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Rules and Open Government committee meeting.

>> Mayor Reed: (inaudible) Order, this is Rules and Open Government Committee meeting for June 10th, 2009. First question is, are there any changes to the agenda order? None. Okay. City council meeting of June 16th, first item of business. Closed session is going to start at 9:00, that's already noted. Anything else on page 1? Page 2 or 3? Page 4 or 5? Page 6 or 7? Page 8 or 9. I have a note on 3.9, the revisions to city council expenditure and reimbursement policy, to -- we've got to defer that to the 23rd.

>> Lee Price: Yes, Mr. Mayor. At the request of -- well, we're partnering with the city attorney's office to write the resolution and just finalize the amendments that the committee recommended last week. So we'll just need a little extra time in order to have the resolution posted.

>> Mayor Reed: Okay, anything else on 8 or 9?

>> Lee Price: I'll just mention, just you will expect to see a few items added to this agenda that you kicked yesterday, one of which was the OE 3 union agreement.

>> There were the other items that were deferred were the north San José that will be moved to the evening and the happy hollow contractor substitute item. So those are the three items that will appear on the amended agenda.

>> Mayor Reed: Okay. Anything on page 10 or 11? 12 or 13? I have a question on 7.2. Recommended deferral to August on the strategic energy plan. There's another item that I think -- I don't know if it's part of this or not, and that is a resolution to have us participate in the statewide pilot on energy assessment districts. But I think that's a totally separate item. That we wanted --

>> That will come on another agenda.

>> Mayor Reed: Okay. Anything else on 12 or 13? We're hearing the joint -- the budget message following item 3.8, which is --

>> Mr. Mayor, what we wanted to suggest, Lee and I had a brief conversation about this. The under -- on page 1 under the orders of the day, actually under the call to order, we listed how -- what we heard last week as the sequence. However, through communicating with the budget office we realize it wasn't quite right yet for how it needed to be sequenced. So what we wanted to suggest as we've done in the past is that we just note to be heard concurrently, and then we work on the sequence offline between the mayor's office and the manager's office as to how things need to be heard.

>> Mayor Reed: So on page 1 under the 1:30 time period, we have consent calendar and then we have series of items, 3, 4, 5, 6, 7, and 8, and then jointly city council/agency items, redevelopment agenda remaining items. But we say to be heard in the following order. Are you saying we're not going to hear them in the following order?

>> Through our discussion with the budget director, the sequence is somewhat off. As with her familiarity with how the budget needs to be approved, she was suggesting 9.1 needed to be heard first, and then there were a number of other items in terms of the sequencing.

>> Mayor Reed: Right.

>> And so just to make it easier because we didn't have all of the detail what we've done in the past, we just put what items need to be heard concurrently to get the budget approved and then the actual sequence can be worked offline again the budget office and the mayor's office.

>> Mayor Reed: But you keep saying concurrently, but this says in the following order.

>> Right.

>> Lee Price: We can amend that as part of the amended agenda and note that those items will be heard concurrently. All the budget items in the category 3, plus 9.1, will be heard concurrently.

>> Mayor Reed: Okay.

>> Lee Price: And then we'll put all the responsibility on you to tell everybody what we're doing in what order next Tuesday.

>> Mayor Reed: I'll have to explain what concurrent means when you're dealing with ten things, but we'll figure it out. Anything else on 12 or 13? But the reference on 9.1, says to be heard immediately following 3.8, that was not necessarily the case. Okay. It will be heard concurrently with other matters, or some other note there. Anything on 14 or 15? 9.2, actions related to the formation of convention center facility district, I understand the votes have been in. The polls closed at 8:00 last night. Do we have a result?

>> Lee Price: Yes, we do Mr. Mayor. The vote was 78% yes, essentially, so there was about a 72% turnout and of the votes cast, 64% of them were yes. So I know I totally screwed that up, but the last part of what I said was accurate.

>> Mayor Reed: It passed.

>> Lee Price: Yes, it passed.

>> Mayor Reed: Got more than two-thirds, okay!

>> Lee Price: Got more than two-thirds. 64% of the votes cast were "yes" votes. But it was a good turnout, especially for an all-mail special ballot. (inaudible)

>> Mayor Reed: It's more than two-thirds. As long as we get two-thirds plus one, like in the BART campaign. We just need one, so we got at least two-thirds plus 1 on this convention center facilities district. That's really good, that's great. Thank the hotellers for stepping up and offering to put a lot of money into that project. Now we just have to figure out how to do it.

>> Lee Price: So there will be then a supplemental that will go out that will reflect the tally and the additional actions. (inaudible)

>> Lee Price: We had a number of observers, and I know they'll be taking the message back and sharing it with the hotellers.

>> Mayor Reed: They're all watching so they all heard it just now. Two-thirds plus one, that's all we needed, we got it.

>> Lee Price: They are official. I already certified.

>> Mayor Reed: That's quick.

>> Councilmember Constant: No messing around in the clerk's office.

>> Mayor Reed: Right.

>> We may also be issuing a supplemental on this one. There's discussion going between the office of economic development and the Manager's office, lots of extra reports coming out on that item.

>> Mayor Reed: Well, I think one of the questions that people will ask that you may want to cover in your supplemental is what is the sequence for doing whatever it is we have to do, and there is a lot more steps that have to be done, and we will have all forgotten those things like the validation action, and other things, just laying that out so we have it somewhere. Maybe it's already laid out, probably is in previous memos.

>> Okay.

>> Mayor Reed: Anything else on 14 or 15? We have the general plan items on. 16 or 17? 18 or 19 or 20? I have some requests for additions. Presentation to Norma Rodriguez from Dorsa Elementary School Principal. Councilmember Nguyen's travel, swearing-in for youth commission, two districts, 3 and 9. To be heard in the evening. Ordinance relating to retirement funds and calculation of retirement benefits, based on the action we took Tuesday got to get back to us. Ordinance relating to water conservation and water shortages. Are those ordinances based on the previous action?

>> City Attorney Doyle: Yes. All these --

>> Mayor Reed: Approve the conservation plan.

>> City Attorney Doyle: Mr. Mayor, all these are coming back with the anticipation that they need to be in place before the break and we were anticipating there may be a cancellation of the June 30th meeting. So these are --

>> Mayor Reed: Good thinking.

>> City Attorney Doyle: These are the first reading. There will be one week turn around but we will need a waiver of sunshine for these ordinances because they will not be out in the street in the time allowed. We will get the information out, in compliance with the Brown Act but they won't comport with the sunshine regulations.

