue with reference to fire station number 19. At the budget session, City Manager thanked the Attorney on another matter and then made mockery on me. But the apology is tendered because I first thought the City Manager was an honorable person and not to be disingenuous. So I now corrected the apology section that was still enforceable at the time the disingenuous thank-you was given, and that condition is, she has to resign now. The other issue is on item number C, IBM operations, report condemns poor senior citizens to slowly and painfully starve to death. I'm told now that at community centers senior citizens have to tear down and set up their own tables. And I'm worried if this is an issue of R-bite-mock-fry, the old Nazi

statement about works makes you free. So I'm concerned about this. I'm also concerned about the amendment to the pay plan. Because if you think about it, water pollution control people should never have their pay stopped in the first place. Let's say the attorneys, the auditors, and other city employees deal with sewage in a different variety, and so they should have their pay plans amended, as well. Especially the attorney's office all the sewage he has to deal with is just incredible. I speak with authority, having analyzed sewage for over ten years at the water pollution control plant.

>> Councilmember Constant: Motion to note and file.

>> Mayor Reed: Motion is to note and file the public record. All in favor, opposed, none opposed, that's approved. Next is an appointment of Fernando Sepulveda to workforce --

>> Councilmember Constant: I'll second that.

>> Mayor Reed: Silicon Valley workforce investment board of directors. Work2Future. Got get that all in.

>> Second.

>> Mayor Reed: All in favor, opposed, none opposed, that's approved. Next item is to approve revisions of the Rules and Open Government committee work plan with changes to committee meeting agenda regarding changes from Redevelopment Agency to Successor Agency stuff.

>> Dennis Hawkins: Mr. Mayor, this is just a routine item to give us authority to change some language on the Rules Committee agenda as well as the council agenda. We will be bringing back -- working with the city attorney's office to bring back some further revision to the rules of conduct, but this is an interim measure to give us the authority to make those changes.

>> Motion to approve.

>> Mayor Reed: Motion to approve the recommended changes. All in favor, opposed, none opposed, those are approved. Request to approve of the mid autumn festival and resource fair as city sponsored event.

>> Motion to approve.

>> Second.

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

>> This goes with an OED publication, November 15, 2011, dealing with Cirque du Soleil, I've talked about that before and now that cursed entity is in my neighborhood. I'd like to quote the following. "The Office of Economic Development has estimated the potential economic impact of Cirque du Soleil's 2012 San José production to be \$20 million, using the methodology developed for the analysis of economic and fiscal impact of cultural and sporting events in San José, (economic impact tool), which was accepted by council on April 10, 2007." I got to hold somebody accountable for this, Mr. Mayor. \$20 million of impact. I don't know, I sincerely think somebody should look at this economic tool, because outside of mysticism, and a Ouija board, this is trash. Or, a lie, or an old formula that just doesn't apply today. I'm not blaming the OED people per se but \$20 million for a circus? By the way, they are storing their 18-wheel trailers, I guess on Lou Wolff's property over by the soccer stadium. But the West side of the airport's completely vacant. Except for some construction equipment, and a bunch of safety cones. Hundreds of them. But the parking is completely vacant. Anyway. That's it.

>> Mayor Reed: Kevin Kiddle.

>> I have spoken to the city council about this. And I have spoken to your City Clerk. And she has suggested that I come and speak to you. I have a very -- I have a suggestion for you. Because a lot of us here in this City of San José have a problem with this plastic bag ban. Now I'm going to make a suggestion to the Rules Committee and see how you feel about it. I suggest -- my suggestion is that we do away with the plastic bag ban, and put it up for

a -- put it on the ballot, and let the public, the people that have -- I think public, the people that have to -- that have to pay -- that have to deal with this plastic bag ban, I think they are the ones that should have to -- that should -- that should -- that should have the final vote, that should have a vote on this. You should put this up for a vote of the people. Because this is a country that is of the people, by the people, for the people and of the people. This is not the -- the San José city council should not, should not have forced this on us. You should have put this up for a vote of everybody, of the whole city. Of everybody. Thank you.

>> Mayor Reed: That concludes the public forum, that concludes our meeting, I think. We're adjourned.