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City of San José city council meeting.
>> Mayor Reed: (gavel strike) Good afternoon. I want to call the San José city council meeting to order for June 8th, 2010. We will start with an invocation. Councilmember Oliverio will introduce the invocator.
>> Councilmember Oliverio: Thank you Mayor Reed. Offering our invocation today is reverend Kathryn Faginski Doar, assistant to the rector at St. Francis Episcopal Church. St. Francis Episcopal Church has been part of Willow Glen since 1927. It was founded by a group of mothers who wanted a Sunday school for their children near to home. Its members, children, youth, adults and elders, gather to worship God, grow in Christ, and enter into Christian community caring for each other as a family and going out into service in the world. Many of its members are also active in the civic life of the community, in the schools, neighborhood associations, and arts and service organizations. Over the course of the week St. Francis facility is a little community center providing meeting space for 19 recovery and support groups, three scout troops, as well as many exercise enrichment classes serving all generations, and today serves as a polling place. Situated at the corner of pine and Newport, St. Francis Episcopal church is truly a neighborhood church.
>> Thank you, Mayor Reed and councilmembers for inviting me to offer today's invocation. As an Episcopal priest I come equipped with a prayerbook with prayers for almost every foreseeable occasion. And today I'm very glad to be able to offer you a series of traditional Episcopal prayers for civic life. Let us pray. Almighty God our sevenly father, bless this fair city. Renew the ties of mutual regard, which form our civic life, empower or leaders with the gifts of your spirit. Enable us to eliminate poverty, prejudice and oppression. That peace may prevail with righteousness and justice and that men and women from different cultures and with differing talents may find with one another the fulfillment of their humanity. Send down upon those who hold office in this great City of San José, the spirit of wisdom, charity, and justice, that with steadfast purpose, they may faithfully serve in their offices to promote the well-being of all people. Be present with those who take council in our city today. Guide them to perceive what is right, and grant them both the courage to pursue it and the grace to accomplish it. Guide the people of the State of California on this election day. Loving God, you have bound us together in a common life. Help us in the midst of our struggles for justice and truth. To confront one another without hatred or bitterness and to work together with mutual forbearance and respect. Your loving hand has given us all that we possess, grant us grace that we may honor you with our substance, and may be faithful stewards of your bounty. Through Jesus Christ our lord, amen.
>> Mayor Reed: Thank you. We will now have the pledge of allegiance. We are joint today by some third graders from forest hill in District 1. They're going to help us with the pledge so all stand, please. [pledge of allegiance]
>> Mayor Reed: Next we need to consider the orders of the day. Are there any changes from the printed agenda that we need to make here? I have one item, 2.3 E the rules report of may 19th and 2.3G the CED report of May the 24th need to be deferred for one week. Any other matters under orders of the day? Motion is to approve the orders of the day. All in favor opposed, none opposed, those are approved. Closed session report. City Attorney.
>> City Attorney Doyle: Mr. Mayor, the council met in closed session pursuant to notice this morning. There is no report.
>> Mayor Reed: We'll now turn to the ceremonial items, we have five. I'd like to invite Councilmembers Liccardo and Chu and representatives from American Legion Northside Post 858 to join me at the podium. Today we are recognizing and declaring June 11th, 2010 as Filipino Independence Day. If we get everybody gathered up here I'd like to invite Councilmember Chu to give us some more of the details.
>> Councilmember Chu: Thank you, mayor. I would like to thank my colleagues and the mayor in joining me to proclaim June 12th, 2010 as Filipino Independence Day. The City of San José's greatest strength is its diversity of residents like myself who came from other parts of the world, bringing with us a celebration of traditions and festivities that further promote the appreciation and understanding of various cultures. June 12 of 2010 this year makes the 112th anniversary of Filipinos' first declaration of independence from Spain. The Filipino independence day commemorates and honored the more than half a million members of Filipino Americans in the United States, and their accomplishments. In our City Hall we have a Filipino American city employee of San José, the organization, with members from all departments who provide services to San José residents on a daily basis. I'm honored to co-sponsor the upcoming flag raising ceremony with Councilmember Liccardo along with the rest of my colleagues and would like to extend our invitation to invite you to this flag raising ceremony on Friday, this coming Friday, June 11th, at the City Hall plaza at 10:00 a.m. And shortly after the flag raising ceremony, there will be

free lunch, following the ceremony at the bamboo courtyard at 11:00 a.m. Here today, to accept this on behalf of all that celebrates Filipino Independence Day in the City of San José is Nunio Velagas, Melasco Mepala and Penny Agilla with the American legion Northside post 858. So mayor, if you would do the honor. [applause]
>> Good morning. On behalf of my fellow veterans, Filipino community, I would like to thank the mayor and the city council for this commendation. Any name is Nonio Barego Vallegas. 90 years old. I am a World War II veteran, and a survivor of the Bataan death march. At this point, I have a son, U.S. army currently deployed in the United Arab Emirates in Iraq. We are proud to have this Philippine flag flying along with the American flag that we had during World War II. Thank you very much. [applause]
>> Mayor Reed: Thank you for coming.
>>> Now I'd like to invite Councilmember Herrera and Nguyen, along with Jesus Orrosco, executive director, and Camille Corodo, president of Cross Cultural Community Services Center, to join me at the podium. Jesus, I can see you, I don't see Camille. Come on down. Today we're going to recognize cross cultural community services center for their ongoing commitment and services to Silicon Valley families. All right, now that we've got everybody here I'm going to turn it over to Councilmember Herrera.
>> Councilmember Herrera: Thank you, mayor. I'm very proud today to be able to acknowledge the efforts of the cross cultural community services center, together with Mayor Reed and Councilmember Nguyen. And I'd like to introduce the people that are here, executive director Jesus Orrosco, vice president Maria Chen, co-founder Helen Lee, treasurer Isabel Chu, and board member Rosemary Vayez. For over 20 years, the cross cultural community services center, also known as CCSC, has been providing our community members in the Alum Rock union elementary district, Evergreen elementary school district and Franklin McKinley school district with educational, vocational and social development skills. It was founded in 1990 by Harrison Lim, the executive director of San Francisco charity cultural services center and Helen Lee, a community leader and activist in Silicon Valley. CCSC serves the needs of new immigrant families settling in Santa Clara County and is known for its quality service to Silicon Valley families and children in need. The organization limited to translation services personal case management, after school tutoring and it also assists parents by navigating them through the education system to better help their students. At CCSC, youth in Silicon Valley by providing them an opportunity to experience success in school, in life, helping them embrace their identity and their future. Their juniors for success program is an after school academic enrichment program that provides a fun and safe place for school-aged children to learn and stay focused on their schoolwork. One success story, one example, Millbrooke Elementary School is where the program made a positive change with the study habits of two 4th graders, Christian Avalos and Edwardo Ortiz. These students entered the program lacking behavioral skills and the ability to complete homework tasks. So with discipline and plenty of encouragement from CCSC staff, their behavior has improved and they are making a bigger effort to complete their homework. CCSC has made a difference by helping students and families not just at millbrook, but at all the seven elementary schools and their site at the cross cultural community service center which is located in District 8. And I also want to congratulate them on 20 years, they've been in business for 20 years. I'm proud of your dedication and commitment to public service. Congratulations again on your wonderful accomplishments and with that said I would like Mayor Reed to present a commendation to Maria Chen from the cross cultural service center and we'll have Maria say a few words.
>> Mayor Reed: We also forgot to introduce Kiko Lynn, who I'm get guessing is a board member.
>> Councilmember Herrera: My apologies. Of course, Kiko Lynn also on the board here, thank you.
>> Thank you. [applause]
>> Thank you, mayor, thank you, Rose. Thank you everybody be here to recognize us. CCSC, for 20 years service, quietly, silently, with all those at-risk children. The founder of Harrison Lim and co-founder Helen Lee which was came from out of overseas, and they came here, receive all the benefits from the United States. And then they figure out they need to give back to this community. So they gathered us, Chinese American here, to support this organization for 20 years. We turn those tax spender into taxpayer and we really appreciate this community help us immigrants, and then we want to help this community. This is all CCSC doing. The major point to have this CCSC to do is teaching this children, young kids, back to this community, with the skills of learn how to fish, and not only give them fishes. This is our mission. Thank you, thank you very much. [applause]
>> Mayor Reed: Now I'd like to invite Councilmember Pyle and Helen Hyashi from YWCA project inspire, they were going to acknowledge project inspire and the important work being done through this program, to recognize student academic skills.

>> Councilmember Pyle: Thank you, mayor. I have a lot of people joining me here today. It's a wonderful, wonderful inspirational situation. I would like you to know that for over 100 years, the mission of the YWCA has remained steadfast. To empower women, children and their families and to eliminate racism, hatred and prejudice. The programs offered by the YWCA of Silicon Valley enable women, children and families to learn, grow and prosper. The YWCA of Silicon Valley's program model social service efforts nationwide and address the fundamental human issues underlying poverty, violence and family dysfunction. Of the over 24,000 individuals reached by the YWCA, think of that: 24,000 individuals, programs each year, 84% are children and teens and 46% are of an ethnic and racial minority. The project aspire after school program serves four high schools throughout San José: Overfelt, Yerba Buena, Andrew Hill and James Lick, providing high quality, academic support and project based learning activities linked to classroom curricula and California state standards. So the recommendation from Chuck Reed mayor of San José together with councilmembers Herrera, myself and Madison, along with councilmembers here today, do hereby recognize and commend the YWCA project inspire for strengthening students' foundation of basic academic skills while providing them with a rich high quality life skills enrichment curriculum. Congratulations and Mayor Reed, if you would present the commendation right here. Thank you. [applause]
>> Thank you so much and as you can tell we're very excited. I'd like to introduce to you the students of project inspire, the students. Students, raise your hand. [applause]
>> And the facilitators of the after school program. Facilitators. Raise your hands. [applause]
>> And Jennifer Ramirez who is the director of project inspire and youth services. [applause]
>> I'd like to thank the mayor, the councilmembers, and the city staff for all the gifts and support that they've given project inspire and the YWCA for many years. You can see the results of their gifts in front of you. We have had 216 students graduate this year from their schools, because of project inspire and the YWCA. We've had 633 students go through project inspire for credit recovery. So here is our future, right in front of you. And in conversing with Jennifer and noticing the real wonderful relationship that the facilitators have with the students, I said how do you achieve this? And Jennifer said, we ask -- we tell the facilitators, look at the students as your brother or sister. And it seems to me that if each of us in this room look at the youth in our community as our brother or sister, or child or grandchild, that they would have much more hope and success in this area. So thank you very much. We're very honored. [applause]
>> Mayor Reed: Next I'd like to invite the representatives of relay for life Almaden to join me and Councilmember Pyle at the podium. Today we're recognizing the hard work of relay for life Almaden in their efforts to fight back against cancer. Councilmember Pyle has some of the details of their good work.
>> Councilmember Pyle: And good work it is. With us today we have Marjorie Murkey who is representing the relay for life Almaden community. The American cancer society is one of the oldest and the largest nationwide community based volunteer health organizations dedicated to eliminating cancer, as a major health problem, by preventing cancer, saving lives and diminishing suffering from cancer through research, education, advocacy and service, the American Cancer Society, California division, one of the many state division of the American cancer society, has more than 250,000 California volunteers donating their time each year to help delivery programs and services, raise awareness and dollars, and provide hope in local communities throughout the state. In addition to providing programs and services, the American cancer society also hosts such events as relay for life which is life-changing all by itself and it gives local communities a chance to celebrate the lives of people who have battled cancer, remembered loved ones lost and fought back against the disease. Almaden is one of the sites and we host the yearly relay for life taking place this year at Leland high school from 10:00 a.m. on Saturday, June 12th No. 9:00 a.m. on Sunday, June 13th. Teams of people will camp out overnight and take turns walking or running around the track so each team has a representative all night long and all during the day, because cancer never sleeps. That's the message. It's through generous contributions raised by events like Relay for Life that the American cancer society is able to save lives. So now we have a commendation from the mayor to Marjorie Murkey on behalf of all of us and to the American cancer society.
>> Thank you very much. [applause]
>> Thank you very much. I appreciate chance to speak to all of you today. At the end of May we had already raised $27,000 for our event. Our goal for this year is $140,000. And that's just a drop in the bucket. As of yesterday, we've raised $42,000. And I'm just thrilled. And the donations keep pouring in. I can't extend -- I can't tell you how much the generosity of our community means to me in these tough economic times. We've had businesses go out of business. And yet they still reach out with their dollars