>> Mayor Reed: Okay, these are all substantive actions we've already taken on the substantive issues. These are implementation ordinances so I think we can --

>> Lee Price: And they are just first readings. Those are able to be published and adopted on the second reading.

>> Mayor Reed: There is actually quite a bit of extra time.

>> City Attorney Doyle: I will note that on the top of page 2, there is an ordinance that you haven't seen, this is clarifying the municipal code, that nonsworn can do traffic control, on construction projects, I'm told the director of Public Works did meet with Bobby Lopez of the POA and he had no objection to it. So that's why we're putting this on this agenda.

>> Mayor Reed: So on with the additions, that particular ordinance that the City Attorney just described and there's a business tax ordinance revision, waiver of outdoor event cancellation fee ordinance, appointments to boards commissions and committees.

>> Lee Price: Yes, Mr. Mayor on that last one, on last week, the committee recommended all of these appointments. But I failed to request a one week turn around. And we do need to get them officially appointed so they can all get sworn in and start to work.

>> Councilmember Constant: Can I ask a question on the business tax ordinance, what that is and if we have any special discussion?

>> City Attorney Doyle: This has to do -- yes, this has to allow the finance department to share with, I believe, the board of equalization information that are otherwise confidential, so it really is something that allows disclosure to people outside the city.

>> Mayor Reed: Is that a two-way street?

>> City Attorney Doyle: I can't say -- I don't know if there is state law that makes that mutual.

>> Councilmember Constant: I was just wondering, the sunshine is coming up, just a few days before, since nobody has probably seen this in the business community, I don't know if there's going to be input or anything.

>> Mayor Reed: Why does that one need to be done before the end of the --

>> I think it is time sensitive. This is an item I didn't review the report for. So I don't have any additional information.

>> Councilmember Constant: I think with an ordinance, with such short notice, if there's any way to go one more week. I don't know if it's going to be controversial or not.

>> City Attorney Doyle: If it went one more week, then the second reading wouldn't be until August. If you put it on the agenda now, and it's not time-sensitive, we can let you know next Tuesday. The finance director indicated he wanted to get this one in place because the ability to work with the board of equalization. But I don't have all the details either.

>> Councilmember Constant: Okay.

>> Mayor Reed: If it is a substantive decision, I want a little more time for people to see it unless it absolutely has to be done in this time frame.

>> City Attorney Doyle: And we can't represent that today, other than that we asked if things are time-sensitive, that they be placed on the memo.

>> We went through it really very closely earlier today.

>> Mayor Reed: Nancy.

>> Councilmember Pyle: This is predominantly because of the fireworks cancellation for the park?

>> City Attorney Doyle: No, that's another one.

>> Mayor Reed: That's the waiver of outdoor event cancellation ordinance.

>> Councilmember Pyle: I'm getting ahead of myself on this one.

>> Mayor Reed: Yeah, that's another one.

>> Councilmember Pyle: That would be time sensitive.

>> Councilmember Constant: So maybe on the business tax, maybe at least if the manager's office could contact the chamber and just let them know the substance of it to see, so we can get a reading if there's going to be some sort of business outcry over something like this.

>> Okay.

>> City Attorney Doyle: And you can always defer it until next week if it is an issue.

>> Mayor Reed: So we'll put it on and if it turns out that there's reason to have much more discussion we can defer it. Then we have an addition request, agreement with the city association of management personnel which is amending the terms of the current agreement. Already been approved by camp.

>> Councilmember Constant: Is this a drop?

>> Lee Price: Actually a duplicate. It actually shows up on the other add sheet.

>> Mayor Reed: Any other requests for additions?

>> The City Manager's items were just added, okay, great.

>> Councilmember Constant: I make a motion to waive sunshine and approve this amended.

>> Councilmember Pyle: Second.

>> Mayor Reed: Motion is to approve as amended. We're waiving the sunshine requirements on those ordinances that we just talked about subject to the review of one, whether or not it needs to stay on the agenda. All in favor? It's a ayes.

>> Mayor Reed: Opposed, none opposed, it's approved. June 23rd, draft agenda. Closed session, should be 8:00, 8:30.

>> Councilmember Constant: 6:00?

>> Mayor Reed: We should talk about whether or not we are going to cancel the June 30th meeting.

>> Lee Price: Did you want to talk any time certain on the 16th?
>> Or whether to start early on the 16th?
>> Lee Price: It's a very large agenda, and we didn't know if perhaps you want to get an earlier start perhaps as we often do in the latter part of June and sometimes in December. We've already noted that your closed session begins at 9:00.
>> Mayor Reed: Well, we have the concurrent items that we discussed about, that will be heard early on. Beyond that, some things are in the evening. Is there something else that ought to have a more certain time?
>> Lee Price: Just wanted to know whether you wanted to start the regular session a little earlier. Sometimes we start at 10:00, 11:00 in the morning, if -- just a thought, because we know there's a lot to go through. And if it's something you want to entertain.
>> Councilmember Constant: I imagine our closed sessions take at least a couple of hours.
>> City Attorney Doyle: Right now we just have one litigation item, but we have labor. That's why we started early.
>> Mayor Reed: I think we're going to need the full three hours for closed session. And if we don't start earlier than 1:30 we're going to go late on the 16th.
>> Lee Price: Just bring your sleeping bags and we'll have lots of snacks.
>> Mayor Reed: Basically we'll go through dinner, take a very short dinner break and make up some time. If the clerk can arrange for some food. Let's do that if necessary.
>> Lee Price: Got that Nora?
>> Okay.
>> Mayor Reed: And then the evening part of the agenda -- a lots of land use items.
>> Lee Price: North San José item, show up on the amended agenda be heard in the meeting.
>> Mayor Reed: What else will be kicked into the evening?
>> Lee Price: That's it.
>> Mayor Reed: Okay, I think we're all right with a 9:00 start.
>> Okay.
>> Mayor Reed: On to the 23rd. In which I think we're going to have to start earlier. Let's talk about whether or not you can cancel the June 30th meeting. Because that will affect the schedule on the 23rd. If we're going to get everything done on 23rd we're going to have to start earlier which is usually preferable to coming impact the following week. There are items that we cannot do if we don't do them on the 30th, that you know, are time sensitive?
>> City Attorney Doyle: We've, in anticipation that the 30th might be cancelled, we have added those items on the 16th, or the 23rd, which are -- which have to get done. And so we've taken care of that.
>> Lee Price: Then on the preliminary list of agenda items that we have noticed under item 7, today's schedule of meetings, we have items listed that staff needs for the council to take action on before the July recess. And so we were tickled for the June 30th meeting, and reviewed them this morning in agenda review and confirmed that the items on this tentative list do need to be dealt with. And so if the council wanted to cancel the June 30th meeting, then the items on this tentative list then would need to be bumped to the 23rd.
>> Mayor Reed: Okay.
>> And a sunshine waiver would need to be requested.
>> Mayor Reed: On some of those?
>> Well, actually the items that were noted for early distribution, we've missed the opportunity to get them out, but we would get them out in the regular June 23rd packet that goes out on Friday. If you look at the June 30th items, most of them are on the consent calendar. They're routine items that are impacted by the approval of the budget the next fiscal year budget.
>> Mayor Reed: Why don't we start there then and treat this June 30th list as a discussion of the June 23rd meeting and see if any of these can't be bumped to the 23rd for some reason or another. I haven't seen this list before, so I want to just take a minute to take a look.
>> Lee Price: And if I could note, this is a draft. In some cases we don't have all the information you would typically see, but we wanted to bring you a list of the items.
>> Mayor Reed: Item 6.2, the federal recovery act tier 1 resurfacing project, we can move that to the 23rd. I think if I understood it right, all these are okay to move to the 23rd --
>> We're prepared to release memos by Friday. In the event that we would not be able to release by Friday, it would be early next week.

