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>>> Let's call the meeting to order. This is rules and open government meeting, today, February 16. We'll note that we have A team of council members including the vice mayor in Sacramento today. First item on the agenda would be the February 22 final agenda, meeting canceled. I do have some questions about the agenda for the study session on February 22. Why don't we look at that now. It's not really A question. It's the fact that we need to have A closed session at that meeting and what do we need to do -- I think, Rick, you've noticed --

>> The notice on the -- the agenda, standard agenda, will note that there will be A closed session either during or at the end of the meeting. Then separately we put out A detailed closed session agenda which has the items that will be on there, and we will have at least three items, hopefully no more than three on the agenda.

>> Okay, the agenda for that meeting is four hours long. At least the time scheduled for that meeting is four hours long, which I would think is way too long for anything. But other people disagree. What time can we start the closed session discussion that we need to do?

>> Any time between 8:00 and noon. It's -- notice that any time during the meeting or at the end of the meeting, I think I envisioned it would be at the end of the meeting since we got done -- wishful thinking on my part. February 22.

>> February 22, session that's taking up our day without A council meeting. I don't know who's in charge of the four hours of training that we're undergoing, but if we could squeeze that down by an hour so we can start the closed session before noon.

>> Very good. We will follow up. This is our office of emergency services bit on point, but we'll work to compress that agenda.

>> That agenda is not -- it's noted that there's A 7:00 in the morning agenda.

>> It's important in getting done early, as well. there's nothing we need to do in terms of the closed session part this --

>> we have that agendized. From the security standpoints the chief wanted the ability to go into closed session to talk about this more.

>> Okay. Nothing left on the 22nd and we'll look at the March draft agenda. Anything on page one, 9:30 start time. We had A lot of discussion yesterday in closed session and ran over. So I'm wondering if we need to start at earlier time to start of on average until we get done with labor negotiations in order to have enough time so we don't have to worry about pressing either the lunch period or going into the afternoon. And there's likely to be A labor presentation on every agenda through May anyway.

>> we can agendize it if the committee wants it at 9:00 --

>> 6:00.

>> 5:00.

>> Let's try 9:00 and see if that gives us enough time to get done with everything we need to get done. Anything else on page 1? Page 2 or 3? Page 4 or 5? Page 6 or 7?

>> Yes, mayor. On item 8.1, the records management system project, we'll need A 14-day sunshine waiver on that item.

>> Ten days at least?

>> Uh-huh.

>> Mayor?

>> Yes?

>> Item 3.4, I imagine that will have the most comments. I don't know if we wanted to make that to be heard last.

>> Actions related to seniority rules for layoffs. We'll probably hear the same comments that we heard at the rules committee meeting. Can certainly take it last. I don't know where that might place us in the time of the day.

There's no budget to add to it. We do have an appeal of an eir on A drinking establishment. Those always add time. Yeah, let's put seniority rules last. Seniority rules -- I don't know what time it would be.

>> mayor, 4.1 is the eir for garden city, the expansion for the new facility. And that will probably have some -- there's in the discussion.

>> Okay, that will generate some discussion. So will we make it to 3:00 before we take up the seniority rules for layoffs? Maybe, maybe not?

>> We'll try.

>> Let's just take it last. anything else on 6 or 7? Nothing on page 8? I have A couple of requests for additions, excused absence come Herrera, the vice mayor and Winn from this committee meeting because she's in Sacramento today. And the addition of A labor negotiations update and would that be, again, A 9:30 start like we did --

>> The 9:00 start.

>> 9:00 start like we did yesterday.

>> Yes.

>> In the closed session as maybe necessary.

>> All right.

>> Okay.

>> Anything else to add or change on this agenda? You have motion with the sunshine waiver?

>> Motion approve with the amendments in sunshine waiver.

>> Second.

>> Motion is to approve as amended with the waiver. All in favor.

>> Aye.

>> None opposed, it's approved. Have we canceled the meeting on the 22nd officially?

>> That is canceled -- we'll come back next week if it's necessary to cancel March 1.

>> There's nothing to consider on the March 1?

>> Correct.