and give us donations. With whatever they can give. So I want to thank you very much, on behalf of Almaden relay for life and if you need lunch or dinner or breakfast over the weekend, come and help support our event! Thank you.
>> Mayor Reed: Now I'd like to invite Bill Moffitt and Gina Huggs to join me at the podium. Today we're presenting proclamation in reiteration of June 26th and June 27th as races field day in the City of San José. And no, it's not a track meet. It's the Radio Amateur Civil Emergency Services, or RACES, which is a public service provided by volunteer communications group in times of extraordinary need. During periods of races activation certified unpaid volunteer personnel are called upon to perform many tasks that the government ordinarily would do, but it is of a great help to the many government agencies to have extra communication capacity in times of emergency and disaster. Each activation could be for a different reason. But the common thread is the communication that we all need in times of a disaster. Races is sponsored in part by the City of San José's office of emergency services, provides lot of communications channels to city organizations in times of emergency and occasionally from time to time they do public service events provide communication in a nonemergency situation. They have a field day and you're all invite out to see the equipment, the people, do everything in Morse Code to radio to video. On a self-sustaining basis without support from the grid or anyplace else. This is very interesting. And with that I want to present the commendation. [applause]
>> Thank you very much, mayor. Thank you. We are, as the mayor mentioned, a group of volunteers. We volunteer our time, our equipment and our expertise for the service of the community and for the City of San José. So it's extremely gratifying to get this recognition from the office of emergency services from the fire department and from the city council and of course from Mayor Reed. On June 26th we'll be setting up on the eastern side of Almaden lake park. We invite all of you to come out and join us, learn something about emergency communications, about the modern world of ham radio. We'll be happy to see you. Thank you very much. [applause]
>> Mayor Reed: Now I'll turn to the consent calendar. Are there items on the consent calendar that councilmembers would like to pull for discussion? I need to pull item 2.7 a quitclaim deed. I think City Attorney has some comments on that one. In addition I have request from the public to speak on a few things on the consent calendar. So we'll pull off item 2.14, 2.16, 2.2, 2.3, 2.6, 2.8, 2.9, and 2.10. I think there's a few left.
>> Move for approval.
>> Mayor Reed: Motion is to approve the balance of the consent calendar. All in favor, opposed, none opposed, those are approved. Item 2.2. Mr. Wall.
>> David Wall: Good afternoon, it's always a pleasure to be in the presence of Your Honors. In reference to 2.A, a recommendation for ordinance No. 28745, concerning vacant buildings and registration of neglected vacant buildings. I would like to see the fine or the lien structure to be very significant on this. Specifically, because of fire, the danger of fire and the use of these buildings for criminal enterprises. I would also like to see written into this ordinance that within the confines of water and power there are variances that they need to be shut off or not, depending on landscaping but gas should be mandatorily shut off and locked to prohibit any type of fire, especially in these old wooden structures. Finally, the structure deriving from these funds or fines and liens should be structured as a cost recovery back for the attorney's office and for code enforcement. Thank you.
>> Mayor Reed: Don't go away Mr. Wall. You have a few more requests. We'll take them in order, we'll take one motion when we get to the end. So 2.3.
>> David Wall: 2.3, subsection D, report on the Rules and Open Government Committee report for May 12, 2010, had a discrepancy in the form of -- the report was not complete. Pastor Alvarez and I completely agreed that people should not be profiled with reference to the Arizona issue that will come up later today. What I objected to was the fact that the memo constructed by various honors that sit before me neglected to realize that police officers have every right throughout the nation to make inquiries whoever they detain, throughout the nation. And this misrepresentation, the cowardly mischaracterization has caused a lot of angst and animus that should not have been put forth. On subsection F, on the Public Safety, finance and strategic support committee report for May 20, 2010, the report tendered for the Consortium for Police Leadership in Equity indicates an enormous funding cost to the city through the indirect cost of the San José police department budget to provide all the research and data and analytical work to support this third party's positions whatever those positions may come out. Second, these positions can then be mischaracterized in the news or other media to form public opinion that also creates unnecessary angst and animus against the operation of our great police force. That concludes 2.3.

>> Mayor Reed: How about 2.6.
>> David Wall: 2.6. This is almost laughable. Agreements with Recondo and associates incorporated and Landram and Brown incorporated for airport economic analysis professional services. One might ask the big question with first of all who authorized the $1.3 billion expansion of the airport to begin with. But more importantly, why wasn't this economic analysis done prior to the authorization of this incredible expense that in year 2014 might see the airport go bankrupt? And of course, then again each fund, each one of these accounts for $750,000 apiece, maximum amount, what fund does this come out of to pay for this? Was this also part of the borrowed money for the airport expansion? And then it begs another question: The use of the office of economic development. Isn't this something that they should be able to do? I mean we have them in-house. That's their job to develop the economy. What about airports? But $1.5 million is quite a lot of money to be spending after the fact, after you spent $1.3 billion for an airport. Shall I go to 2.7?
>> Mayor Reed: Yes, please.
>> David Wall: The quitclaim deed for abandoned access road near San Felipe Road is a very well constructed document by our honorable City Attorney and I have no umbrage for that. Where I do have umbrage is the faculty that it was prior, as it exists today, it was priorly zoned as agriculture. 18 precious acres of agricultural land rezoned by Your Honors or other honors that will only add to more congestion. There's hardly going to be any services after this budget deficit round and there's no water. You keep reminding there's no water for any more housing. So my umbrage is against any more housing developments, that's the major issue and subsequent any more congestion and lack of services. Then of course the underlying tenet unjust enrichment for those who are involved in the development process. 2.8, contract with Fairbanks Nossaman, Mollin, Metz and associates for telephone survey work. This of course begs another humorous rendition of the age old adage, what are we paying you folks to do? I mean, after all you're on the docket you know you're getting paid. Why do you need to have $100,000 to go out and have a telephone survey on how to vote? This is what's called sticking your neck out your gut instinct and besides a hundred thousand bucks goes a long way to keep our custodians on the payroll or what have you. But to answer a bunch of questions you all should be able to answer anyway in the natural course and scope of dealing with your business, I think is a waste of money. 2.9 now, we all know the embarrassment associated with the hospitality or the entertainment zone. We know that the public intoxication task force as spawned from the loins of this bastard operation was an embarrassment to this day. We reference the fact that no criminal background checks were done on the individuals that were comprised of this commission or this task force. Convicted felons or people with misdemeanor convictions could have easily influenced city policy on being throwing up down drunk downtown bothering people. This led to a grievous mischaracterization of the San José police department, and grievous attacks of the media, things that were not happening with our police. Subsequently what happened? We have now the theory of six times you're drunk, throwing up in public it's okay. The seventh you go to jail. Now I know this is still in flux and I have other information for tomorrow that will prove otherwise. Now, you can go ahead, and send this guy to extol these virtues that you have done. Let's not forget the ungist enrichment to the downtown business association and the night club owners. But on the other hand, you could also add to this glowing testament, this same group, the Office of Economic Development which pushed this organization or pushed this policy, you can also tell them to extol the virtues of doing business with Mercado Suvienda and the $500,000 that just got pushed down a rat hole. $500,000 more for variety of services that we're not going to get because of gambling with public money and that's what it was, gambling with public money. I do not support this. I think if anything you should be embarrassed as a group, enormously ashamed for what has transpired from this entertainment zone. Catching my breath momentarily for 2.10. Agreement with Langham consulting services incorporated for services related to the City's utility billing system. This is another third party boondoggle. I particularly think that this whole aspect of utility billing should be up on the office of the auditor's work plan for the very near future. This is a lot of money that continues to go into how bills are collected. And I kind of wonder, what the finance department is doing from time to time. Although they are an excellent group of people and I have no fault with them I do believe, though, that an audit of this particular snippet is well overdue. I believe that takes us up to the last issue of 19 agenda items on a consent calendar is a bit much I believe for a voting day when people are out voting. But let us focus on 2.14. Now, every municipal government in the State of California should be quite concerned about this. This AB 155 local government bankruptcy proceedings is quite profound, really. I think it's one of the most ingenious money making machines ever constructed. One, one phase of it could just eliminate cities