>> Lee Price: The only item on here if I could just real quick, is the IPA. But the IPA indicated she'd be willing to go in August.

>> Mayor Reed: Okay.

>> Lee Price: Is that right? Okay.

>> Councilmember Constant: Personally, I would rather have a short meeting on the 30th than make the already long meeting on the 23rd even longer.

>> Mayor Reed: I'd rather not have a meeting. But --

>> Councilmember Pyle: I'd rather not have one, too.

>> Mayor Reed: I am going to be here, I'm not going to be gone. I know councilmember Pyle is going to be gone.

>> Councilmember Pyle: I'm not going to be here.

>> Mayor Reed: I don't know who else we might not have on the 30th. And based on past experience, it's easier just to gut it out when you know you don't have to meet the next week. All right, let's go back then to the 23rd, administrative draft and take a look at what's on there. Thinking that we might want to change the start-times, we'll come back to that after we look at the whole agenda, and we'll think about it. Anything else other than page 1 starting times, page 2 or 3 -- whoops, I'm on the redevelopment agency agenda. Let me back up, I got ahead. Okay, anything on 2 or 3? Page 3 or 4? 4 or 5? 6 or 7? 8 or 9?

>> On item 3.4, this -- the completion of this item is contingent on getting the May financial reports which we just got this week. So we'd like to request a waiver and get this report out by June 15th.

>> Mayor Reed: That's 3.4 is various budget actions for '08-'09?

>> For the fiscal year, uh-huh.

>> Mayor Reed: Anything else on 8 or 9? 10 or 11? Now, on this agenda, we will have to hear some budget items first.

>> And that's noted under 3.5.

>> Mayor Reed: Anything else on 10 or 11? 12 or 13?

>> On 5.2 is already referenced as an add for the 16th.

>> Mayor Reed: That's waiver of outdoor event cancellation fees.

>> Right. And then 5.3 is the HNVF language. This item has -- what we've -- what we're proposing to do with this, the meeting is not for the final decisions is not until tomorrow, and so we'd like to issue a supplemental memo and recirculate MBA number 9 which would stand as a staff report for the council agenda meeting with a supplemental that provides all the results from tomorrow night's meeting.

>> Mayor Reed: The recommendation in the budget message which the council has not yet discussed was to have the HNVF leadership committee have another meeting and take another look --

>> Right.

>> Mayor Reed: At the funding strategies. And that's the meeting you're talking about that's happening tomorrow.

>> That's tomorrow.

>> Mayor Reed: Okay.

>> We'll issue a supplemental by Friday and then the combination of MBA number 9 and the supplemental will be the staff report.

>> Mayor Reed: All right. Anything else on 14 or 15?

>> City Attorney Doyle: Mr. Mayor, item number 7.2 is an ordinance. The second reading won'ting until August. Understanding that there is outreach, and there's -- we know that there's some concerns by members in the architectural community and we want to make sure there's plenty of time for people to review it.

>> Mayor Reed: That's the green building ordinance for new private sector construction?

>> City Attorney Doyle: Yes. This won'ting formally adopted until August but this would be the first reading.

>> Mayor Reed: When is the ordinance published, or has it been?

>> City Attorney Doyle: It's after approval it's approved for publication after the first reading, which is this time, and then we would -- the adoption would come back in August.

>> Mayor Reed: This has already been to the transportation and environment committee. And so what we're going to have on this agenda is the ordinance that you drafted after going to T & E committee?

>> City Attorney Doyle: Right. The T & E could not take action because they did not have a quorum. They heard it but didn't take any action.

>> Mayor Reed: I'm wondering how long it's been out for review, since the T & E committee.

>> City Attorney Doyle: Ten days since the T & E committee.

>> Since late May.

>> Mayor Reed: Anything else on 14 or 15? 16 or 17? 9.1 is a cooperation agreement. I thought we did that between the City of San José and redevelopment agency at that time last meeting.

>> City Attorney Doyle: This is for the next fiscal year.

>> This is for the next nine months, mayor, annual cooperation agreement.

>> Mayor Reed: What did we do at the last meeting?

>> Perhaps -- are you referring to the transfer of various funding? There was a lot of PSMs that went through.

>> Mayor Reed: It was just called a cooperation agreement.

>> City Attorney Doyle: That might have to do with the loan, the interfund loan.

>> Maybe it was the interfund loan.

>> City Attorney Doyle: We have a lot of cooperation agreements.

>> Mayor Reed: That was I guess my question. Is there more than one.

>> City Attorney Doyle: Master cooperation agreement.

>> We do a lot of cooperation agreements.

>> Mayor Reed: That's good. [Laughter]

>> Mayor Reed: Anything else on 16 or 17? I have some requests for additions, excused absence for Vice Mayor Chirco, excused absence for Councilmember Nguyen. Any other request for additions?

>> Councilmember Constant: I just had a quick question for the clerk. The senior commission appointments that I was so tardy on, would those be coming on to this agenda? I know we got the memo out just a few days ago.

