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>> Mayor Reed: I'd like to call the meeting to order, this is Rules and Open Government Committee meeting for April 4th, 2012. Any changes to agenda order? First item would be the April 10th council meeting agenda. Anything on page 1? Page 2 or 3? Item 5.1 is the outdoor smoking ordinance. Has that been to transportation and environment or any of our committees?

>> City Attorney Doyle: I think we were directed to come back to council. It was on the priority list.

>> Ed Shikada: I believe so. It has not gone through a committee, it was referred from the council to staff.

>> Councilmember Herrera: 5.1?

>> Ed Shikada: 5.1.

>> Mayor Reed: Anything else on page 2 or 3? Page 4 or 5?

>> Mayor, I do have something on page 5. 9.1 is deferred, but we wanted you to have a 9.1. We are going to have to adopt a resolution of the city council acting as the successor agency for this six month period that we're in, and then we'll take it to the oversight board subsequent to that.

>> Dennis Hawkins: So that item is on the add sheet.

>> And we would feed a sunshine waiver. I'm sorry.

>> Councilmember Oliverio: Question.

>> Mayor Reed: Yes, Councilmember Oliverio.

>> Councilmember Oliverio: Ripped, on April 15th, I believe the -- what's the terminology?

>> Certified ROPS is due.

>> Councilmember Oliverio: That's for the oversight board because we already approved our part, is that correct?

>> That's correct.

>> Councilmember Oliverio: Thank you.

>> Mayor Reed: Anything on 4 on 5? I have something on 8.one, audit of police secondary employment, is that supposed to be heard on the 17th? I believe we were going to hear it on the 10th or the 17th --

>> Ed Shikada: I believe it was due to the auditor's availability. We had to move it to the 17th.

>> Mayor Reed: My trip to Washington, D.C, I've already done that paid for by the Department of Justice.

>> Councilmember Oliverio: Move to approve the agenda with the adds and the sunshine waiver.

>> Second.

>> Mayor Reed: Okay, so any other additions or changes? The waiver is the one for 9X, budget actions. Mr. Wall, you wanted to speak.

>> Item 4.1, all I would like for Your Honors to do is have staff actually put on the agenda for the public to see, too, is the obligations that come with these grants. I think that should be an ongoing policy from council at any time you see the word grant should raise a big red flag with you as far as long term obligations. So everyone knows that these grants are not free.

>> Mayor Reed: That concludes the public testimony. Motion to approve this additions and sunshine waiver as noted. All in favor, opposed, none opposed, that's approved. April 17th draft agenda. Anything on page 1? Page 2 or 3? I have a comment on item 2.10, the status report on South Bay water recycling program strategic planning effort. Somewhere in that report we should respond to some of the communications we've gotten from the Cupertino sanitary district and Milpitas about the possible expansion to Sunnyvale or something.

>> Ed Shikada: Mr. Mayor, that's directly on point, so I'll make sure we do respond directly.

>> Mayor Reed: There's another letter from somebody in today's packet.

>> Ed Shikada: For your information, it will also be on the TPAC agenda next week.

>> Mayor Reed: Anything else on 2 or 3? 4 or 5? Page 6 or 7? It's the 9.1, shown on here for the agency, successor agency is the one we just previously discussed that we're going to do on this agenda, okay? And just so everybody knows, Councilmember Rocha, going to do a memo asking that on this 24th agenda, we can do it with this, as council express whatever opinions we might have on the land that is likely to be sold by the successor agency, pursuant to oversight, if there are special uses that we believe properties are most appropriate for a property that the public and anybody that might buy them is on notice, so try to get that on the 24th, because the successor agency oversight board meets on the 26th, I think.

>> That's correct, for the real estate presentation.

>> Mayor Reed: Okay, so we'll have that memo to Rules to consider next week.

>> Councilmember Oliverio: Mr. Mayor.

>> Mayor Reed: Councilmember Oliverio.

>> Councilmember Oliverio: Richard, is there a deadline to sell the property or is it an ongoing?