from ever declaring bankruptcy which means in part it can be a redevelopment agency killer, which in my opinion, serves the city very well because of the amount of debt the redevelopment agency incurs on the council's behalf but the citizens have to pay for it. The other thing is, if it does not pass and cities can go ahead and declare bankruptcy, which I wonder why the City of San José is not going down that path, or any time soon, in a function of revenues, with indebtedness, and all retirees and for disclosure purposes that's myself included, could be thrown to the dogs. Now, I have other means so the dogs won't really eat me too much even though there's quite a bit to chew on. But in all aspects I think the citizens should really pay attention to this bill. Because it's not in their interest unless this thing has more discussion. And other than that, that concludes testimony for the consent.
>> Mayor Reed: Item 2.16, Kevin Cotilla.
>> Good afternoon, Mr. Mayor, and city council. I want to talk to you today about this diwali thing, the diwali festival that you want to put on. Now, I want to complain that I don't think it's right for you to support for this council to support something like that, financially, when -- when you won't -- when you won't support -- when you won't financially support us doing fireworks for the -- on the 4th of July, the City's fireworks festival. When you took that away from us, how can you possibly even consider supporting this diWali festival? It is inconceivable that would you do that. Thank you. And I ask you to vote no. [applause]
>> Mayor Reed: Need to go back on the agenda item 2.7 City Attorney had some information.
>> Councilmember Kalra: Mayor, if I could respond to this comment right now I would --
>> Mayor Reed: Wait until we get to the end of the consent agenda I think.
>> Councilmember Kalra: Thank you.
>> City Attorney Doyle: Mayor, members of council, the item 2.7 is a -- really effectuates a judgment that was entered into as part of a dispute over some property, abandoned right-of-way. You have received today an offer to purchase the property for $1,000. I just want to go on the record that this is a judgment that you have approved the judgment with AL properties. It was abandoned right-of-way. We had to get a court judgment to that effect. We will quitclaim the property, the right-of-way to DAL who then will provide -- make certain public improvements and then give us an easement backup for right-of-way. So again it's something that we've held in closed session. It's part of a settlement and there's a judgment to that effect. It is merely effectuated and you don't have to consider the offer that was presented today.
>> Mayor Reed: Councilmember Kalra on item 2.16.
>> Councilmember Kalra: Thank you, mayor. I just want to make it clear on the event that was referred to by the gentleman, the diwali event, zero taxpayer dollars, zero city money went to that event. It is a procedural memo that is required and was done at the direction and advice of the Clerk's Office, City Attorney's Office in order to allow us to accept private funding for it. So I want to make it perfectly clear, there was no public money at all that was used for the festival.
>> Mayor Reed: Okay, I think that concludes the discussion ton consent calendar. Is there a motion? Let's try to get one motion on all the remaining consent calendars. You got a motion, Councilmember Liccardo got the second. Motion to approve all of the remaining items, all in favor, opposed, none opposed, that concludes the consent calendar. We will now turn to item 3.1. Report of City Manager.
>> City Manager Figone: Mr. Mayor, members of the council I have one report today. As you probably know the administration has formed an internal regional influence team to increase the City's ability to have our voices heard on regional issues. I have been asked to join a new executive level regional committee which had its first meeting yesterday, this committee is part of the sustainable communities strategy and it is an executive working group. The purpose of the work group is to inform a joint policy committee of four regional agencies, the association of Bay Area governments, Metropolitan Transportation Commission, Bay Area air quality management district, and the bay conservation development commission. And I do believe Councilmember Kalra in his role through BAAQMID will be on this joint policy committee. The joint policy committee and the subsequent subgroups were formed to allow local governments to participate in the formation of policy options related to Senate Bill 375. This is the sustainable community strategy to address greenhouse gases. There is a deadline under 375 for MTC and ABAG by 2013 to create a strategy to meet greenhouse gas reduction targets set by the California air resources board. So the new working group will consist of City Managers from each of the largest am manager from each county as well as the executive directors of the various CMAs as well as executive directors of the four agencies that I mentioned that will be guiding this policy work. So staff will be fully engaged in this effort. We will work closely with the agencies to ensure San José's voice is heard

through this process. I will keep the council informed and work hard to coordinate with our councilmembers who are sitting on these oversight bodies to this effort. Thank you.
>> Mayor Reed: Our next item is 3.3, public hearing on recording of liens on property tax rolls for the cost of sidewalk repairs.
>> City Manager Figone: Staff is here for questions, no report.
>> Mayor Reed: No presentation.
>> Councilmember Chirco: Move approval.
>> Mayor Reed: We have a motion for approve, all in favor, opposed, none opposed, that's approved. 3.4 is police and Fire department retirement plan membership changes. We have a motion to approve. Councilmember Constant.
>> Councilmember Constant: I had a couple of questions on this one. One sort of a hypothetical, but not really, since it's happened in the past. If we were to hire a police chief who was formerly a member of the Police and Fire plan, and fulfilled their full service and retired and left, whatever rank they were, and is a member of the plan as a person receiving a benefit, but not necessarily an employee in the plan contributing, and they're fully retired, would they then be able to come back and become a member of the federated plan, where we are providing a second retirement from the City of San José to the same person? And the example I'm bringing is, Bill Lansdowne who had left our department, came back and reentered the Police and Fire retirement program and then reretired. Would this -- how does this affect a situation like that?
>> Mark Danaj: Mark Danaj Director of Human Resources. Councilmember Constant, the answer to your question would be no, they would not go into federated. Because per the current Muni code and even the proposed change, anyone who has prior service in the Police and Fire retirement plan upon being appointed chief would be put into the Police and Fire retirement plan. So in the hypothetical instance you laid out, that individual would have to unretire before being appointed and becoming an employee of the City of San José, and again, in that instance, to the extent they had prior service credit in the Police and Fire plan they would be placed in the Police and Fire plan even with this proposed change.
>> Councilmember Constant: I just want to make sure that's very, very clear, because I know we do have people who have retired from the Police and Fire plan and then got hired as city employees and become members of the federated plan. There are a few of those around. And there's no prohibition on that, unless they take a disability retirement. So I just want to make sure that is very clear. My second is a question, and I think we have to look at this from a little broader perspective. Are we encouraging a shorter stint of service by a chief by opening up a plan -- opening up membership to a plan that requires five years of vesting versus ten years of vesting, and my concern there is, are we creating an environment where we will be getting a new police chief every five years, or are we -- or should we be maintaining an incentive for chiefs to stay for a longer period of time? I tell you I've been torn on this. I've been going back and forth all weekend thinking about the different possibilities because one might say, well, I only have to give five years, so can I go do this and bank a second retirement, versus looking at it as a longer-term commitment. And we know that we've had a lot of turnover in chiefs. So I don't know, I guess I'd like some input there.
>> City Manager Figone: You know, I do not think that this move, by itself, would prompt a shorter stay. I think that is a question that is -- and I know I always explore it through the process, to really get a handle on the person's commitment to the city and their reason for coming to the City of San José. That said, I think it -- you know if you get five to seven years out of a department head, especially in an environment as complex as this one, that's probably a very good commitment to a city our size. But you know councilmember I don't think this plan by itself would be the reason to stay shorter.
>> Councilmember Constant: Okay. Thank you.
>> Mayor Reed: Councilmember Herrera.
>> Councilmember Herrera: Thank you, mayor. We considered this on the Police and Fire retirement board at our last meeting and supported, had a support position on it coming to council. I think it's really important that we have the ability to go out and recruit, to have a broader ability to recruit in the event that the person that we're really seeking doesn't happen to have that reciprocal time in our system. So I think it's important to give that latitude, and the Police and Fire retirement board thought so, also, and I'm supporting this motion.
>> Mayor Reed: Councilmember Kalra.

>> Councilmember Kalra: Thank you, mayor. Just wanted to express that I had some of the similar concerns Councilmember Constant had except that I think that generally as the City Manager indicated, five to ten years in that range is probably more likely the life expectancy of most department heads, particularly police chiefs in a large city. And I agree with Councilmember Herrera that I think this expands our pool in terms of being able to cast a broader net beyond those that are either in current city service or previously send in our department, will make for a more competitive process with better talent overall.
>> Mayor Reed: I don't think there are any other questions on this. We have a motion to approve. All in favor? Opposed, none opposed, that's approved. Item 4.2, is our next item, that's approval to set public hearings on the business improvement districts. Motion is to approve the various actions. All in favor? Opposed, none opposed, that's approved. Our next item is item 4.3, the North San José area development policy guidelines and some other matters, all connected to the North San José development policy. I've been working on this since I was first a councilmember back you'll remember the Internet boom, when we thought we were going to run out of space for companies in North San José. Then we had the Internet bust, we thought we'd never get companies into North San José. We've been up and down since then but we continue to use those -- that time to increase our opportunity for driving industry companies to locate in North San José. We started with orchards with the mobile home parks and now we're Silicon Valley's innovation center with 42 million square feet of research and development space office space over 8,000 residential units over 3,000 hotel rooms and a couple hundred thousand square feet of retail space. The policy the council adopted in 2005 was the -- created a vision to evolve the area, continue it, to evolve into an urban center with another 26 million square feet of R&D and office space, another 32 units of housing, and over a million square feet of retail. But at its core, the effort here is the jobs plan. This creates the opportunity for driving industry companies, not just the opportunity for driving industry companies, but the opportunity and the desire for those companies to locate in North San José to continue to drive the economic engine that it has been for this city for the last couple of decades. Over that time our R&D industries have evolved. It's kind of interesting to look at the kind of buildings that they want now, compared to what they wanted a few years ago, and we don't know what they're going to want in the future. We're trying to support that evolution because we want to capture all those driving industry jobs for San José because they do drive retail, they drive commercial, they drive residential. As a policy and the various documents are part of our planning road map to help us respond to the opportunities and facilitate the growth of driving industry companies so that they can have their employees in a place that is a close proximity to their headquarters, they can live there, they can work there and will create a lot of investment and ultimately revenues for the city, revenues for the redevelopment agency, and we have to work together collaboratively with our partners in the private sector because they build companies. They put up buildings. We don't. We're just trying to make it possible and desirable for them to do that. So these guidelines that are in front of us today are part of the rules and the guidance that will help us, but ultimately we don't know what the future will bring. So we have to have some flexibility in it to facilitate development. We got started in this process because our policies were restricting development and making it difficult for companies to locate there, and we want to continue to not have that happen, so that we capture the growth that's here. We have lots of driving industry companies that are going to be expanding over the next few years. We want to capture that growth so those jobs stay in San José and the revenues come to us. With that I'm going to turn it over to Paul Krutko and Joe Horwedel who have a presentation.
>> Paul Krutko: Thank you, mayor. Mayor's touched on many of the points that we have in our presentation so we will be brief. The history on the vision North San José policy was indeed that we had run out of development capacity for the entitlement of new development in North San José with the eBay transaction, it was very, very successful for us. So we moved forward to do a major environmental analysis which we completed and successfully were able to bring forward the policy document. And the key elements of the policy are shown on the screen right now. And the point I want to underscore related to the mayor's remarks is what we were attempting to do with this effort all along is to build certainty for the development community about the availability of development entitlements in San José and the type of development that we were seeking which was significant job creation, coupled with significant residential development, that our employer base says to us as you've heard many times from Carl Guardino, in the manufacturing group, that housing development for the workforce is their number one priority. Just a little visual, what we're trying to accomplish here, wee trying to move North San José from first generation one and two story tilt up buildings through an evolution of taller and tailor buildings. As you recall when we did this planning effort initially, we were told by the brokerage community that 35% of