>> Lee Price: They're on today. Are we noticed to ask for a one week turnaround on those appointments? So they'll actually be on the 16th. Yeah, so you're going to approve those today, and then we'll bump those to the 16th.

>> Councilmember Constant: Okay, thanks.

>> Mayor Reed: Let's go back and talk about whether or not we want to take all those tentative items and put them on the 23rd. That would be my preference to make it happen. We'd need to start the meeting early, probably start closed session at 8:00. Notice the council meeting for 10:30 or 10:00, be optimistic that it would only take two hours for closed session.

>> City Attorney Doyle: We can notice it for 10:00 and start when we're --

>> Mayor Reed: Start when we're done with closed session.

>> Most of these --

>> Mayor Reed: There's a lot of stuff that should be on the consent calendar which probably won't promote much discussion.

>> Councilmember Constant: Is there anything else we can move to consent?

>> Mayor Reed: Well, that's a good question as well.

>> Yeah, what we refer to internally as the megamemo that can be moved to consent, the approval of the budget just allows for this action here authorizes the director to execute. I'm getting tongue-twisted today.

>> Lee Price: I'm sorry, Deanna, which item is that?

>> 5.2.

>> Mayor Reed: 5.2 on which?

>> On the --

>> Mayor Reed: On the 6-30 tentative.

>> Lee Price: So you're indicating that could go to consent?

>> Right. This item just allows for the director to execute all of the agreements that are approved as part of the budget. And since the budget will be approved first --

>> Mayor Reed: Then we don't need to have a discussion, and won't.

>> It is largely consent.

>> Councilmember Constant: I would just say let -- by next week, just have between the manager and the clerk, figure out as many as can go on consent as possible.

>> Lee Price: We actually did quite a bit of that this morning at the staff level. Thinking that along those lines.

>> Councilmember Constant: And then, the joint financing authority agenda can be moved up a week, no problem, too?

>> Lee Price: Yes.

>> Councilmember Chirco: On 6-30, this is the only item that isn't consent.

>> There's a financing authority. But that should be fine.

>> Mayor Reed: Yep. Okay, anything else that we can think of that we can put on this agenda to make it longer? [Laughter]

>> Mayor Reed: Let's hold until August.

>> Councilmember Pyle: Don't work overtime.

>> Councilmember Chirco: I'd like to move approval of combining June 30th and June 23rd.

>> Councilmember Pyle: Second.

>> Mayor Reed: All right, we have a motion to approve the June 23rd agenda, adding the items off the June 30th draft agenda.

>> Councilmember Constant: What were the time changes again just so I'm clear? 8:00 close?

>> Mayor Reed: 8:00 start for close, 10:00 notice for open session.

>> Lee Price: 8:00 and 10:00, okay.

>> Mayor Reed: Extra couple hours before we take our lunch break. Then, we'll -- if that's approved then we'll come back and talk about the sequence. Because what we want to take in the morning. All in favor. [ayes]

>> Mayor Reed: Opposed, none opposed, that's approved. Now, in the morning, the budget actions that we have to take, before we can take a lot of other actions, would need to be in the morning. We haven't looked at the redevelopment agency agenda. Can we get all that done in the morning?

>> We expect the agency's agenda will be about 20, 25 minutes on the 23rd.

>> Mayor Reed: Okay. That would be good to do in the morning. Is there anything else in particular you want to talk about in the morning other than starting with the agenda?

>> Councilmember Pyle: Consent is quite large.

>> Mayor Reed: Consent calendar, we can take it up in the morning. The one thing we'd do at 1:30, that would be to do the ceremonials at 1:30 still. Then wherever we are in the agenda, just move ahead.

>> Lee Price: Okay, so just sequencing then, 8:00 a.m., closed session, 10:00 a.m. begins with the budget items, REA consent, and at 1:30 starting with the ceremonials and the balance of the agenda?

>> I don't know if that's an item that you would want to take up in the morning or not.

>> Councilmember Constant: Are we going to have a lot of people here on that one, do you think?

>> We are having some from out of town come.

>> Mayor Reed: 2.6, governmental models city retirement plans.

>> These are the consultants.

>> The consultants are coming from Toronto I believe.

>> Councilmember Constant: They may have flight schedules. Maybe make it time-certain after 1:30 for them.

>> Yes, we would suggest a time-certain because they're consultants. We don't want them sitting around.

>> Mayor Reed: We could set that for 2:00, when we get the ceremonials in, whatever filler we need and just take them at 2:00.

>> Okay.

>> Mayor Reed: Any other issues on time-certain, we can take a look again at next week apples Rules Committee after it's sorted out a little bit. Okay. That's done for council meetings. Do we need an action to cancel the meeting of June 30th?

>> Councilmember Constant: So moved.

>> Councilmember Chirco: Second.

>> Mayor Reed: Motion is to cancel the meeting on June 30th. All in favor? Ayes.

>> Mayor Reed: Opposed? None opposed, that's approved. Redevelopment amended agenda June 16th. Starting time needs to be modified, whatever it is, 9:00, I guess. Anything else on page 1, 2 or 3? Page 4 or 5? We have the convention center expansion actions which we're going to hear with 9.2 or something, the convention center facilities district during the council meeting.

>> Mr. Mayor, if I could, just to elaborate on that convention center item, Rules Committee last week asked that this item be held in conjunction with, dare not say concurrently but about the same time as the convention center facility district item which is being reported out on the council. So to keep both items being heard before simplifies it for the public who would probably want to come out and hear the items. It is correctly item 9.2 on the council's, but it would be heard with.

>> Mayor Reed: Okay. Anything else on 4 or 5? One request to modify language on 6.1, the language -- not language -- tree establishment services recommendation to defer to June 23.

>> That is correct. My understanding is that we need to match that up on June 23rd with the budget that carries the money for the item.

>> Mayor Reed: Let's not get ahead of the money. Any other changes?

>> Councilmember Pyle: Move to approve.

>> Councilmember Chirco: Second.

>> Mayor Reed: Motion is to approve as amended. All in favor. [ayes]

>> Mayor Reed: Opposed, none opposed, that's approved. Redevelopment agency 23rd, got to modify the start times on page 1, anything on 2 or 3? Page 4 or 5?

>> Councilmember Pyle: 8.3.

>> Mayor Reed: 8.3 is the --

>> Councilmember Pyle: Deferral?

