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>> Councilmember Chirco: If not, the first item is the -- as soon as I get there, the city council agenda for November 2nd. Page 1, page 2 and 3?

>> City Attorney Doyle: Madam Vice Mayor, item 2.2, the final adoption of ordinance, Cambrian 36 will come back for the second reading next week.

>> Councilmember Chirco: That will be added.

>> City Attorney Doyle: Yes.

>> Councilmember Chirco: Okay, page 4 and 5. 6 and 7. 8, and that's it.

>> Excuse me, Madam Chair, on Item 9.2, the city side of the redevelopment agency items, we'd like that heard concurrently with item 8.1 on the RDA agenda. We'll note that on the agenda.

>> Councilmember Chirco: Okay, thank you. And we do have some additional items. 2.4, absences, and Mayor Reed's travel to Seattle. Do we need any waivers? Is everything -- okay.

>> We will on the 9th.

>> Councilmember Chirco: Okay.

>> Just wait.

>> Councilmember Chirco: Just wait. If I can have a motion?

>> Councilmember Pyle: Motion to approve.

>> Councilmember Chirco: With the addition of the Cambrian 36 item?

>> Councilmember Pyle: With the addition of the Cambrian 36 item.

>> Councilmember Chirco: All those in favor, opposed, that item carries. The know 9th agenda, starting at 9:00.

>> City Attorney Doyle: Council appointee evaluations, start at 9:00 and will run consecutively until they're done.

>> Councilmember Chirco: Okay, page 2 and 3, 4 and 5.

>> Excuse me, Madam Chair. On item 3.3, the airport commercial paper item, we would like the sunshine waiver on that, it didn't go out on the early distribution packet but should be out today or tomorrow.

>> Councilmember Chirco: There is a note on mine something about switch. Is that 3.2, 3.3?

>> Yes, we're going to switch. We have some outside consults coming so we would like to hear that right after consent.

>> Councilmember Chirco: All right, page 6 and 7, I have no additional -- wait a minute, there's more. 8 and 9. Little eager. Okay, I have no additions for this agenda.

>> Councilmember Pyle: Move to approve with amendments.

>> Councilmember Chirco: Okay, I have a motion and second. With the changes as noted. All those in favor? All those opposed? Hearing none that motion carries. The next item is the November 2nd, RDA agenda. That's page 1. Page 2 and 3.

>> Madam vice care, Gary Miskimon with the RDA, two items oddly enough since we have only two items on the agenda. Didn't make the 10-day posting requirement and then the other thing, just to follow up on the city side, this is the item that will be heard in conjunction with item 9.2 open the council's agenda of the same day. Will be heard concurrently with 9.2.

>> Councilmember Chirco: That will be noted on the city council agenda?

>> On both agendas.

>> Councilmember Chirco: All right. And I have again no additions.

>> Councilmember Pyle: Move to approve.

>> Second.

>> Councilmember Chirco: We have a motion and second, all those in favor? All those opposed, hearing none that motion carries. November 9th. Gary, is there anything for November 9th?

>> My apologies, no, we have no items for November 9th. We would cancel that meeting at next week's rules if no items still exist.

>> Councilmember Chirco: Thank you very much. The next item, we have no legislative update. The public record, is there anything anyone would like to pull?

>> Councilmember Pyle: Madam Chair, as a matter of fact, I would.

>> Councilmember Chirco: Councilmember Pyle.

>> Councilmember Pyle: I can't find it immediately here. I did want to note on page 2 of the 2010 meeting summaries. For Santa Clara County.

>> Which item is it?

>> Councilmember Pyle: It would be B, item number B. I did go with David Vossbrink to the Santa Clara cities association, noting this is a regional airport we all share trying to come up with ideas of how we might improve attendance, a very good get together, hopeful for it, trying to get them started.

>> Councilmember Chirco: And then on item C, if we could refer that to the pension task force. It's the item from the Santa Clara County cities association, submitting documentation benchmarked, marking the City's status on the two-tiered retirement system. Okay can I have a motion to note and file if there are no-d.

>> Councilmember Pyle: So moved.

>> Second.

>> Councilmember Chirco: Motion and second to refer the remaining items.

>> Councilmember Pyle: Note and file.

>> Councilmember Chirco: Note and file the rage items. All those in favor? All those opposed, hearing none that motion carries. Item -- there are no appointments but G 2, we have two work plans. We have the library commission work plan and the early care and education commission. If there are no questions, I do have a speaker card for item G 2 (a) and (b). David, you have two minutes.

>> David Wall: First, there was a speaker card for public record. But apparently that did not get to Your Honor.

>> Councilmember Chirco: Is there a --

>> Oh, I thought it was open forum.

>> David Wall: This is getting out of control with these yellow cards. I've been quite reasonable about this and this is not Your Honor's fault by I am sick and tired of these flubs. I don't appreciate it. But in any case, on 2 (a) and (b), I think this work plan is too ambitious, with the work that is not going to be there, for a more reasonable work plan, 50% reduction in funding possibly worst-case and also to show exactly where the parcel tax fees are broken down and used within the library itself. I applaud the library on a variety of scales but I think they're biting off way too much with this work plan and I don't think it's reasonable to put all this upon their shoulders and then next year when there's no money or less money, to have to start paring back, to see what you can actually accomplish and fund. But as to these yellow cards, my patience is no longer patient.