the buildings in North San Jose were functionally obsolete and wouldn't be reoccupied. So how do we create, through our development policies, incentives to bring those properties back to a much more vibrant job creating use? And again, the key issue for us is how do we build not only a great place for jobs, but a great place for people to want to live and to enjoy our community. The key element that the mayor always touches on is those driving industry companies and growing an economy, enable prosperity and opportunity, but also create revenue growth for the city which then allows us to make investments in the kinds of services and facilities that attract the talent that want to come to work here. In general, mayor's touched on this. The plan itself creates the opportunity for 27 -- nearly 27 million square feet of new industrial office development. It contains almost 2 million new commercial and retail space. This would house 83,000 jobs and 32,000 residential units, all tied together with fees that would be charged to the new office R&D development and residential development that would create over half a billion dollars of transportation improvements over the life of the plan along with eight new neighborhood parks. Today, the actions we have before the council that Joe's going to walk through in a little bit of detail is to amend this policy to deal with a couple of specific development types, that is, we would like to build in a million square feet of regional retail to help us generate revenues to play for the services and programs that we have in this community. We believe that we have an opportunity to create some additional hotel capacity. It's important to know that hotels throughout the community for work related itinerant business travel is very important, that currently only 10% of our T.O.T. revenues come from downtown hotels so the ability to have hotels elsewhere in the community is very important. We're going to make some clarifications of things that we didn't realize, you know as any policy document there are evolution as we're beginning to implement it. And a key element that Joe is going to talk about are the urban design guidelines and the neighborhood's plan.
>> Joe Horwedel: Thank you, Paul. So first we wanted to check back in with the council where we've been with the community, and with some of the other interested groups as it relates to North San José, excuse me as it relates to retail and hotels we did go through a number of different organizations, both key stakeholders in the downtown, the industrial park developers, we came before the general plan task force in August, as well as through another community meeting, to talk about what the staff's vision for regional retail and hotels in North San José to make sure we fully understood the concerns and to see how we could go and make the plan match up with everyone's expectations and we are bringing that forward today. We also dealt with a number of smaller policy issues, some have come before the council previously and as Paul said we have some cleanups in the actions today. The bigger items that are also in today's actions are related to the design guidelines and the neighborhood plan for North San José. The council may remember when we set forward on this ambitious program four, five years ago now, we were very much trying to ride the wave of development that was moving through and so we were sprinting very quickly to try and keep up with them. And one of the things that did not keep up with that was creating a neighborhood plan. So the community, the development community and the neighborhoods that are in North San José could see the vision that staff had in our minds but we didn't have put down on paper. And so we've taken the last couple of years to work with the neighborhoods that are in North San José, working through at the development community to formalize the neighborhood's plan and so we're asking the council to accept that. It deals with all the amenities there that is critical to having a well rounded neighborhood. Clearly we did not want isolated residential areas in North San José, we wanted to build complete neighborhoods. So that we're asking for council's acceptance on that and then the designs guidelines themselves. We did a large amount of work on that. So walk through specific. So as a part of the amendments to the policy Paul mentioned we've got a number of technical issues related to traffic as we have dealt with some of the issues of adding onto existing buildings. We didn't anticipate how the mechanics would work dealing with building owners who want to add more parking because they're doing a much more efficient job of the employees in those spaces, they're putting more employees in per square foot, and so the policy really is around traffic and parking so we've modified the policy to reflect that. As well as that we do still have in North San José low intensity uses that a full traffic fee would be an unfair burden on those so we've come up with policies and criteria to deal with that. We've added additional work on our infrastructure of how we're financing the infrastructure fully integrating what's going on with the grid streets which are a primary function of the circulation element in North San José. It is a foundational element in the EIR that we did so we've gone to make sure we're internally consistent putting the proper flexibility where appropriate but make sure that the essential things happen when they need to happen. And then all the guidelines around that of how we really implement and phase that development. The guidelines themselves are about achieving the goal so Paul showed you the before

and after picture. The guidelines are how we get there. We want to make sure that there is certainty for the development community about what our aspirations are, that we have high expectations for North San José and that we want to make sure there's clarity about how we get there. It does have flexibility, as the mayor pointed out, recognizing that we don't know how everything is going to build out over the next 30 or 40 years in North San José. So we want to provide an appropriate amount of flexibility, so that's why we're providing guidelines versus zoning regulations. But it does deal with the important issues, site planning, building design, streetscape, but also includes things like public art which we traditionally have not dealt with, but coming out of the neighborhood review process, they really wanted to integrate public art into their neighborhood. So we're looking to go and do that more successfully than we ever have done before. And the neighborhood plan itself starts with the guiding principles that the task force started with, when the council started the task force. It overlays the park plans for North San José, the retail strategies, the school strategies, and the other services down to how we will deal with library services, community centers, those types of amenities. And one of the things that we're working on, as a part of the implementing of this plan is to create the grand space in North San José so we have there in North San José that the community is craving and the development, the industrial office developers would like to see built there, also. So as a part of the plan itself, we have done a tremendous amount of outreach, as I talked about. We continue to do that between city and agency staff with the development community. We are continuing to focus very heavily on filling the existing space we have in North San José, is that until the market strengthens we're not going to go through and see major investment in building new office buildings so really the best way to get new office buildings built is to fill up the ones we have. The STI and ITI programs are what we are using to do that, and aggressively going after the regional retail opportunities we have, the 237 frontage is something that we do not have in the city elsewhere, is a great freeway frontage, the ability to do larger retail. And so we will continue to aggressively pursue those.
>> Paul Krutko: So mayor one thing that we did want to bring to the council's attention was that we had received a communication I believe the mayor and all council received a communication from Cisco systems, seeking some clarifications in terms of the matter that's before you today. We've reviewed those and we have answered their questions and we believe that we have given them the clarifications they were seeking about how certain situations would be handled under the policy and I believe those clarifications were to their satisfaction. But I think Eric Morley is here and he can speak to that later.
>> Joe Horwedel: I have prepared a letter back to Cisco to formalize those answers.
>> Paul Krutko: That is our presentation. Ready for questions.
>> Mayor Reed: Thank you. I'm sure there will be questions. On that point Cisco, Cisco is our largest employer. They are hiring about a thousand people a month, unfortunately not in San José. We want them to stay here and grow here. We want to facilitate that, there is no greater example of a company that started very small, moved to San José and has hired a lot of people. So paying attention to what the companies need to facilitate their growth is an important part of what we're recommending in terms of the flexibility for these guidelines. So it's good that we're able to accommodate Cisco's interest.
>> Paul Krutko: Mayor on that point, for the council's information, we are coming forward, we will be going to the Planning Commission, but we are hopeful to bring for the last meeting of your year here in June an agreement with Cisco modifying their development agreement to try to capture that growth you're speaking to.
>> Mayor Reed: Thank you. Councilmember Liccardo.
>> Councilmember Liccardo: Thank you, mayor. I'll defer to Councilmember Chu, to make any motions. I just wanted to ask a couple of questions relating to the interface with our plan here with some of our ambitions in terms of transportation infrastructure. On page 25 of the policy -- I'm sorry, Hans, I see Manuel is here, and I know you may be stuck with this question. On page 25 of the policy it lists the transportation improvements and the various phases in which they will appear. And I see that the Mayberry 101 interchange -- sorry, Manuel, this came up during last night as we were looking through this in conjunction with some of the general plan materials. The Mayberry 101 interchange is slated for phase 4. Now, we're currently in phase 1 and we've got between now and phase 2 about 7 million square feet of industrial to build out which could be a long time we all hope it's not but it could be quite a while. We're hoping by late 2010, early 2011 we're going to have word from our friends at FTA about a federal commitment to go forward on BART construction here already in construction Alameda County, we're relocating lines, railroad lines currently, we're about $600 million in this project. And that mayberry site may be the terminus of a line that may carry about 50 or 60,000 riders a day. If Councilmember Chu and I have our way we'll be able to keep that line going all the way to Alum Rock before it stops but there's a

good chance we won't get our way. So I'm really concerned about the Mayberry 101 being pushed out so far because I know it depends on those San José fees for buildout knowing that this may be the cities in South Bay access to BART. I know a lot of folks may take light rail to get up to Milpitas but this could be the place where a lot of folks driving north on 101 stop would -- is there flexibility in the plan to be able to accelerate the use of North San José development funds to be able to build out 101 mayberry before phase 4? Sorry for a long winded question.
>> Councilmember Liccardo, Manuel Pineda, acting deputy director for the Department of Transportation. As it relates to the North San Jose policy, as you know there is a very complicated policy where we have to fit the amount of funding that we have based on the amount of development that was occurring. We also have separate policies that fund the 101-Mayberry interchange. We have the Oakland-Mayberry-101 area development policy that separates from that which makes its a priority and as you know we're also pursuing all other funding sources to build that project as well. You know one of the key things about that big transportation infrastructure plan is that if at some point we have flexibility with certain regional interchanges or certain regional facilities can be funded through different sources. We could have the flexibility to move some of those larger improvements around. One of the goals we had to meet was making sure that each phase had the same amount of funding as it related to transportation, but if we could -- we could possibly make some switches depending on how other funding sources are occurring, as well as our other development policies. So I do see some flexibility there.
>> Councilmember Liccardo: Okay I appreciate that because I know it could be a major headache and major gridlock for a lot of folks as 2015 rolls around.
>> Joe Horwedel: I am going to have Manuel stick probably with the other questions, but the other thing I also wanted to add in on that with the phasing one of the things that city staff also took into account is we do need money to do engineering for different facilities and so some of that you'll see major facilities in the later phases because we're actually spending money in the early phases to do the environmental work, to do land acquisition, the preliminary engineering so we could compete for regional dollars or to actially be able to bid those projects and just the lead time. When you see $50 million for an interchange there's usually $20 million before that in an earlier phase.
>> Paul Krutko: Hans is here. One of the things we've been concerned about in trying to maintain the capacity of the local match relative to pursuing those other funds. And so it's quite a balancing act that we have right now in terms of our dependence on certain of our local revenues to create that match and those local revenues being under pressure because of the economy. So --
>> Councilmember Liccardo: And that's why we're hiking up those parking meters in Japantown, we're going to take care of that, promise. No, I'm joking Paul. I know you make a very serious point and we need that money in order to make the match. I didn't want to make too light of it. I know Joe and I have had some conversations about this. We have 32,000 units theoretically that will come along in the whole plan. I know, South Rincon, that small area between 101 and 880, now I think in the latest iteration it is about 7300 units given what's already there built out, that looks something like about 25 access towers lined up along North First Street in a pretty narrow space. Now that we have got a card club and a hotel there, there may be even less space. I'm kind of concerned about how realistic these numbers are in terms of capacity. And whether we're setting ourselves up for problems down the road.
>> Joe Horwedel: Well, the North San José plan is really anticipated to be a 35, 40-year plan, that in some ways it really goes beyond the horizon of the general plan of how we think about it. We wanted to make sure we accounted for what we thought if the market was doing really good like we saw four years ago, that we would not run into a problem ten years from now of having to go back and renegotiate between all the different agencies to do that development. We wanted a real vision about what we can'ted to achieve, we really wanted to push the marketplace and not just plan based on where we were at that moment. But it's one that, you know, from today, you know, it may be 50 or 60 years to achieve that and we get back to where we were a couple of years ago it could be a 20-year plan. So it's one that we tried to build it with flexibility, but also, one that really looks at where we want to be or where we need to be, rather than kind of where we are at that moment.
>> Paul Krutko: Just one add-on. It's important that just I think less than a year and a half ago we were struggling the with how to keep a number of permits alive. We were oversubscribed on the housing in the first phase. One of the things we always talk about here is how quickly the world can change. I guess our response is that we're -- I think we're most concerned and I think the other elements of our strategy, STI and how we're dealing with permitting and approvals, we've been more worried about is advancing to the next phase because we haven't created the jobs yet.