>> Mayor Reed: Recommended deferral to August 11th. That's the Cupertino flames restaurant, something-or-other. We have 8.1 and 8.2 again relating to the convention center. That's construction related stuff. Anything on page 6 or 7? Any other changes or additions?

>> There are no other changes or additions in that agenda.

>> Councilmember Pyle: Move to approve.

>> Mayor Reed: Motion is to approve as amend. All in favor [ayes]

>> Mayor Reed: Opposed, that passes. We don't have June 30th redevelopment agency agenda to deal with. Updates, nothing on state or federal.

>> Just as a quick note, we will be issuing an info memo on the status of the state budget and the impacts to San José.

>> Councilmember Pyle: I can hardly wait.

>> Mayor Reed: I have a question. David Wall, you wanted to speak on something. It's just not clear what you wanted to speak on. (inaudible)

>> Mayor Reed: Okay. (inaudible)

>> Mayor Reed: We're not dealing with the substantive issues on those agenda items anyway.

>> David Wall: Okay, that is fine, there's a card in there.

>> Mayor Reed: Okay, you can speak to it when it gets to the council. Meeting schedules, we already had the discussion on the 30th. Public record. Anything from the public record the committee wishes to pull for discussion?

>> Councilmember Constant: Yes, mayor, item A from the senior commission, I'd like to have that forwarded to D.O.T. I know that what they're requesting, the action on the crosswalks, is something that we did at the cypress senior center after the double fatality that occurred from our clients at that time senior center out there. And I think from what we have found there, that it might be beneficial to do in other areas.

>> Mayor Reed: Okay. Refer that to D.O.T. Anything else on --

>> Councilmember Chirco: I would move to note and file with the exception of the one item, A.

>> Councilmember Pyle: Item A, second.

>> Mayor Reed: Motion is to approve the referral and note and file the rest. All in favor? [ayes]

>> Mayor Reed: Opposed, none opposed, that's approved. Appointments to boards, commissions and committees.

>> Councilmember Constant: Can we go back?

>> Mayor Reed: Certainly.

>> Councilmember Constant: We had item F.

>> Mayor Reed: Public record item F.

>> Councilmember Constant: Yeah, since we have the item on the IPA hiring process coming on one of those two agendas, maybe just putting this with that item. Because if you look, there's a significant number of community members that have commented, just so that it's part of the packet.

>> Mayor Reed: That's on the 23rd agenda, I think so, may of make sure that's part of the record. Make sure councilmembers get it.

>> Councilmember Pyle: Cool.

>> Mayor Reed: Appointment to commission, senior citizens commission, recommendation of Councilmember Constant to reappoint incumbent commissioner Pat Hall and Mike Davis and appoint new commissioner Rene Lovato to the senior citizens commission.

>> Councilmember Constant: I would move for approval with a one-week or cross-reference one-week turnaround.

>> Second.

>> Mayor Reed: Okay, motion is to approve and get it on the council agenda on the 16th. All in favor? [ayes]

>> Mayor Reed: Opposed, none opposed, that's done. Appointments, reappointments to downtown parking board, memoranda from myself and Councilmember Liccardo to appoint Bob Carlson and Nick Nichols and reappoint Jim Renelle to the downtown parking board.

>> Councilmember Constant: I make the same motion with cross-reference for next week.

>> Councilmember Pyle: Second.

>> Mayor Reed: Motion is to approve, get it on the council agenda next week. All in favor. [ayes]

>> Mayor Reed: Opposed, none opposed, that's approved. Public-private partnership update, we started this last time, didn't get much done on it, because we ran out of time. Try to get it finished off today.

>> Albert Balagso: Good afternoon, Mayor, members of the committee. I've got Neil Ruffino with me, the superintendent for Parks, Recreation, and Neighborhood Services. Last week we brought forward a report. Ed Shikada did do a brief overview of the contents of the report. However, included in the report are three policy revisions that we wanted to bring forward. Neil Ruffino has been working on these policies with a number of departments, and we wanted to first off do a brief PowerPoint to give you the comparison of what the existing policy is versus the broad changes we're proposing and then allow for the committee to discuss what you might want to interject into what we're proposing. So I'm going to hand off the presentation to Neil.

>> Neil Ruffino: Good afternoon, again, Neil Ruffino with Parks, Recreation, and Neighborhood Services. I do want to note before the presentation started that we also submitted a red-line version of the policies inside your packets. The red-line version was our attempt to identify some of the changes that were made on the policy as best we could. It's not an exact word for word 100% red line version, but it kind of does show where we point, and we've made some moves around the documents. And if needed we will make any of the adjustments to make it 100% accurate before it goes to council if that's needed. But to just go over the policies itself, the outcomes that we're looking to do here is, one, we want to rescind policy 1.8, which is the city fee for community projects for which donations have been received. We're officially asking for that policy to be rescinded. However, the intent and majority of that language we are incorporating into the new policy, or the revised policy 1-17, which is fundraising sponsorship and contribution guidelines. So it's one of our efforts in terms of the P3 was how to better align these policies, you know in this sense we saw two policies that had very similar intents and we want to put one together so staff would have an easier way to find these things. Again, approve the new language for policy 1-17, and approve the new language for policy 7-5, which is the naming of city owned land and facilities. Again, as Albert mentioned, it's been part of the public-private partnership effort that we and staff in other departments have been working on for the last year. Again, we want to look at creating better efficiencies and more cohesive policies, and again, the changes here have been worked through multiple departments and presented to the Park & Rec Commission, the Library Commission as well and the Youth Commission. Policy 1-8. On the left side of this chart we have the summary of what the original policy stated. It's established in 1983 -- it was established in 1983. I did a process to accept and assess and identify financial commitments needed to accept donations. It mandates the city to pay certain costs, and it mandated an establishment of a project reserve fund for the Park and Rec Department. In our effort to look at this we want to expand the flexibility for the department and the city. But the intent in terms of the cost-benefit analysis we felt was sound. So we incorporated those section into policy 1-17, and it adds language to allow the city to have more flexibility in regard to financial commitments. There are statements in 1-8 saying the city shall pay for architectural fees, et cetera, and we change it to the city may pay or joint consensus type of language in there. It also again established a mandated project reserve fund that would have to be looked at annually and reallocate what we spend throughout the year and we just removed that directly to allow more flexibility for the department to manage that. We felt that again the intent of the cost benefit analysis and how to look at those projects for what the city should do was sound and we moved that into policy 1-17. For policy 1-17 which is the revenue generation sponsorship type policies, again this was established in 2004. And one of the major changes we did in this policy -- in the new policy was, we really just organized a lot of the text in a more cohesive manner. We created a disclaimer section. One of the recommendations, we had it brought forth to some of our private company partners that would -- eventually we'd be talking to around sponsorships,