>> No, the law just basically says maximize value and judiciously proceed.

>> Councilmember Oliverio: But no firm deadline properties might be sold by?

>> There's no firm dead lean.

>> Councilmember Oliverio: Thank you.

>> Mayor Reed: I think the next deadline in there is when all of the redevelopment agencies have oversight, four years away?

>> Two years away.

>> Mayor Reed: Even they still have properties to be sold. Anything else on 6 or 7? Page 8, we have some hearings. Two items on the evening agenda raising the question of whether or not those need to be on the evening agenda or do we have the capacity yet to --

>> City Attorney Doyle: No, we don't. These we're told were noticed for 7:00. And so -- but with the adoption of yesterday's rules change, those procedures will be in place.

>> Mayor Reed: Okay so we can start changing the noticing to give us a little more flexibility. And then additions, a request for additions for a commendation to Sally Ashton and Joe Miller during national poetry month and a commendation to contributors to early childhood education. Didn't we just do that?

>> Dennis Hawkins: It's the month of the -- it was the celebration of the festival that's this week. This weekend. Was yesterday's ceremonial item and this is a separate item.

>> Mayor Reed: Okay. Any other requests for additions?

>> Motion to approve the agenda with the additions. I don't believe there are any sunshine waivers.

>> Councilmember Herrera: Second.

>> Mayor Reed: We have a motion to approve the additions, no request for sunshine waivers. Is there anything else that we kicked from like yesterday's meeting and is headed to an agenda likely to be on the afternoon of the 17th? That we know of? I may be gone, that's why I'm asking.

>> Dennis Hawkins: I can't remember what we did yesterday.

>> Mayor Reed: We finished the airport matter yesterday. I think everything else got covered yesterday. I don't remember --

>> Dennis Hawkins: I don't remember --

>> Mayor Reed: -- pushing anything out in yesterday's meeting. So everything would be on this --

>> Dennis Hawkins: Not that we're aware of, Mr. Mayor.

>> Mayor Reed: I may be in Washington. Mr. Wall, you want to speak on this agenda?

>> Briefly. I notice that 7.1 was dropped. This was the state proposition 84 Bay Area integrated regional water management program for South Bay water recycling facility improvements. I would also put forth that item 2.10,

status report of the South Bay recycling program, strategic planning effort be dropped as well. Both are interlinked. They are both as you previously stated related to the two previous corresponds that go into TPAC. I think what South Bay water has to say nobody really wants to hear to begin with outside of some strategy to come up with a new funding source for their program. And so I would recommend that you drop that completely. I'm also very distressed, and almost to the point of tears, that I see two positions within the city attorney's office that of deputy City Attorney, and senior deputy City Attorney, I am overwhelmed with emotion at the fact that this council has shown such a disrespect for the greatest law firm of the state of California to eviscerate it such and I make my protest here publicly and will be forthcoming with letters. The City Attorney, we have lost so many great minds due to substandard decisions made by learned council, that I'm too choked up to follow.

>> Mayor Reed: That concludes the public testimony. We have a motion to approve as amended. All in favor? Opposed? None opposed, that's approved. We have no upcoming study session agendas to review, I believe although we do have a study session date that we were holding, April 9th Are we ready to release that or have we released that? Okay. Legislative update, state it will we have a verbal update.

>> Betsy Shotwell: Thank you, mayor. Betsy Shotwell, Director of Intergovernmental Relations. Mayor and committee, I just wanted to give a brief update. Both Sacramento and congress are in spring update. But I wanted to update you on status of AB 1585. This is the redevelopment dissolution cleanup bill that would allow for enforceable obligations, debt payments that were made to the agencies from cities, as well as keep low and moderate funds local. That passed the assembly, 58 to 7. It went through two committees in a week and then the floor. And when they now come back from recess it will be subject to going through the senate as well. Again it's an urgency bill, city is in support, and it is obviously critical for us. We do not know of course how the governor may weigh in on that. That remains to be seen but I wanted to keep you apprised of that legislation.