>> Councilmember Liccardo: Right.
>> Paul Krutko: We're not moving with more housing in North San José unless we're hitting the jobs numbers.
>> Councilmember Liccardo: Your point is very well taken Paul. That South Rincon area I'm concerned with whether or not there is space for that kind of capacity.
>> Joe Horwedel: That's one where the plan doesn't mandate that we go through and build 7300 units. We've put revised lower numbers in Rincon South as we've made some of the land use decisions and we're going to go back and look at it some more now that the card room zoning got approved to relook at you know how we've peeled out units there. I think 15 years from now or 20 years from now where we've got people building high rises outside of downtown again. Having ten, 20 story buildings out there might not be so out of place. There are some large parcels out there that are not adjacent to the existing neighborhoods. So that's one of the things we want to think about where we want to be. And we have approved a general plan on some properties for over 300 feet up there, which is taller than downtown by a long shot.
>> Councilmember Liccardo: I remember the approving.
>> Joe Horwedel: That's where the decision was made probably five years ago. We ant want to go through and put appropriate intensity around that transit system around first street but appropriate is the right word with that.
>> Thank you, appreciate that. And the last question relates tot thousand hotel rooms. Just so I understand how this bank of a thousand hotel rooms work, does this 600 from Garden City come out of the thousand so we're left with 400? The second part of this question is, if you have got a motel there that has currently got hotel rooms, and they redevelop, is it all new additional hotel rooms come out of that bank? I'm trying to understand how the numbers work.
>> Paul Krutko: The answer is the 600 rooms come out of the thousand bank.
>> Councilmember Liccardo: So there's 400 left theoretically, if that ever gets built?
>> Paul Krutko: Correct.
>> Councilmember Liccardo: Okay, thank you.
>> Mayor Reed: Before I introduce Councilmember Chu I want to just thank him for serving as the chair of the North San José Neighborhoods Planning task force. And part of our agenda today is to accept the neighborhoods plan which the task force worked long and hard on. Councilmember Chu put a lot of hours in on, so I appreciate that, and so Councilmember Chu.
>> Councilmember Chu: Thank you, mayor. I also wanted to thank Councilmember Liccardo for his question regarding to the Mayberry-101 off ramp. All along we have many discussion, I would really like to tie that development, we have our own development policy there. And I want to tie that with the flea market development and detach it from the North San José development. So I was going to raise the same question regarding, why do we include it in the North San José development? On phase 4 not phase 2 or 3.
>> Yes, definitely the 101-Mayberry interchange is a key project priority for us. The reason it is part of the North San José area development policy is just because of the magnitude of that policy it required mitigation that extended quite far out from the actual site. When we looked at the priorities, as it related to which large mitigation projects will get forward as part of the policy we had to balance the number of projects that we had to build as well as the proximity to the North San José area and how much funding we'll get out of each phase. So as part of that we did put Mayberry-101 as a phase 4, however Mayberry-101 is a priority for the city. We have a separate development policy as you mentioned. If we have the opportunity to help that project and help that funding along as a part of North San José. I think we would have the policy to do that. What we have here is an opportunity to maximize our funding, both local and regional. That gives us the most flexibility versus if you only had it in one location.
>> Councilmember Chu: Thank you very much. I wanted to take this opportunity to thank everybody who participated in the North San José neighborhood task force. Their work will bear fruit for many years to come as we continue to see the North San José shaped. When the city approved the North San José planning in 2005, instead of two similarly conflicting goal, one is to community develop the Mrs. Around the other one is the economic development. But I wanted to thank the mayors and also Councilmember Liccardo and we share the belief that if we put everybody and the table, we would be able to achieve these two similarly competing goals and we did that. So thank you, mayor, thank you, Sam. The proposed -- the proposal today is a class action amongst these who have the biggest stakes in the North San José. The city and the RDA, I don't want to single out anybody but I see John Weis over there, I wanted

to thank specific thank and his contribution to the North San José task, not the effort to bring this series of documents to the council today so thank you, John Weis. And also, the homeowners and many developers, the labor representative as well as the chamber representatives. As is recommended in the joint memo by my colleagues, I do intend to continue to solicit the North San José task force's feedback by convening the meetings at least one a year to provide update to the community, and to the interested parties. So as was said, I'd like to move to approve the staff recommendation, with the -- this memo dated on June 4th, signed by the mayor, Councilmember Liccardo and Councilmember Pyle and myself.
>> Mayor Reed: Okay, we have a motion on the floor. Councilmember Pyle.
>> Councilmember Pyle: I just wanted to say how thrilled I am, that this is going forward. Now that I've almost knocked myself out here. [Laughter] because the fact that we have that much square footage, 8.6 million square feet in that area to work with, and I love the fact that we're building in the flexibility and the aggressive stance that we need. Because it seems that our mayor has stacked up quite a few companies that are ready to come here, as well as Paul Krutko has. So I just wanted to ask one question, and that is, from a time when a company says, we want to come to San José, what would be the lapsed time between when they could sign the lease and get into the building?
>> Mayor Reed: Can I answer that? Because I have some really experience with some of those companies you mentioned and it is sometimes amazing work done by our staff. With companies that really need to move very quickly. And they come to us, and say well, we'd like to move into North San José. We need to be there by August, or we need to be there by July, and it's May. And our staff figures out how to make it work, this special tenant improvement plan team goes to work, and we figure it out. And so it can be very quick. And it just depends on how aggressive the company wants to be about getting the plans and everything ready to give to us. Because I discovered, we are often faster than the speed of business, which is where we want to be because they look to us and they know if they're in a crunch and they've got a huge market opportunity and they need to get into a building that we can deliver. Our staff has done that over and over again and there are dozens of examples of that happening. So I don't know what the minimum number is time of, we don't want to put that out there because we don't want to tempt people but it is very quick.
>> Councilmember Pyle: Thank you, thanks for all your hard work.
>> Mayor Reed: We do have a motion moving the memorandum Councilmember Chu referred to with the staff recommendations. I have some requests from the public to speak. I'll take that now. Eric Morley and then David Wall.
>> Good afternoon, Mayor Reed and councilmembers, my name is Eric Morley with the Morley brothers here on behalf of Cisco systems. Our firm represents the company and its affiliates on land use real estate and development matters throughout Silicon Valley. I just really just wanted to take the opportunity today to thank mayor Reed, Councilmember Chu, Councilmember Liccardo, and the balance of the council, for its vision in implementing the North San José plan over the last several years and also the professional staff. They have done just an excellent job of both outreach and collaboration throughout this entire process. And as Mr. Krutko indicated we had a couple of clarifying questions. The staff has been extremely proactive with us. And responsive. We very much appreciate that and obviously with this plan the city has created an excellent foundation and also really set the table for future development in San José, and just wanted to thank you very much.
>> Mayor Reed: David Wall.
>> David Wall: I applaud the fact, companies want to come here. But companies do things because it is in their interest to do so. And therefore, it raises if illusory question, what are the real benefits in relation to what the taxpayers have to shell out? The taxpayers with reference to their moneys are being distributed by votes for the redevelopment agency, the acquisition of land, the deferral, for example, of sewer connection fees. All these things are cumulative in their cost to the taxpayers, to entice companies to come here. Well, if you go up on North first street or Zanker road which parallel each other, you see these companies that came here years ago, as if they were little pirate ships that came in to put into port to offload their goods or what have you. And then when it was their interest they left. And what they left was a wake of development gone awry. Congestion, vacant buildings, and now, we are supposed to give you, not you as a council because I don't fault you with these decisions. I fault staff as giving you these illusory promises that don't pan out. And I'm not being mean spirited here or anything of that nature. But let us look at the past references to economic development of this area. You were going to chew up very valuable farmland for Tesla motors. What happened to that? The entertainment zone was already discussed. All that money, what happened to that? Suvienda, what happened to that? At what point are

these illusory promises going to be taken for what they are, just a gamble, a promise. If businesses are willing to come here and share or put up and not cost the taxpayers, that's a different issue. But I think the taxpayers should be actually the arbiters of how North San José should be developed, not task force.
>> Mayor Reed: Sorry, your time is up. Ross Signorino.
>> Ross Signorino: Thank you, Mr. Mayor, members of the council. It's gratifying to hear the attitide you've taken towards business and trying to get them. They say they want to come here. You're ready for them, that's great. It remind me of 1992 when T.J. Rogers of semiconductor said it took him about six months to try to get an awning on front of his building and the permits that he had to get in order to try to achieve this. We don't want this here in San José. If a people, people want a reasonable permit, then we should be ready to do that. And that's what moves this city forward. And it certainly sounds like you are of that mind. Thank you.
>> Mayor Reed: That concludes the public testimony on this matter. We have a motion on the floor. All in favor, opposed, none opposed, that is approved. Our next item is 4.4, a hearing to establish rule 20a undergrounding utility district along Lincoln avenue.
>> Councilmember Chirco: Move approval.
>> Mayor Reed: Move to approve. I think we have some requests of the public to speak. Katy Allen.
>> Katy Allen: Thank you, mayor and members of council. I do want to read into the public record that we did receive a protest from one of the 66 neighbors in the district, too late to include it in our packet. I believe you do have a copy of the letter. Our project staff did call and answer all the questions for the caregiver of the property owner. I wanted to clarify that this is not a taxing or assessment district. The cost of the conversion to underground utilities is covered by the respectivive utility companies and that likely the conversion costs will be covered under PG&E's credit. Thank you.
>> Mayor Reed: I have one request from the public to speak. I'll take that now. David falcone. David falcone, are you here? I've got a card. Anybody else wish to speak on this matter? Okay, then we have no public testimony at this time. We do have a motion. David, if you're moving this direction wave, so I can see. Nope, okay. We have a motion to approve. All in favor, opposed, none opposed, that's approved. 4.5, commercial signs on city property. We have a motion to approve by Councilmember Pyle. All in favor, opposed, none opposed, that's approved. 6.1, amendment to the airport master plan. Bill Sherry is here if we have any questions. We have a motion to approve. Councilmember Liccardo.
>> Councilmember Liccardo: Thanks, mayor. Bill, I know this came before committee and we had a lot of opportunity to vet this publicly. I know Councilmember Oliverio and I have been bombarded with a lot of concerns in the last -- you got one, I got a few -- in the last couple of days, primarily from residents who are engaged with citizens against airport pollution and concerns about the disclosure of some of the documents, fairly recently, at least they seem to believe, that during the prior meetings with CAAP and I wasn't at those meetings that these documents weren't presented there might be something more something different. Could you first just address any concern about the distribution of these documents and when they were made public.
>> Bill Sherry: Yes, councilmember I'd be happy to. I just wanted to highlight the outreach that we've done on this item. Starting back in February, February 8th, it was discussed at the airport commission meeting. Following that we met with CAAO directly on February 16th and briefed them about the proposal. We then had GA general aviation stakeholder meetings on the 24th of March. We appeared before the airport land use commission on the 24th of March, and the commission recommended approval. Of course the documents were agendized and published for that meeting.
>> Councilmember Liccardo: Bill, can I interrupt you for a moment? Were those the same documents that we've got today?
>> Bill Sherry: Yes.
>> Councilmember Liccardo: So those were all agendized several weeks ago.
>> Bill Sherry: And they've been available on our website since March 12th. You could download all the documents. Do you want me go on?
>> Councilmember Liccardo: Well, I know you've done additional outreach since then. Do you want to summarize it or --
>> Bill Sherry: We've met with District 6 and District 3 residents throughout the month of March. We had it agendized and again the documents were posted for the Airport Commission hearing April 12th, again those documents were available for that meeting and the commission recommended approval. We also appeared before the Santa Clara city council, gave a presentation on April 20th, we appeared before the