and they talked to us about there's a lot of negatives, thou shall not, you cannot do throughout the original policy. While we know those were needed in terms of managing our liability, we moved those sections to the back end of the policy called disclaimers in all the kind of efforts and parameters of how we need to operate are in the back side of that. We moved the definitions to the back which again allowed staff, when they want to look at this policy to figure out how they should move forward, they can jump right into the policy directly, reorganize under authorities and guidelines. So it's a little bit easier I think for staff to follow. But the initial policy did provide a framework and process to assist departments to move forward with these activities. The intent is the same. We kept the majority of the process language the same. In a sense the departments news are must develop a specific fundraising plan. They need to move it forward to the City Manager for approval and then they can move forward and implement. That effort is the same but we also added a language that's pretty standard that the City Manager office does have the ability to cede that authority directly to the department's director with a written request from the director. Again trying to look for ways to add more flexibility and authority for departments to move and make these type of efforts more attractive for departments and for private companies. One of the other statements in policy 1-17, it was really unclear if the interiors of buildings and or amenities we under the preview of this document or the naming policy. So we wanted to make that specifically clear, and we state that the naming of interior buildings and minor amenities which the attorney's office defined for us will not be subject -- will be subject to this revenue-generating policy and not 7-5. So for example, the Roosevelt Community Center as a larger entity building goes through the traditional naming process of the commission to the council, but we would have the ability, in terms of a sponsorship plan, to name the gym the Adobe Corporation's gym, or put up a plaque saying the gym is sponsored by Adobe, without having to go through the commission to the council for approval of all the smaller amenities inside of a building.

But the larger land and buildings still would remain with the traditional process of council approval. Again, it incorporates language and the intent in the policy 1-8 which we discussed and it updates sections to meet some of the new council ordinances, like the new long-term lease policy that was approved earlier this fall. For policy 7-5, again, we looked at in the same view of how can we make it a little bit more efficient, more flexible for the departments to work. Again, we organized the text in a different manner. It provides the process for the determination of names through the commission or appropriate committee, and to council. We've kept that system the same. That does not change the process. Again, it was unclear if interior or amenities were allowed, we made that clear in both policies. The process also opens the ability to name after groups or businesses. It's specifically stated that we could name buildings after individuals with you know some experience or some world efforts that they've had. We have the language that yes, a building or a group you know the rotary has come a few times around what they would like to put donations in and do they have the naming rights on that? We're opening up for that to be more allowable to happen. We opened up the policy to allow the revenues raised around sponsorships to actually be used for operations as well. Again we update sections to meet the new county ordinances. There was a small section there that identified a mini-park designation. Our department actually didn't use that term at all, so we just removed that out of there. And it strengthens the commitment to official or historically named land or facilities. So we want to ensure that there was a stronger commitment to what already council has set forward. So again, for example, Roosevelt community center is an historically named community center. We have language in the policy that if Adobe would want to sponsor and name it, we would work with them to encourage it to be called something like Adobe's Roosevelt Community Center or the Roosevelt Community Center sponsored by Adobe, to keep a historic name still attached to the building or the facility. But again, that is more open for the type of negotiations that we'd be doing in terms of looking forward toward this type of effort, which is fairly new. I think other than the larger buildings like the arena, in terms of naming rights, we don't at this point sell our naming rights for our community centers. But this provides us a stronger option to start looking to that direction and provide new sources of revenue for ways for us to do that. So with that, I am open -- we are open for questions.

>> Mayor Reed: Okay, Councilmember Pyle.

>> Councilmember Pyle: I'm referring to the first page, under rescind, 1 to 8. Do we have that many community projects for which donations have been received? I mean, how much money are we talking about here?

>> Albert Balagso: It's really, Councilmember Pyle, at the infancy stages. Most recently the one that has come forward has been the Rotary Ryland pool. And even that one was done, there was no policy in place, so what they did is, they went through the commission, in order to make that happen. So a more

arduous process versus if there was a sponsorship policy in place, it could be for \$10,000 you can buy the name for five years. Or if you wanted to put a sponsorship say for whatever amount of time you could quantify that into a life cycle. Say 15 or 25-year cycle. The allowable we have based on measure M is 25 years.

>> Councilmember Pyle: Oh, okay. This is somewhat similar to what we've done with the libraries. And the donations there go toward specific items, i.e. books for particular cultural groups and/or other desired features. So there's something that is a bit of a prototype.

>> Albert Balagso: Correct. The libraries are actually ahead of us in naming the interiors of buildings. We haven't embarked on that in Parks, Recreation and Neighborhood Services. We have also been approached of ideas, say, perhaps with the Lake Cunningham regional skate park, of naming elements within the skate park. Or you could -- we actually have a strategy in place, you could buy the name of the skate park. But these are all that we've -- it requires a plan approved by the City Manager, but how we would approach and be able to solicit sponsorships.

>> Councilmember Pyle: I think this is great. You're ahead of the game and ready to go. Thank you.

>> Mayor Reed: Had a couple of questions. I'll let Pete go first.

>> Councilmember Constant: My question is similar to yesterday's question on how this is going to affect other policies. Nancy mentioned the library. So are we now, with this policy, going to mirror what they're doing or are there different things and then how does that apply to other departments throughout the city?

>> These are actually citywide policies. It's not just park and rec. So these -- and again we did work through with the library staff as well as general services in sense that they own buildings but usually we're not looking to find people to sponsor the warehouse.

>> Councilmember Constant: Right.

>> We did cover with them that these are citywide policies that should be worked on throughout the departments.

>> Councilmember Constant: That supercedes what we have with them.

>> The fire department on their heart-safe city defibrillator program, it kind of helps them walk through the current policy and then to move forward with that. But yeah, it's existing city departments were actively doing this are following the process currently. We're just trying to make it a little bit easier for them to do it.

>> Councilmember Constant: Okay.

>> Mayor Reed: Starting maybe at the beginning, measure M, you mentioned that Albert.

>> Albert Balagso: Uh-huh.

>> Mayor Reed: Is there anything else we have to do to implement measure M or will this be it, so you can do whatever opportunities come along, you can try to leverage them?

>> Albert Balagso: I believe this is it. This provides the parameters on how to apply that.