>> Councilmember Oliverio: Question.

>> Mayor Reed: Yes Councilmember Oliverio.

>> Councilmember Oliverio: It's great to hear on the General Fund loans to RDAs for all the cities and then on the housing local, this doesn't continue the increment, it just allows those housing increments to stay with those cities?

>> Betsy Shotwell: Or voluntarily go to cities within our region.

>> Councilmember Oliverio: Got it, thank you.

>> Mayor Reed: Do we know what senator Steinberg thinks about the assembly bill?

>> Betsy Shotwell: No, although it is authored by the speaker of assembly. So I think they're engaged in discussions between the two offices so it will be interesting to see.

>> Mayor Reed: Okay. Anything else on legislative updates, state or federal? Nothing to report open the federal.

>> Betsy Shotwell: No.

>> Mayor Reed: All right, meeting schedules none to consider. Public record, anything committee would like to pull for discussion?

>> Motion to note and file.

>> Mayor Reed: Motion to note and file. Mr. Wall.

>> Item amount is a unique letter in its own right. It's a letter following -- it's a letter from City of Milpitas with their position on South Bay water recycling that flows apparently from the Cupertino sanitary district's previous letter. The difference Mr. Mayor between these two letters is that the letter from Milpitas should be noted for its brown-nosing components. Now, the city of Milpitas has orchestrated a very significant brown-nosing of the City

of San José, with reference to moving residual sludge drying at the water pollution control plant due to perceived odor issues. I say perceived because there's odors coming from all over the place. A lot from Milpitas City Hall with reference to their commentary here and their letter references public record A. We have seen also similar brown-nosings from the Irvine land company in conjunction with the McCarthy Ranch, all acting in concert unfortunately, Mr. Mayor, with your support and the honorable Madam Vice Mayor's support for moving sludge drying at about an estimated cost of \$500 million to the ratepayers. The residual sludge drying Mr. Mayor, is the only green achievement that you have. I mean, it's solar drying, you can't get any better than that. But this letter here is significant, they're being as polite as they can, and their own brown-nosing constraints, they don't want to pay for expansion but they don't get to the issue that the project's not needed to begin with even though it's nested in that water order back in the '90s.

>> Mayor Reed: Ron John Matthew.

>> Mr. Mayor, my name is Ron John Matthew. I'm a resident and taxpayer next to John Meis park. This is to formally request that the John Meis upgrade proposal be postponed from next week or any other upcoming city council agenda planning sessions due to several unresolved issues printed below, notwithstanding Mr. Constant's April 2nd public hearing. So number 1 PRNS has not fully addressed the local neighbors' inputs and concerns with a proposal that is very much in flux. PRNS has not issued a publicly visible response in addressing the park's commission's recommendation not to proceed with the action subject to two additional action items. The tactic of PRNS to directly present the Meis proposal to the city council without first addressing these items bypasses the checks and balances offered by this commission and the inputs from the public opposed to the proposal. While Mr. Constant did indeed hold a public airing of the John Meis matter on April 2nd, it was just that, a public hearing. There was no resolution or actionable outcome that was noteworthy that satisfactorily addresses the above issues. Mr. Constant and Mr. Cain have both stuck to their talking points in favor of the proposal while us residents who oppose the proposal feel utterly helpless, especially after learning from Mr. Constant that the city council slot for John Meis had probably been fast tracked from the end of April to April 17th. I'm not sure I saw it on the proposed agenda. For which the PRNS staff report is due by April 7th which is this Friday or Saturday. Point is, there is not enough time for that. Both the planning director and the Planning Commission

have been separately presented with formal requests for a full EIR for the Meis proposal, not a downgraded CEQA. Clearance and formal response still pending. At the hearing there were several issues and traffic safety traffic patterns and parking that still remain an open issue. Not been fully addressed. The neighborhood has more than 1,000 petitions last week --

>> Mayor Reed: Sorry, your time is up. I think that concludes comment on the public record. Staff, there a date scheduled for the Meis park anything?