City of San José Planning Commission hearing on April 21st, and they recommended approval. And then of course, we appeared before the T&E, the transportation and environment committee on May 3rd and CED, Community and Economic Development on the 24th, and all of those documents were available, at all of those agendized meetings.
>> Councilmember Liccardo: Okay, so there's no recent document that's emerged?
>> Bill Sherry: There are none.
>> Councilmember Liccardo: Thanks Bill. Then with regard to the CNEL map, I read the text and the text is very clear to me that what we're getting in this new master plan is something essentially that projects lower amounts of noise, smaller noise contours, less emissions, by 2027, then the prior plan had by 2017. There was some discussion I think among some residents and advocates who were concerned that when they look at this map that they come to a contrary conclusion. I just want to clarify with you is my understanding correct that essentially what we're getting here is less frequent major commercial traffic, less significant noise impacts?
>> Bill Sherry: Councilmember, that is correct. Every environmental benchmark including noise has gone down or is being proposed to go down.
>> Councilmember Liccardo: Okay, thank you. And then the final question with regard to curfew intrusion and fines, it says this plan in any way call for any change in reporting or the composition of fines or exchange of any money?
>> Bill Sherry: None at all.
>> Councilmember Liccardo: I'm sorry?
>> Bill Sherry: None at all.
>> Councilmember Liccardo: That remains as it has in the last few years?
>> Bill Sherry: That's correct.
>> Councilmember Liccardo: Thanks a lot Bill.
>> Mayor Reed: I have one request from the public to speak. We'll take that now. David Wall.
>> David Wall: Very few times in city service do we have a director that deserves accolade for his services to the city. And I believe our director of aviation is that person. It is a privilege, sir, to read your reports. They're accurate, they're honest, and above all, concise, with reference to budgetary allocations to programs. This particular lesson should be inculcated throughout the city organization, one does wonder why it is not. Only question I have about the airport, it has no reflection upon the city or the honor of our aviation director. There are a number of factors that are out of control insofar as his ability to control them. These are factors of the economy, the worldwide banking concerns, the borrowing of money, the cost of that money, and also, debt servicing. These are nothing to be put on his shoulders of anything that he has done or is to be responsible for, and I want to make that known, in my opinion. I only worry about deposition of spent aviation fuel in the gardens. Now, that's just a personal peeve with me, and that's also not within his scope of control. But I want to take the time to give you, director Sherry, my support. Outstanding report. And he came below budget! This is outstanding. Thank you very much, sir! [applause]
>> Mayor Reed: That concludes the testimony. Councilmember Oliverio.
>> Councilmember Oliverio: Thank you, mayor. I as well wanted to thank airport staff. Oftentimes at the council when we have things come about the airport they can an historical path that condition contentious. The airport staff basically had a large outreach policy as Councilmember Liccardo had in the line of his questioning and was really able to share information in what the status of the airport plans were to do early on. And the fact and reality is that we're staying within the environmental impact report and I think even those that are sensitive to the airport want us to have a successful airport that keeps the airport curfew intact. So again, I just want to thank staff. Thank you.
>> Mayor Reed: Councilmember Pyle.
>> Councilmember Pyle: Thank you. I've always had a love for flying and I took flying lessons until I couldn't afford them anymore, and then after that I flew wherever I could around the world. But I wanted to say last night as I was coming back from the San José education foundation dinner I just happened to see this plane coming in, now that's about as low as I'm ever going to see a plane and it was so quiet! I couldn't believe it. So the technology that's gone into the newer machines which many of you, many of the airplanes are I believe, made a huge difference! So just wanted to comment on that because it wouldn't happen very often. Thank you.
>> Mayor Reed: Any other comments from the council? We have a motion to approve. All in favor? Opposed, none opposed, that's approved. We're now going to turn to the redevelopment agency

portion of the agenda, before we get to item 3.2. We'll take a minute for some of the staff to shift around. First item on the redevelopment agency agenda is the consent calendar. Anything on the consent calendar that council wishes to discuss? We have a motion to approve the consent calendar. All in favor, opposed, none opposed, that's approved. Item 6.1. Is award of a construct contract for sidewalk and drainage improvements on Aborn Road. Motion is to approve. All in favor, opposed none opposed, that's approved. Item 8.1, amendment to the development disposition agreement with Boston properties limited partnership for the plaza at Almaden project. This is a joint city and agency matter. We have a motion to approve. Councilmember Liccardo.
>> Councilmember Liccardo: I just wanted to take a moment to thank John Weis for his extraordinary service and leadership in the city. I suspect John had his hand in this as he does in virtually everything that happens in high rises downtown. This may be our last opportunity I just wanted to say thank you John and good luck to you.
>> Mayor Reed: Okay, we have a motion to approve. Before we finish this item I want to tag onto what Councilmember Liccardo said. John Weis had his hands in many, many things. And some people may not know it, but this is John's last redevelopment meeting, at least in San José. He's going to Boston. He'll be teaching students and probably telling people how to run the redevelopment agency in Boston as well. Just as a little sideline. So I don't want John to leave town empty handed so I do have a commendation here that I want to hand over to him. Signed by every member of the council a little souvenir so you can prove to the students in Boston that you really were a big wheel. Come on up here, John. [applause]
>> Mayor Reed: We're all going to miss John in this Boston properties project, one of many, many that he worked on. Harry.
>> Harry Mavrogenes: It's been an absolute pleasure working with John. He's had a steady hand, incredible integrity, and he's really helped this agency achieve a lot of things and you will be sorely missed, thank you.
>> Mayor Reed: Back to the business, Councilmember Campos.
>> Councilmember Campos: Well, I just want to add one thing I think it's fitting to be able to recognize you John. I came in almost ten years ago as a new councilmember and had a big vision of revitalizing story and king. And John, without your guidance and help in securing the opportunity for the community to have a vibrant business district, it wouldn't have happen. And we didn't just transform with your help four corners, we transformed a whole community, and lives. So I personally want to be able to thank you for creating an economic engine on Story and King so thank you and I will be forever grateful.
>> Mayor Reed: Councilmember Pyle.
>> Councilmember Pyle: I'll wait. I just wanted to tell a little, quick story about John, saying you know you have to come over and see what this whole environmental enterprise system looks like, and what we're trying to do with these incubator businesses et cetera, so I went over and I was absolutely -- that was the beginning of my love affair with economic development. So I have you to thank for that. And I also want to say this really touched my heart. On the way back, we looked up, and there was a sign of the Gecco, who advertises for a certain insurance company which I won't mention. But at any rate, you commented, that's the best advertising that I've ever seen in my life, to which I heartily agree. Good luck with all that you do, John, thanks so much for your inspiration.
>> Mayor Reed: We still have to vote on 8.1, let's not forget about that. We have a motion to approve this agreement. ALl in favor opposed, none opposed, that's approved. That concludes the redevelopment agency part of the agenda so we're going to let them clear out and we're going to go back to the last item on the city council agenda. And that is item 3.2, dealing with the Arizona immigration legislation. We'll take a minute for the staffs to get back. Before we get started on the substance of this, given the time of day and the great number of people who want to speak on this I'm going to limit the public comments to one minute each so that we can get out of here, councilmembers have commitments this evening and there will be undoubtedly some significant amount of council discussion on this item before, during and after, I suppose. So we'll limit testimony to one minute. And I think we have enough time to get it done before 6:00. Because I know that councilmembers have commitments and we're going to start losing our quorum. And I want to get this finished before we do had a. And I have a couple other comments to -- just to start this with. We have a council policy that generally speaks to not having items on our agenda dealing with matters done by other states. But it is a council policy and the councilmembers wish to discuss things, that can be done, which is why that's -- why it's on the agenda today because we had quite a few councilmembers interested in having this hearing. I have a couple of suggestions when we get

around to making a motion, first is that we ought to take action today. Not to send staff off to do a bunch of research and work. But take action today, so that we're finished, and -- with it, with this one hearing. Second, it is a very complex issue. And it's very difficult to deal with these things, and this kind of a setting where we don't have a lot of expertise or time or resources to figure it out. But fortunately there are lots of other organizations that are spending a lot of time, effort and energy around this, many, many lawsuits have been filed, and there will be undoubtedly a few judges with opinions about what needs to be done around Arizona, so I think that will work its way out probably pretty quickly because the law isn't intended to be effective until July 29th. I'm familiar with several lawsuits that have been filed. One of them I found the most interesting was the lawsuit filed by the city of Tucson. As a mayor I'm very sympathetic to the problems that cities face, particularly in these kinds of situations when the state government has done something that the cities do not agree with. And it is causing troubles for the cities because that occasionally happens in California. And I would invite anybody to take a look at the pleadings that the City of Tucson has filed which I think does a very good job of describing the constitutional problems with the statute as passed by the legislature. And that they lay it out pretty well. Which is why, having read the statute myself, I, too, believe it's unconstitutional but again it's not my decision. It will be a panel of judges that make that decision. While I think the statute is unconstitutional I'm also not going to be supportive of a boycott because I think a boycott by us would also be unconstitutional. [applause] [Boos]
>> Mayor Reed: All right, folks, hold it down, all right, this is not the time for -- this is not the time for audience participation. A lot of things need to be done today so I'm going to ask everybody to please read the rules of conduct. They're on the back of the agenda. And that's how we run our meetings. Do not interrupt people. Be polite. That's what we ask of each other and that's what we expect of our public and that's how we run our meetings, it works very well despite the difficulty of problems that are in front of us. Anyway, back to my point is that I'm not going to support a boycott nonetheless I don't agree with the Arizona law I think it's unconstitutional and I think there are things we can do and say in criticizing that law and I'd be in favor of helping the city of Tucson help another city as they struggle with the impacts on the lay of the city of Tucson. We can get into that later and we get into discussion, council discussion and then the final thing is, I know that our lawyers are overworked and understaffed and they're taking cuts in this budget cycle. And I'm not going to be supportive of anything that requires a lot of legal work. Such as engaging in litigation or drafting lots of documents and pleadings. But I think joining in an amicus brief or something doesn't require a great deal of legal time because I'm very mindful of the many, many things that we've asked our lawyers to do, and they're losing people just like the rest of the city in this budget cycle. So with that I'd like to open it up for a little bit of council discussion, we'll try to get a motion on the floor, we'll get the public debate, and you have lots of things to do tonight as do I, and we'll get out of here hopefully by 6:00, Councilmember Nguyen.
>> Councilmember Nguyen: Thank you, Mayor Reed and thank you for your comments. Obviously this is a very emotional issue. Last month my council colleague Sam Liccardo, Rose Herrera, Ash Kalra, and Nora Campos, stood with me and with different community leaders and groups such as La Raza Round Table, Siren, Asian Law Alliance, some with Mayfair and Sacred Heart to voice our opposition to Arizona's immigration reform bill, also known as SB 1070. And I wanted to thank their commitment and dedication in tackling this issue as it severs the trust between law enforcement and immigrant communities and fuels the flames of racial intolerance. I also want to thank chief Rob Davis for being at the press conference with us and sharing his view on this issue. Chief Davis has repeatedly stated that building trust between law enforcement and many communities requires that people feel comfortable interacting with our police department. There's no doubt that our country needs comprehensive immigration reform. And as the immigration debate takes center stage in our nation's capital we must demand that immigrants be treated with respect and not used as political scapegoats. The lack of a sensible and systemic federal policy has pushed states such as Arizona to the edge and thus created an unfortunate misguided attempt to disconnect law enforcement and the communities they serve. The Arizona immigration law is an insult to all immigrants, not just to a particular community. As the third largest city in the state, 10th in the country, and capitol of Silicon Valley, San José is considered a shining example of what an ethnically diverse community can achieve. With a richly diverse population San José has political, intellectual, and economic power that is recognized world wide. Therefore it is imperative that we make our position clear that we respect the federal government's exclusive jurisdiction over comprehensive immigration law and oppose the law passed by the state of Arizona. Having said that I'd like to make a motion to approve the following items on the memo dated May 5th, 2010 which I co-authored along with my council colleagues Liccardo, and Kalra. If I could take a moment to itemize these