>> Let's talk about the draft agenda for the habitat plan March 3 study session. 1:30 to 5:00 looks awfully long for this. Why does staff think that it will take that long to get through it --

>> planning. [Inaudible]

>> director for building and code enforcement. An agenda regarding the habitat conservation plan, draft plan is now in public circulation so we wanted an opportunity to have A discussion with the council regarding its major features. We are working with the development community, we'll be, in fact, meeting with the chamber tomorrow to brief them. And so we can certainly reduce the time. There's A lot of material, but most importantly we also wanted to make sure there would be ample time for the council to ask their questions and really have A dialogue with the participants, either from the development community or the environmental groups that have been interested. We could bring this down to 4:30 or 4:00 if that's the will of the committee.

>> I think I would still block out the time, I just don't want to use it.

>> Yeah. We also need to create time for the public comment. So we've got some opportunity to have some key stakeholders in panel conversation with the council, but we know this neighboring broader community interest, as well. And we certainly don't intend to have staff presentations for all of this time. It's really how do we provide enough information to get the conversation started so we're working through those logistics now.

>> Okay. Well, you have to focus on shrinking down the time that you allocate for the panel members because if you give them 10, they'll take 15. And we've seen that in the past. And it's too late to do anything about it. So tell them they've got two minutes, and if they take three, then it's not too bad. But we do have to control it because we'll lose council members, you know, an hour into it.

>> Uh-huh.

>> We need to be in the discussion, I think, of those things. Let me just add one question that I had which is some sort of comparison of where we said we're going to go when we got started and where we are now because I've heard that the objectives have been dialed back considerably in terms of the number of species that might be

covered, in terms of the value to the city of San José that we thought we would get out of this, this process. I don't have any of that data in my head. It is A question that I have. Anything else on this from the committee?

>> Just ask for staff -- there's A high level of detail in the conservation plan and different government levels that deal with it. I would just ask if state of can -- can provide some opening or some layman's perspective so it's easy to explain what we're doing because I've found it's difficult in this one and that would be A great help.

>> Thank you.

>> Anything else on this? We have A request to speak on it. We'll take that now.

>> Good afternoon. My main comment today would be why isn't this plan attached to this item? In my opinion it should have been attached. I haven't seen A copy of this for A couple of months, and there are significant flaws with it back then, and I'm not saying that there's -- there are now, but I think that the plan should have been attached to this document. And that's all I have to say, thank you.

>> Question for Laurel -- is the plan posted somewhere if anyone wants to take A look at it ahead of the meeting? Be they the public or council members, how can they get access to it?

>> Yes. It is all posted on line, and there's three very large components. There's an environmental impact report. There's the habitat conservation plan itself, plus an implementation strategy. I'll be happy to make sure Mr. Wall has access.

>> All right. That's in the planning department section --

>> we have A link to it. It's in A separate, A different governmental agency as taking care of all of that, but we have A link from our site to there. Yes.

>> Okay. Anything else on the agenda for the study session?

>> Second --

>> motion is to approve. All in favor --

>> aye.

>> Opposed? It's approved. legislative update, as I said earlier. A delegation of council members in Sacramento, along with our staff, and A couple other related things. The big ten mayors continue to try to come up with some alternative solution to the governor's proposal on redevelopment. We don't have such A proposal just yet, but we're still working on. Meeting schedules -- nothing to talk about. Anything from the public record? A call for discussion?

>> I'll just make A motion to note in file with particular attention to paragraph 4 of public record item number f. Appreciate your comments.

>> I will second the rock.

>> Motion is to file. Mr. Wall, you want to speak on the public record?

>> We'll start A new series of performance-based council committees, and I'm very much impressed with neighborhood services and education committee meeting first of this year, outstanding work done by all in regards with the exception. Those listed. I believe the safety program for anything to do with kids and environmental stuff in their schools should be put forward to the city for review. The photographs contained in the presentations showed serious safety issues that kids were subjected to. To me, it goes beyond negligence and to the issue of reckless disregard for what they put these kids through in these photographs. That's needed. The other issue deals with the transportation environment committee, it's my opinion, Mr. Mayor, this municipal regional storm

permitted and the plan must be coming back every month at this committee for review. Instead of at the end of the year. This is the most -- one of the most significant environment programs that you have on your plate. And I don't see it acceptable that they come back at the end of the year when you got A continue of other stuff to deal with to have that put on your lap. And I as A taxpayer want to see their performance on A weekly basis, but leave it on A monthly basis to be fair and charitable. Thank you.

>> that concludes the public comment on the public record. We have A motion to file, all in favor?

>> Aye.

>> Opposed? None opposed. Next item would be work plan for the human rights commission for FY 2011?