>> Councilmember Chirco: Sara, if I could have the public record card. David, two minutes on item F.

>> David Wall: I appreciate Your Honor's leniency, since this matter has already passed. This speaks very well for your honors as a whole. This deals with this ongoing suppression of this Consortium for Police Leadership in Equity report, the public record. The -- I want to read you some from it on page 6. This is from directly the report. Quote, anxiety towards citizens. Anxiety was measured on a five point scale using six items that asks officers to indicate how they felt when approaching a white or Latino suspect. Officers indicated how uneasy, nervous, threatened, uncertain, uncomfortable and anxious they felt. These six emotions have been shown in prior research to be indicators of anxiety that is a heightened level of concern about interactions with a specific group. Under a policy of cross-deputization, officers showed an increase in the amount of intergroup anxiety they felt approaching Latino suspects while amount of intergroup anxiety they felt approaching white suspects did not change. When we asked officers if Latinos thought that cross deputization was a racist policy, the mean was the equivalent of, quote, agree close quote within the broader quote. Anxiety towards a group has been demonstrated in prior research to lead to a conflict escalation, impaired task performance, and an increase in hostility. All these are normal psychological responses to the anticipation that one will be disliked by a particular group but have the

unfortunate consequence of creating an environment that is more prone to violence for both law enforcement and civilians, period close quote. Well, the whole question setup or structure is predicated for a desired outcome in my opinion because the police officers that I've worked with for 21 years aren't afraid of anything. Not afraid of anything. So this whole report in itself, should be very highly scrutinized because in my point.

>> Councilmember Chirco: Sorry Mr. Wall, item F appears to be something from T-Mobile.

>> David Wall: No item F is the public record. There's items that I wrote about CPLE, I forget the actual code section. M and N, I just put item F for public record as opposed with the specific because that would confuse it --

>> Councilmember Chirco: Would 9 like to change are the motion? Or does the motion stand?

>> Councilmember Nguyen: Motion stands.

>> Councilmember Pyle: Motion stands.

>> Councilmember Chirco: All right. We have the work plans for the library commission, are there any questions by the committee?

>> Councilmember Nguyen: Move to approve.

>> Councilmember Pyle: Second.

>> Councilmember Chirco: Okay, I do have one question about the work plans. And that's, I know the committees get involved with whether it's advocacy for maybe some legislation that's going on at the state level. I didn't see if one of the commissioners sees something that they would like to bring to the committee, are they allowed to, under -- I was looking at advocacy on one of the work plans. So is there that flexibility that they can add things that --

>> City Attorney Doyle: I think the general topic is to discuss and review potential advocacy activities for the library commission. I think under that generic, you don't know what specific ones until you have the conversation. This is just generic, but whatever, whether it's funding or other types of issues.

>> Councilmember Chirco: That's pretty much true for the committees under the umbrella of these categories?

>> Lee Price: Absolutely, and of course if it came further to council then of course it would have to comport with our legislative policy and our legislative agenda, but yes, the answer is yes.

>> Councilmember Chirco: I just referenced on early care and education, sometimes there's even state legislation that affects the early care and education, so thank you for the clarification. We have a motion and a second to accept the library commission work plan. I have a motion and a second. All those in favor, all those not in favor? That motion carries. The next item is the early care and education commission work plan. Any questions by the committee? I have no speaker cards.

>> Councilmember Nguyen: Motion to approve.

>> Councilmember Pyle: Second.

>> Councilmember Chirco: All in favor, all those opposed, that passes. We do have a memo from Councilmember Kalra, and a letter from Deb Figone, to request a deferment as she is out of town until next week. Joe, I see you here. Would you wish to speak on this?

>> Thank you very much, Vice Mayor, councilmembers Pyle and Nguyen. I do understand that the City Manager has asked for deferment. There are just a couple of brief points that I would like to make regarding this memorandum and like I said I will be very brief. The first is that our office learned recently that we did phrase the memo as a request to direct the City Manager, and we now understand that that was a misuse of term, given the

fact that obviously this process falls fully within the City Manager's purview. And therefore, we are I guess orally modifying the memo to make that into a request to the City Manager, rather than a direction to the City Manager. The only other point that we want to raise are, we don't want this memo to be misconstrued in the sense that -- and if you don't mind I would like to direct this specifically to you, Vice Mayor -- we don't want this to be construed as not garnering your input or opinions on the process which obviously given your experience here would be extremely valuable. And were there a way to try to kind of combine both issues or accomplish both goals we gladly support that. But we do believe based on our conversations with many community groups many people in the public that it is important to have the council as it will exist from 2011 on to be involved in this decision so that the councilmembers can be accountable with their subsequent. We've heard this repeatedly with different meetings with different community members and groups, that is the purpose for drafting this memo. With that I would just thank you for your attention and your time.

>> Councilmember Chirco: Thank you, Councilmember Nguyen.