matters. We want to direct the City Manager to bring forward a resolution that denounces Arizona immigration legislation, B, draft a measure for consideration by the city council prohibiting the use of city funds for attending the state of Arizona for attendance of conventions, meetings, or other events there. D, release to the media a statement in most core languages emphasizing that residents in the City of San José will not be detained by the San José police department for suspicions of having unlawful status in this country, and that the city will serve all residents without reporting any otherwise law abiding residents to the federal immigration and customs enforcement. And then also, to approve item 2 and also, item C has been eliminated from my motion, given the fact that when we proposed it, we wanted to send a strong message to Arizona that we oppose their immigration reform bill. But after having looked at the city's current budget situation and the constraints that we're facing I don't think a boycott is appropriate at this time. And for that I'd like to move the memo with the elimination of 1C.
>> Councilmember Liccardo: Second.
>> Councilmember Nguyen: Thank you.
>> Mayor Reed: We already have a memo on the floor, a motion on the floor drafted around the memo. Councilmember Liccardo.
>> Councilmember Liccardo: Thank you, mayor. I wanted to thank Councilmember Nguyen for her leadership on this issue. And all the councilmembers who have supported this. I think the question that's most often come up in my conversations with members of my community, I certainly have many members of my community who are concerned about enforcement of immigration laws, and some members who have friends close relatives, I think many of us know people who are here without documents, many of whom are people who have been here 20, 30 years who were brought here as children at the age of 3, 4, 5. They've gone to school here, worked here, many of them don't even speak a foreign language, they speak English, they consider themselves every bit as American as everyone else and trying make a life here in the face of what is a very challenging situation, knowing that to somehow comply with immigration laws would require them to be deported to a country in many cases that they never even been to before, wait it out for a decade or so until their number comes up and then come back in and rejoin the rest of their family in this country. So we face a lot of difficult constraints in our community, particularly a community as diverse as ours to really deal with how it is we are to engage with residents knowing that we need to enforce the laws, at the same time that these residents are important members of our community as well. And why do we bother with this in San José? And it seems to me that laws like SB 1070 create a contagion of fear that spreads throughout immigrant communities in major cities like our own and it is that contagion of fear, that fear that a person doesn't want to make contact with law enforcement because it could put a mother or a brother or a child at risk of deportation, that fee that prevents a victim of sexual assault from reporting the crime from calling the police, a witness in a gang shooting case from cooperating with the DA because any contact with law enforcement might put them or a member of their family in peril. Those fears are very real. I know them very well because I was a criminal prosecutor for seven years. I prosecuted drug cases along the U.S. Mexican border, I prosecuted sexual assault cases here in this count. I know very well how challenging it is to develop trust in a community particularly in an immigrant community that fears contact with law enforcement if they conflate local law enforcement with the immigration authorities. Our department, our San José police department, has done an extraordinary job in making the clear that they are not there to enforce a federal immigration laws. They are there to enforce the laws that protect all of us from the kind of violent and predatory crimes we fear the most. I have often heard complaints from those who oppose the position we're taking, that somehow or other, 833B is the same as this law and why circulate we take a position to oppose another state's law when California has another law on the booked. 833 is not enforceable, it has been ruled unconstitutional by one federal court judge in San Francisco, it has been enjoined by another federal court judge. Attorney general in this state has determined that law enforcements should not be implementing 833B precisely because of constitutional defects. Quite simply we do not have a law in this state that is comparable to Arizona's, nor should we. There is good reason for that because if we care about the relationship between law enforcement in our community we do not want to drive these kinds of wedges between the police and the community. And why does it affect us? Because we know that whatever happens in another state or in this state we know that the rumors spread. We know that Spanish language radio is going to be discussing the fact that local police in one city or another picked up or arrested people on immigration charges and people naturally conflate local police wherever they are, from one city to the next. There's no real distinction for most people as they hear about reports of what the government is or is not doing. So we have to be very clear if we're going to have stable relationships

in our community to be able to enforce the laws that we know we are most responsible for enforcing, to allow the federal authorities to deal with the immigration laws as they know best, and we should be dealing with those laws that protect the safety and life and property of our residents. So I strongly support the motion and encourage my colleagues to do the same.
>> Mayor Reed: Councilmember Constant.
>> Councilmember Constant: Thank you, mayor. First off, I appreciate the fact that the boycott has been taken out of the motion. However I still cannot support it. And I'll tell you first of all, there's a reason we have council policy 0-11 and that is that we should be using our resources here at the city not only during these meetings but city staff resources, to take care of our own issues, within our own city. We know we have a lot of challenges in front of us. [applause]
>> Councilmember Constant: We -- we have challenges not only in the short term, in the next couple of weeks, in the things that we're dealing with with our budget, but with our infrastructure. I mean I could go on and on for hours about all the things that we have. And our policy 0-11 was specifically put in place to keep our focus. It's also you know one of the foundings of how our federal government and our states are set up. That each state operates separately as an individual state. And I think it's important that we respect other states' rights, and the actions that are taken by legislatures in other states. Now, if you go to the specifics of the law itself, we've heard a lot of the potential fears that come with laws like this, like the fear of racial profiling, when in fact SB 1070 the Arizona law expressly prohibits racial profiling, in fact it does so in four different sections of the laws. In fact, almost no other law, I couldn't find another law that a state or federal level that had the same protection and prohibition in it. There's also of course we can't forget we have the fourth and 14th amendments of our constitution that override as well. Section 2 of the law specifically requires that officers must make a lawful stop, detention or arrest, on another crime, prior to inquiring about immigration status. So it's very clear that racial profiling is prohibited in the law, and that it must -- the investigation must only be made pursuant to a lawful contact, detention or arrest. Now, I've also heard how terrible this would be that aliens in our country would be required to carry documents that they otherwise were not required to carry. Since 1940, which is what, 70 years, we've had a federal law, in fact section 8 of the U.S. code, in 8 U.S. codes sections 1304 A and 1306 E that have required aliens in this country to carry that documentation with them. In fact, the Arizona law mirrors identically the federal law, not only in what the law says but what the consequences of violating the law are. It is important to note that virtually every country in the world has the same requirements for people who are in their country from other countries. This is not a radical change. The U.S. Supreme Court has long recognized that states can enact statutes to discourage illegal immigration without being preempted or prevented by federal law. In fact in 1976, I believe it was the Decanis V Bica case rejected any such preemption. The 9th Circuit Court which is the circuit we reside in, in Gonzalez versus the city of Peoria in 1983, clearly stated that concurrent enforcement activity by individual states and federal authorities as it relates to immigration crimes is authorized. That was in 1983. The 10th Circuit Court in the U.S. versus Vasquez Alvarez in 1999, reaffirmed that federal law gives clear limitation for state and local agencies to participate in immigration enforcement if they so choose. And also, in 1994, the U.S. Congress started actively funding and has continually funded the law enforcement support center, often known by the acronym of LESC, which is a 24-7 hot line for immigration status requests from local and state law enforcement throughout the nation, and in fact receives on average 1,383 calls per day. It doesn't take much inspection to see that that means that this type of investigation of status is happening throughout the United States already on a daily basis. We hear a lot about the fears that this is going to put in all these possible potential ramifications, and there's a county in Virginia and unfortunately, I forgot to write down the county name, but it's the northern -- northeastern tip of Virginia, real close to Washington, D.C. has had virtually an identical law on the books since 1999. And they were faced with the same potential fears when they were passing that county ordinance. And a look-back shows that those were baseless fears, that they've not experienced any of those situations. I know Sam has already addressed our own penal code section here and while there is -- ours is not identical at all to the Arizona law, but there are a majority of the states in the union that have similar laws in the books. And that is, that when someone is arrested or detained that there is, especially if they are booked, that there is a check of their immigration status. So as far as the constitutionality, I think it's been opined multiple times by the supreme court, the district courts, by the actions of congress that this is something that a state like Arizona is well within their rights to do. I think that we as elected officials and people who make laws and policies in our state ought to respect what other jurisdictions do, especially when those actions do not directly impact those of our residents, and we should respect our own policies that we have on the books. As I mentioned, council

policy 0-11. I think that while it may feel good to take an action like this, to say we're doing this to say, shame on Arizona, I think in reality, Arizona has a significant amount of challenges in its state. They have elected leaders, that there are residents and voters in that state that have the appropriate repercussions to take against leaders that they don't feel are working in their best interest, and I don't believe it is my place at all as a an elected official in the city of San José to tell Arizona how to do their job any more than I expect any state, county, or city in the nation to tell me what I should be doing on behalf of the residents of the City of San José and the constituents in my district who voted me into office to represent them. [applause]
>> Mayor Reed: Councilmember Pyle.
>> Councilmember Pyle: Thank you, mayor. I wanted to refer to a couple of things that were in the newspaper this weekend, but not everybody might have had a chance to see it. First of all, this is more a federal issue. We all know that. In fact, the Supreme Court has already begun deliberating on this very case. It is the responsibility of the federal government to take care of this. It is also good to know that there were two versions of the law in Arizona. The first was defective and had to be fixed one week after it was signed by governor Jan brewer. And I would also like to say too, there are some very interesting observations. According to the Mercury News, the crime rates go down when the immigrant population increases. I'm not sure why that is, but it goes down. They show that the cities with the -- cities with increased numbers of immigrants had the most significant drops in crime rates. And then, also, when it comes to the quid pro quo, in reference to, well, we show our passports, we show tickets, we show whatever, when we need to do that. Once again, according to this article written by Reuben Navarette, when we do that we're asking for a privilege or a benefit. What is happening in Arizona is to identify themselves. And what is basically happened is that the Arizona government has said, these, showing of your identity and all of that, should be done by border agents. And what this law, in Arizona, will do is bring that, what shall we say, direction to local police officers. That, to me, is the most disturbing part of the whole thing. Our police officers -- [cheering and applause]
>> Councilmember Pyle: Our police officers are not out looking for people and trying to pin down their identification, unless there's some legal status as to why they have the suspicion. So for those reasons, I heartily agree with the makers of the motion. [applause]
>> Mayor Reed: Councilmember Herrera. Councilmember Herrera.
>> Councilmember Herrera: Thank you, mayor. I have -- in look at the law, and I have read the law and then there's also a lot of summaries of the law, what concerns me is, this reasonable attempt to be made when practical to determine the immigration status of a person. And it goes on and what it's really saying is that there has to be some determination made by, in this case, a law enforcement officer that someone might be illegal. And what keeps coming back to me is, how are they going to determine that? And I can't help but think that some of that's going to be based on physical appearance. Even though it clearly says that there's not supposed to be racial profiling, I think the way that this is set up that I think there will be racial profiling and that is not acceptable. [cheering and applause]
>> Mayor Reed: Let me just interrupt here. All right, folks. Here's what rule I'd like for you to follow. If you want to clap, let somebody finish speaking. Don't interrupt them. Let everybody say their piece and if you want to clap, that's okay. But let people finish what they're speaking. I don't think Councilmember Herrera is done.
>> Councilmember Herrera: No, I'm not done, I'm just beginning. I respect my council colleagues and I want to give full credit to councilmember Madison Nguyen because it takes courage to lead on a matter like this. I want to give her credit and the other councilmembers who signed on. I respect Councilmember Constant's opposing viewpoint but with all respects, I do think this council can chew gum and walk at the same time. I do think that we can evaluate serious budget issues and also make some determinations about issues that come to the very heart of civil rights in this community. And yes, it is another state we're talking about. But what if we were back in times past, where there were federal laws that were enacted that excluded the Chinese from this country? We've had other laws that discriminated and were legal at the time and now, in retrospect, we look back and say no, that shouldn't have happened, that would never happen again. I have a personal connection to this issue too. I'll tell you what it is. I'll share this issue with you. My mother's family is Jewish. They escaped the hands of the Nazis, not all of them, some of them were killed by the Nazis. And I grew up in this community and one of the things I love about San José, and East San José where I grew up and went to Overfelt high school and sat with folks of all different kind of cultures, is the diversity of this city. I'm proud of it. And I hear murmurs in this audience, which disturb me, negative kinds of voices hearing the word immigrant. Okay? I'm going to listen to you, and I want you