>> Motion to approve.

>> Second.

>> I have A question about this particular work plan as well as the other work plans. I know that staff has done A lot of analysis about the costs in labor, et cetera, for managing all of our boards and commissions, and I think as we go into the next budget cycle with more and more cuts everywhere we look that we have to look again at that. At least in the aggregate numbers of how many staff members we have managing commissions and can we reduce that somehow, and if that means less meetings or smaller work plans or something, I think we seriously would have to look at it. I know that I've heard that there are some commissions that have A full time person assigned to manage the work of the commission. That may not be something we can continue to afford to do. We don't need to redo the analysis because I think work's been done on it. But as we get into the budget cycle, that ought to be something that we can consider instead of some of the other cuts we have to consider.

>> I agree. And I also think that we have to look again to the overlap of the commissions that we have that duplicate the efforts of county commissions, and when it comes time for budget reductions and eliminations, I

really think we should get rid of duplicate services. And I know there's been some consternation about folding commissions into each other, but I think we have -- we're rapidly approaching A point where we're going to see we don't have commissions or we're going to put even commissions that may not appear to be compatible together just for efficiencies because keeping in mind that the goal of the commission is to inform the council and they provide an important service when it comes down to imbalance with all the other services, we have to make those decisions.

>> I agree with all those comments. It seems on the human rights commission the work is due -- duplicative of what they're doing in the committee.

>> We have A motion to approve the work plan for 2011 for the human rights commission. Any further discussion? All in favor?

>> Aye.

>> Opposed? None opposed. That is approved. I think that's the last item of our business except for the open Forum. Mr. Wall?

>> Mr. Mayor, this, what I'm going to talk about so the world knows, that you're not at fault, what I'm going to tell you. Partially at fault because you didn't listen to me, but that's all right. The Tpac, the four environmental consultant contracts, I'm grateful to you for reinstating my electronic agenda. You didn't have anything to do with it being intentionally canceled. And I say it is intentional because I've been getting them ever since they started electronic business and going to Tpac since 1992. Now, I want Tpac agendas from now on to go to the -- whatever on Tpac, not to go fast track to the council but go directly to the transportation and environment committee for review. And this is what I want to show you the reason why, I warned you yesterday for scrutiny. Every document that I have here is part of A 51-page recital. Expertly prepared by our attorney's office. Urs Corporation, one of the consultants, Urs Corporation number two, one of four that receives A \$250,000 contract for the city. They have, Urs, has four subcontractors. One of which is called clean harbor. Clean harbors. One of

their list of items and there are many, shall we say because of what I'm going to use the term pitchfork, they are legion. -- A pitchfork, \$100. The devil doesn't even pay that much for A pitchfork. Okay. Plastic shovel, \$55. A roll of duct tape, \$12. I could go on for years. It's impossible for council members to go through this level of detail.

But when we hear of repeated talk from the Administration of professionalism, I mean, \$100 for A pitchfork, what do you do? Do you lean it up against your rear and it kisses you? It's amazing why the city is where it's at, and this is just one of those four. Bigger issue is to look at amending that \$250,000 contract limit by the office of city manager because now we have four of them. This could be an infinite number of these contracts in which nobody would pay any attention to them. Because you obviously can't trust the people who are responsible for them.

>> Sorry, your time is up. Martha O'Connell?

>> Martha O'Connell, speaking as A citizen of San José. On October 22, you guys -- of 2008, conceptually approved A framework for structural improvements to the city's boards and commitments. In her attached analysis, Lee price stated that it is anticipated that this process will take six months. And that was back in October of 2008. And the implementation of the structural improvements could begin as early as July, 2009. And it's now February 2011, and there is no report. And why do I care? Because I go to commission meetings, and I'm telling you this is bogging down the commissions. Four months ago, I asked for A template of the bylaws, I was told I couldn't have it. And yet people -- commissions are wanting to review their bylaws. Commissions are wanting to set up ad hoc committees and standing committees, and we were just at A meeting A few days ago, and we were told -- there are questions that would most likely be answered once the report comes out. We need the answers now. and it's -- you guys are two years behind schedule, yet you're expecting the boards and commissions to effectively function, and they cannot do it without this report, Mr. New city clerk, and without clear direction from the council. Thank you.

>> Thank you. To concludes the open Forum. That concludes our meeting. We're adjourned.