>> Councilmember Nguyen: Thank you, madam vice mayor. I'd like to make a motion to defer this to November 3rd. I people we've had many committee meetings up to date, as a matter of fact, on Monday I attended a community meeting, regarding the police recruitment process, at the African American Community Center, and we were having more community meetings from now until December. I think I would prefer that the City Manager's present to give us an update of all the community outreach meetings that we have had up to date. I don't think that moving you know the memo to a week from today would, you know, in any way sort of slow down the process. So I would make that motion.

>> Councilmember Pyle: Second.

>> Councilmember Chirco: Okay, I have no -- yes, H-2. I have two speaker cards. David Wall and Maria Fernandez who I don't see. Okay, two minutes David.

>> David Wall: Yes. I think that you should defer the discussion around appointment of the next chief of the San José police for quite some time. This is in reference to the pool of candidates that we do not know, but we do suspect, and predict, that certain members of the command staff are applicants. The reason why I mention this is, depending upon what they knew, considering the chief of the San José police activities, with CPLE in uniform, acting as what I call an agent for CPLE, if these promotions within the department were predicated upon keeping this program alive, this is suspect. And it depends on what they knew for all fairness. And this should be looked at very closely by the attorney's office through interviews, and sworn statements, as what they knew on September 12th, or before that, of this year. When the chief appeared in uniform for this group. Now we do not know if the City Manager's office had any knowledge of this either. But these tainting of these promotions in my opinion merits a full exigence of what they knew and reporting to authorities of this type of involvement. Thank you.

>> Councilmember Chirco: Is there anyone else that would like to speak to this item on the agenda? Okay. If not we have a motion to defer this for a week. All those in favor? All those opposed? Hearing none that motion carries. This will be back next week. And we have an addition to a committee work plan. It's to add some -- an item to the Public Safety, Finance and Strategic Support .

>> Councilmember Nguyen: Vice Mayor I have a question.

>> Councilmember Chirco: Yes.

>> Councilmember Nguyen: In regards to the request for the Public Safety, Finance and Strategic Support committee work plan, in addition to the City Manager's use of force monthly update, I was wondering if staff could actually bring back just looking at the effectiveness of the accident camera that we actually made a referral at the last public safety committee meeting. I just wanted to know how is it working what is the reaction from residents who actually be encounter officers with the accident camera. Just a quarterly update. At some point I would like to get an update on that.

>> Will pass that along.

>> Councilmember Nguyen: Thank you.

>> Councilmember Chirco: Have a speaker card from Mr. Wall, two minutes, please.

>> David Wall: It won't be that long. Through this past year or so attending this great committee that is Councilmember Nguyen chairs, very well run meeting I might add. But the level of complexity of this, the work that goes to this committee is too great. And so it's my personal opinion that public safety should be broken out of that committee in itself and be brought to rules. Because the finance alone is enough to drown councilmembers. And - but the public safety aspect and because of all the sensitivities of the community, to be it fire or police, I believe that this Rules Committee should be the one to look into this directly as opposed to keep loading up this one council committee with all this public safety and all this finance issues. I think spreading out of the work would produce a better product. Not that anybody on that committee is not doing their job. I don't say that at all. I'm just saying that there's just a tremendous amount of work that's being put on their shoulder. And I think it needs to be divvied up. Thank you.

>> Councilmember Chirco: If there are no other questions on this item?

>> Councilmember Nguyen: Motion to approve.

>> Councilmember Pyle: Second.

>> Councilmember Chirco: I have a motion and a second to approve the addition. All those in favor? All those opposed, that motion carries. Are there any public forum cards? Mr. Wall.

>> David Wall: I'm filling everything out just like the mayor wants. Okay. This deals with thanking well, first of all I'm going to thank the Rules Committee for tolerating everything. Start there. I thank them all the time but the city needs to thank the San José giants. Really. You need to be putting up their flags. Wait a minute, they are in

District 7. So maybe I was a bit brief in thanking you too early because their flags should be flying out front, because they're back to back champions and because several of them are in the World Series starting this afternoon, I don't know if you know that and I think it's very bad that the city has turned such a bad eye on them and not thanked them for all the community service, the money they pumped into the community, all the good will that they've done, I could go on but I want to thank the fire department now. I want to thank the San José fire department from keeping me from burning to death. I honestly think that you should hire these firefighters back and then worry about other sectors of city government. Because public safety is your job 1. And with this deployment, this dynamic deployment plan, nobody really thinks about you're running the wheels off of these high-priced fire trucks. I mean you're running them all over the place and I worry about the actual maintenance on the brakes, for example, how long are they out of service? I'm not saying the city doesn't maintain it but there has to be a different way instead of responding to a drunk in the street with a hook and ladder truck, versus another vehicle with a paramedic in it. And then of course this pay business on the paramedics and cutting them back and taking the pay away from the firefighters who are paramedics, that's not very good. The other option is you can just let the drunk die and decrease the surplus population, in keeping with Charles Dickens and all and reality is going to strike with those fire trucks.

>> Councilmember Chirco: Thank you, Mr. Wall. That's the last speaker, our meeting is adjourned.