>> Mayor Reed: Okay. Most of my questions are on the naming of city owned facilities and land policy. There is 7-5, proposed. We have another policy on street renamings, somewhere. I'm not sure where it is. But this does not mention whether or not it applies to streets or not, but at least a cross-reference to people don't get expedited about --

>> I believe it does -- it doesn't. I believe it does. Let me find that section. But yes, it is not supposed to affect naming of streets.

>> Mayor Reed: I know I don't consider facilities to be streets but people in the transportation business do. I know there's some confusion about the word facility. So if there's not a specific reference to the street naming policy let's just you know, cross reference it somewhere. The other change that I think is -- deserves some discussion because it may be significant is from the old policy on naming, we used to talk about, well, are they dead or alive. And is there, you know, have people been around long enough so we can sort of assess their body of work before we start naming or renaming facilities for them. And this doesn't carry forward some of that language from the old policy.

>> I think when we reviewed the older policy again it wasn't really either that clear as well, I mean it was open for either -- and a person who was currently alive or who has passed. So I think the way we did it, just to open it up, is just to talk about their -- you know, measure of significance in terms of the contribution, again, I mean it's -- I think we've had both -- we've had multiple, both cases. I mean across naming city facilities over the last few years. So I think it was more on the merits that the commission or the appropriate committee would have to weigh.

>> Mayor Reed: Well, I'm not interested in encouraging a land rush to rename city facilities in -- I'm not necessarily interested in make it easier. So the old policy used to say that existing names are deemed to have historic recognition, city policy is not to change existing names except when no other appropriate facility is available. The new policy just says it's our preference not to change existing names. I think it ought to be stronger language.

>> Okay.

>> Mayor Reed: Because it is so much easier to name a new facility than it is to changes the name on a facility. Every one invites a big public fight, and I just think we ought to discourage that and only have a few big fights, instead of lots of them. Having been through a few. And then the other one was, back to the dead or alive sort of category, the recognition of individuals who have paid a significant contribution to the community, state, nation or the world, is pretty much open-ended. And I think we need to ties that back somehow, to San José, with some connection to San José, you know, a lifetime of work or a body of work or something. Because there are -- everybody who has a favorite person thinks they should be -- something should be named for them. And I don't want to set off that kind of argument. Now, in the general provisions, there is a little bit more language to talk about, if an individual is provided extraordinary contributions to the community, there's a little bit of qualification there. But I'd just like to have some more qualifications on that. It's sort of a lifetime achievement ward. Maybe they haven't passed, but they've been around long enough to know that we can assess during their lifetime. Because these names are forever. And I don't think a whole lot of thought gets given to some of them because, hey, we like this person, it sounds good to some commission. There it is in front of the council and suddenly we have a knock-down, drag-out because we're changing some historic name. We sort of fixed it on the streets, we've made it so hard that nobody wants to do it.

>> Councilmember Constant: I think what's missing is the connection or the nexus to San José. Because you know, the way -- like, say, the world. You could have someone who's never been in San José in their life, never contributed anything to San José, in their life. But they're just well-known and they get something named after them. And I think when you're talking about facilities that are owned by the public, that serve the community of San José, there should be some demonstrated nexus or connection. And I think that would help narrow the scope.

>> Mayor Reed: Especially if they're not deceased. I'm thinking of the Dr. Martin Luthur King library. I don't know if Dr. King was ever in San José, or if there really is a San Jose connection. It's obviously of extraordinary importance to San José, as well as the nation. So I wouldn't want to exclude that. But what I wouldn't want is people coming up with here's my favorite person, I'd like to get a committee together, get it rolling with half a dozen people and suddenly it's before the city council and we have an argument about it.

>> Councilmember Constant: I agree.

>> Mayor Reed: So I'd like to see that tightened up a little bit. I think those were my questions on that. Any other comments or questions? This doesn't have to move in June, does it?

>> Albert Balagso: 7-5 I think we can hold off on. If you are okay with 1-17, the sponsorship policy, I'd like to start advancing that one. We have I think a great opportunity, even though it doesn't open until the spring of 2010 with happy hollow park and zoo of a lot of sponsorship opportunities there, and we'd like to start moving forward with that.

>> Mayor Reed: Well I think 1-8 elimination and 1-17 approval would be okay.

>> Albert Balagso: Around we'll go back and work on the 7-5.

>> Councilmember Constant: Just going back to 7-5, the nexus wording could be either a direct nexus, with San José and its community, or has made a significant impact on the San José community. That would cover people like Dr. King and others, whose work nationally or internationally has significantly impacted our local residents and their quality of life. But it would keep out the other type of issues. So it's just a suggestion for as you're going on wording.

>> Mayor Reed: So for scheduling purposes, what council agenda, the 23rd?

>> Albert Balagso: 23rd is fine.

>> Councilmember Constant: It's kind of a slow day. Sure.

>> Mayor Reed: For one day, 17. I don't think one day, 17 will generate discussion.

>> Albert Balagso: We're okay with consent, if that's okay with you. [Laughter]

>> Mayor Reed: Is there a motion?

>> Councilmember Constant: A motion to move forward 1-17, and to little more work on 7-5.

>> Albert Balagso: If I may also clarify, let's also rescind 1-8.

>> Councilmember Constant: Rescind 1-8, implement 1-17 and come back with 7-5.

>> Councilmember Chirco: Second.

>> Councilmember Pyle: The request, were you kidding when you talked about consent?

>> Albert Balagso: No. [Laughter]

>> Councilmember Pyle: So could that be part of the motion?

>> Councilmember Constant: Sure.

>> Mayor Reed: Okay, part of the motion.

>> Councilmember Pyle: Thank you.

>> Mayor Reed: Motion is to move ahead with the rescission of one, adoption of one, more work on the other. All in favor? [ayes]

>> Mayor Reed: Opposed? That passes. Lot of work on these policies, but hopefully we'll put them to good use. Okay, monthly report of activities for May, City Auditor.