>> Ed Shikada: Matt Cano can respond to that.

>> Matt Cano: Thank you, Matt Cano, deputy director of Parks, Recreation and Neighborhood Services. We were targeting April 17th, however we have not completed all of our staff work as we're now trying to incorporate all the community feedback. We're right now targeting April 24th.

>> Mayor Reed: Okay, so it's not on one of the agendas we're discussing today.

>> Councilmember Oliverio: May I ask a question?

>> Mayor Reed: Yes, Councilmember Oliverio.

>> Councilmember Oliverio: Matt, typically do park improvements need council approval?

>> Matt Cano: The first step and this is a joint use agreement, we have a partnership agreement with mitty high school, a joint use agreement followed in June likely by council approval of a construction award.

>> Councilmember Oliverio: Got it. Thank you.

>> Mayor Reed: We have a motion to note and file the public record. All in favor, opposed, none opposed, that's approved. Boards and committees, we have annual reports of mobile home advisory commission and commission on rents report.

>> Councilmember Nguyen: Motion to approve.

>> Councilmember Oliverio: Second.

>> Mayor Reed: Motion is to approve, all in favor? Opposed, none opposed, that's approved. We have a request of West valley senior walk as a special event.

>> Councilmember Oliverio: Motion to approve.

>> Councilmember Nguyen: Second.

>> Mayor Reed: Motion is to approve, all in favor, opposed, none opposed, that's approved. Taking us to the open forum. Okay, we have one on item I, open government. Mr. Wall.

>> This item, that's before you, request for public record information, was previously submitted on March 14th. This was on the back page. Now, the point is moot, whether the March 14th issue should have been addressed in a timely manner because I've asked previous rules meeting that any previous request be cancelled until the one I submitted last week be done first. The issue here is whether or not Mr. Norris even received this document which I do not know. I have the highest regard for Mr. Norris and the public record's operation of this city. So there's no complaint as to his neck of the woods. Whether or not he got it is another issue at a will be ferreted out in time. However, I have resubmitted the exact same copy today, to discuss this CIP business, out at the water pollution control plant. I find no fault with the resident member of the water pollution control plant here today. I do find fault with the questions that have arisen in this -- four corners of this document, that are suspicious in nature about how moneys raised from the public for rehabilitation of a plant appear to set idly, and so that is the

purpose of these questions is to ferret out what's going on. Once again, I don't fault Mr. Norris or any member of the public records operation. I think they're first-rate. And I -- the point is moot because the other day I said, don't process it. I do -- I would like to know if they did get it, though, I mean that is something just out of common courtesy, I would like to know. And the rest is now in full force as of today at 12:52 a.m. Thank you.

>> Mayor Reed: That is the only item under open government matter. So we now go to open forum. Mr. Wall.

>> I would like you to take a financial accounting. I have mentioned it a couple of times, about the economic calculation put forth by the office of economic development with reference to the \$20 million impact that the Cirque du Soleil has or is projected to have given this area. I guess what has to be made is what is the area that they talk about? I suspect it's San José but I may be wrong. But if this is the same type of calculations for forecasts or estimates or what you have that the city relies on, I am very -- I'm a little concerned. Because our airport if they relied on the same type of formula that may be, in part, why there's problems with people coming to San José, outside there's nothing to come here for. The other thing that you should do, Mr. Mayor, in your capacity as chairman of the TPACers, is to make inquiries to the West valley sanitation district if they, too, want to jump on the band wagon with the City of Milpitas and the Cupertino sanitary district with reference for not paying anything to the South Bay water recycling program with, in itself, sir, is on the level of magnitude of error as the lack of unfunded pension liabilities, when it comes to money. There's about -- that's the only other thing outside of the airport collapsing. And you should give special thanks to the director of aviation. Because as a director of a major department he is very honest and forthcoming. He doesn't cut corners. And as a citizen I'm very glad he's on the payroll. Thank you.

>> Mayor Reed: That concludes the open forum. Concludes our meeting. We're adjourned.