>> Sharon Erickson: Sharon Erickson, City Auditor, good afternoon. During the month of May, we issue three reports, the audit of auto theft investigations, the San José Conservation Corps audit. That one, I want to point out, was deferred at the Public Safety, Finance and Strategic Support Committee meeting of May 21st. So we'll be hearing that -- the committee will be hearing that on June 18th. And the final audit that we issued was the semi annual compliance audit of the city's investment program which was attached to the third quarter investment report. We're trying to just tax those to the relevant reports so that they fit together. Activities during the month of may, included us requesting input and audit suggestions from all of you from senior staff for our work plan. I'm tentatively hoping to bring that back to this committee on June 24th, if that's okay with you. Other assignments in progress include the audit of employee medical benefits which is scheduled for next week's Public Safety committee meeting. On the audit of the city's management of federal recovery act funds, is our preliminary assessment of the controls that the city has in place to accept those funds and to meet the accountability and oversight requirements. I'd like to bring that back to this committee if we could on June 24th, as well. It applies citywide, so it seemed peculiar to take it just to the public safety committee meeting. And then the final thing I wanted to point out is, we have launched our police sworn/ nonsworn staffing review, and the anticipated release date is TBD, but we will make sure we have that for your consideration in time for next year's midyear budget review. And that's my report. I'm happy to answer any questions.

>> Mayor Reed: Okay, I have a couple of things. First, on the federal stimulus funds, the ARRA act. One specific problem I'd like for you to take a look at has to do with transportation funding, regarding the maintenance of efforts requirements that are in the federal statute.

>> Sharon Erickson: Okay.

>> Mayor Reed: If the state of California takes our proposition 42 funding or other transportation dollars, will we be -- will we have a problem with the maintenance of efforts provisions in the transportation section of that bill?

>> Sharon Erickson: Okay.

>> Mayor Reed: If we don't cut something else to back-fill the money the state takes.

>> Sharon Erickson: Got it, okay.

>> Mayor Reed: Because we may not be able just to say, okay, we're not going to pave because we're required to have the maintenance of efforts clause. I'm worried about that, it would be nice to know because as the state's thinking about how they're going to take our money that may need to be something we assert.

>> Sharon Erickson: I'll con per with the City Manager and DOT on that one.

>> Mayor Reed: Okay, and then the 24th meeting, I was going to talk about that at the next agenda. I think we need to have a meeting here of Rules and Open Government Committee on the 24th, so bringing that back then would be okay. And then I have one other matter, suggestion that I'd like to give you privately after the meeting.

>> Sharon Erickson: Okay.

>> Mayor Reed: So pass on to you to think about. Anything else? Auditor's report?

>> Councilmember Chirco: Move to accept the auditors's report.

>> Councilmember Pyle: Second.

>> Mayor Reed: Motion is to accept. All in favor. [ayes]

>> Mayor Reed: Opposed? None opposed, that's approved. Other committee meetings, Rules Committee the 24th, I believe that's on the schedule and should stay on the schedule, things that we need to decide about the August -- first meeting in August that we'll do on the 24th. We have nothing else

on other committee agendas. Open government initiatives. We have a review of Sunshine Reform Task Force recommendations regarding public records on fire department statistical reports. We got a staff status report on the fire department's ability to provide activity and performance data reporting.

>> Lisa Herrick: Yes, good afternoon, Lisa Herrick from the attorney's office. This matter is back on because the committee asked the fire department to return with a status report after implementation of an RMS system, and with that I'll turn it over to Chief Von Raesfeld.

>> Darryl Von Raesfeld: Thank you. Chief Von Raesfeld to the committee. There is a short memo that outlines it. While we haven't met our goal, we had anticipated to have an April timeline to get some of our stats on there. The report outlines several reasons why we've run into some issues with that. The report is asking for a December timeline for that. I will note, though, that we have, on our Website, and talking with some individuals, I think our statistics went to '04-'05, and they are now to be updated here in the next day or two, to get to the '07-'08 data on there. So those response data will be on there. It's not as clean or nice as we would like to, and what the informal report wants us to get to. But we hope that by December of '09 we'll have the staff working on this and be able to set the priorities for them to get to that to be completed.

>> Mayor Reed: Any questions on that? None. Okay. Anything else on that? Anybody want to speak on it? No. Then we just need to accept the report and approve the scheduling that's proposed.

>> Councilmember Chirco: Move to accept the status report.

>> Mayor Reed: All in favor opposed, none opposed, that's approved. Thanks chief. Any significant public records act requests? Have none listed so I assume there are none. Nothing on council policy manual updates. Open forum. Mr. Wall.

>> David Wall: Thanks to you, Mr. Mayor, and to the honorable Councilmember Constant --

>> Mayor Reed: Why don't you raise that microphone up so everybody can hear it.

>> David Wall: Oh, lord, all right. That's right, that's what you wanted to hear.

>> Mayor Reed: You can just pull it out of there or raise the handle, raise it up.

>> David Wall: You're doing good.

>> Mayor Reed: Okay, well --

>> David Wall: Of course you've always done good. That is one of the reasons I came today is to thank you personally for your service to the nation. Not many people know your outstanding service to this country and how it should be put forth for all to just marvel at. So thank you for that. Thank you for your cutting the salary routine, along with you Pete and the rest of the councilmembers that took your pay cut. Although arguably it could be more, but thank you for it. The other thing I wanted to make you aware of is, there are a couple of documents I put on the public record information that I gave testimony about at the Cupertino sanitary district. And I held Your Honor up to the highest regard. You had nothing to do with this and that your service is above reproach. I also said that the office of City Attorney was also exceptionally honorable and beyond reproach. But this environmental services department has been out of control since its inception on a variety of issues that time does not allow me to discuss. I gave testimony before the T & E committee that I do not believe that tributary agencies should have to pay for any of these costs associated with this environmental services building. That's opinion. It doesn't get to the master agreement. Now, for years, I have been telling them to be watchful about these funds and how they're in my opinion misused. Very easy to prove this. And I said to them that the cost the City of San José could arguably owe the 'tribs could be millions, because of how these things are played with. Played with in the sense that grown people with accounting backgrounds do what they do at environmental services department, and you rely on it, because it is a very complex department. Very few people understand how it works. I'm one of them who does. And so I wanted to tell you this ahead of the TPAC meeting so you're not taken surprise. Because I held you up to the highest standard and you're above reproach. All of you are, for that matter. But there are just serious problems. When you have to pay, for example, 70 to 80% of what that building cost originally, to repair it. For things I know, I will not talk about. And so that leaves you kind of hanging, like what I know and I won't talk about. But it's only fair -- no good would come of it if I did. And I almost would like to say, how you go about rescinding a public record request, because no goodwill come out of this, really. I wrote it because when I look at these budget documents time and time again I get irritated that these people --

>> Mayor Reed: Sorry, your time is up. Anybody else under open forum? Nope, we are adjourned. Thank you.