to hear me now. The most important thing we have in this community, the most important asset we have in Silicon Valley, is people. And those people, the diversity of those people and our immigrants are what's going to make this community stronger, and it's going to lead us out of the economic recession. We're very fortunate to have immigrants in this community. [applause]
>> Councilmember Herrera: These immigrants are the ones that started companies, a lot of them --
>> Councilmember Chirco: Excuse me, excuse me. May I -- the mayor has stepped away. That does not mean we can act inappropriately. Councilmember Herrera is still speaking, and the rules still pertain. Thank you. Excuse me. If -- we have security here, and you will be asked to leave if it continues.
>> Councilmember Herrera: I'm not disputing you, I'm talking about immigrants and immigration. Because I think it relates. We can be very proud of the Indo-American immigrants, the Chinese immigrants, the Mexican American immigrants, ad infinitum, all of the different cultures that contribute to Silicon Valley, and a lot of the companies that have been started in this valley are from people that came from outside of this country who are immigrants and we can be very proud of those folks. They contribute mightily to the economy in Silicon Valley, and what we don't want to do in Silicon Valley is send a negative message to those immigrants. It is vital that they keep coming here. It's vital. Look at Japan right now, who has a negative growth rate. They don't have the kind of wonderful robust economy we do with the immigrants coming in to fuel that. Look at Europe. They're in the same boat. We can be grateful that Silicon Valley has a robust economy, will have a robust economy largely in part to our immigrants. We want them not only to come to college here. We want them to stay here form companies here feel comfortable here. This economy is a global economy. And part of the reason why I signed on to this memo is because I want San José to continue to be that. And we need to accept the fact that we have immigration and be proud of that. Yes, there are some issues, with illegal immigration and we need the federal government to step in and help us solve that but we need to send a message loud and clear to the community. This Silicon Valley community. That we're proud of our diverse heritage that we're proud of our immigrant community and that we want that to continue. All of us here are immigrants in some form or another unless we're native Americans and can trace our heritage back to those times. It's just a matter of when did you come? When did your families come? We're all immigrants. Thank you. [cheering and applause] [Boos]
>> Councilmember Chirco: Councilmember Chu.
>> Councilmember Chu: Thank you, mayor, first of all I'd like to thank all of you who either e-mailed me, wrote me, or called me, regarding to this issue. Thank you very much for sharing your thought with me. I want to thank the councilmembers, Madison Nguyen, and Sam Liccardo, Rose Herrera and Ash Kalra for coming out with this memo. And eliminating the boycott is, I think that's really a great step. But I don't know if the city actually is doing much business with Arizona at all. So let's put that aside. I just wanted to thank the councilmembers. The cosigning of this memo. To give me a chance to pretty much voice my opinion on this issue. I'm strongly opposing this legislature because the term of reasonable suspicion of what was the -- I don't want -- reasonable suspicion that a person is an alien really, really bothers me. I think pit people like myself, people of color like myself to very disadvantaged position. And if I were to sit, stand next to a European immigrant, whether he is legal or illegal, but I do have the appearance to have the suspicions, the reasonable suspicions because of the color of my skin. So I will be supporting this memo. Thank you. [applause]
>> Councilmember Chirco: Councilmember Liccardo.
>> Councilmember Liccardo: Thank you, Vice Mayor. I just wanted to address one issue that Councilmember Constant raised and I appreciate his close scrutiny of the law. As revised which I guess it became House Bill 2162 but it was SB 1070, it authorizes that for any lawful contact stop, I'm sorry for any lawful stop detention or arrest made by law enforcement official, and the enforcement of any other law or ordinance, where reasonable suspicion exists that the person is an alien and is unlawfully in the U.S. reasonable attempt shall be made when practical to determine immigration status of the person. Let's just be clear, this means stop detention and arrest. A stop includes when you're pulled over for running a stop sign, you are pulled over when you were driving 27 in a 25 mile per hour zone. A Terry stop, I think many of us in law enforcement know that whenever there's reasonable suspicion of any offense, without probable cause, without warrant, there's no full scale arrest, a simple stop, an inquiry. All of that can give rise, can give the legal predicate under this Arizona law, for an officer to be able to detain the person, inquire as to immigration status and detain them as long as necessary to verify the immigration status. We certainly understand, appreciate, the need why persons without lawful permanent residence are acquired to have identification and proof of lawful status. The problem is that the net is cast

so wide here there are going to be a lot of folks who are simply darker skin than I am or have a Latino accent who are going to be sitting there a long, long time because they don't happen to have the particular document that satisfies that particular officer, that they're in fact in this country lawfully. And that's really a concern that is raised for many of us as we look at this and I think that's the kind of concern that animated two federal district courts to invalidate a similar California statute. There is no question, Councilmember Constant is right that we have a lot of important issues to deal with in this city, and certainly many pressing ones that we're taking on now and in the coming days and week regarding our budget. But I can tell you, every time there's an ice sweep in LA or in San Benito county or any other part of the state I'm getting calls in my community about whether or not it is safe for people to be able to take their kids to school. Whether or not it's safe for them to be able to take their mom to the health clinic. And it's those concerns, that contagion of fear that I'm talking about. When law enforcement is doing something somewhere else and they're authorized to do under the color of state law, it creates problems for all of us in terms of being able to engage with our community, to ensure the crimes are reported, to ensure that the witnesses are going to cooperate with the police, that is what creates such grave concern to me, driving a wedge between a community and a city government. Now we certainly many of us come from different backgrounds. I'm something of a mud, I'm Irish and Mexican, but I'm primarily Italian. And you know, my grandfather would often tell stories abotu how he was often derogatorily called a Wop. And people may forgot what WOP stands for. WOP is an acronym. It stands for "without papers." Because Italian Americans of a few generations ago quite frequently came to this country without papers. That is what we call a colorful parse of our history today. That's easy to say when it's many years in the past. I encourage us to have that same sense of perspective as we look at our community today.
>> Mayor Reed: Councilmember Constant and after Councilmember Constant then I think we'll move into the public testimony.
>> Councilmember Constant: Thank you. I just wanted to respond to a couple of comments. And I know Rose, you spoke about the diversity, and the important role that immigrants provide to this country. And I agree. In fact, my wife's father came here from South Africa and spent ten years waiting to get here legally. My father, as I know you guys know, came here, he was raised in Greece and came here when he was 18 years old. And open my mother's side of the family it was just a generation prior that they came here. There's no doubt whatsoever that without immigrants, and without immigration, that I wouldn't be here and probably most of us sitting up here wouldn't be here. So I don't think that, though, is the exact point. The point is, the difference between those who come here legally and those who come here illegally and the different impact that each of those groups has upon our society and upon our states and our governments at all levels. And that's where I have my concerns. And I do know, I've been in other countries where I've been asked to show my documentation and it was no big deal because I was a visitor in that country and I had my documentation and I showed it. Addressing Kansen's comment about reasonable suspicion. Reasonable suspicion while those are two common words in the legal sense and I'm sure Sam will agree that that's a legally divined term that is university every day by our law enforcement officers. Sam mentioned in fact when an officer stops and does a field interview card they are using reasonable suspicion to make that contact. It's a term -- it's not just a term of art. It's actually a legal term that's used, and reviewed, by courts on virtually a daily basis. I know in the years I was a law enforcement officer made many arrests and would go to court and much of the court trial was about that initial, did you have the reasonable suspicious? Did you have probable cause? What led you there. So that is an area of the law that gets an extreme amount of scrutiny, and with that, I've talked too long. I think we need to hear from the public and then take our.
>> Mayor Reed: All right, let's hear from the public. Again I want to remind everybody to be polite, because everybody wants to speak. Practically everybody in the audience has sent in a card. And I want everybody to have a chance to speak. And you respect the fact that you have to wait, they have to wait, if you are going to applaud do it after they're done speaking, do not interrupt people. With that we will call a few people down. Please come down to the front when I call your name so you're close to the microphone. We cut down the transition time. Again there are a lot of people that want to speak so we've limited public testimony to one minute. Please come on down when I call your name. There is room up front to wait. Esaw Herrera, Gustavo Gonzales, Yolanda Angeles.
>> Good afternoon, mayor and members of the council, my name is esaw Herrera. I'm here in support of the resolution and commend Councilmember Nguyen and her colleagues for putting this forward. We expect our elected representatives to attend to the local business of our great city. But being elected representatives, we also are mindful that you represent the values of this great community, this great

diverse community. I would also note that reasonable suspicion of alien status would include someone like my father born in Mexico, working in the fields of Silicon Valley, poor English, very broken English, dark hair dark skin big mustache, if he were stopped for drying too slow on the freeway, which he often did, he would say yes I was born in Mexico, he would say yes I'm a citizen because my father is also a United States army World War II combat veteran. Staying with the values of the community, staying with San José.
>> Mayor Reed: Sorry your time is up. Gustavo Gonzales. [applause]
>> Mayor Reed: After Gustavo we'll have Yolanda Angeles and Sandy Perry.
>> Hello, let me share a few stories that are not being heard in the media. My brother, Freddy Gonzales born and raised here in the Bay Area, legal U.S. person lives in Phoenix. He was in a park two weeks ago when a group of kids told him to go back to Mexico because he was an illegal alien. He had to explain to my five-year-old Godson that he wasn't an illegal alien and they were misinformed. My sister-in-law, who is a software engineer, works at a large company, had a co-worker come in started yelling at her for the reason she's Mexican even though she was also born in this country. A niece of ours from my wife's side high school student was asked and followed by an immigration officer for documents when she was born in Oxnard, California. So for those of you that think this isn't happening it is. It is a bad thing we need to stand up against this. I recently got a call from one of my constituents, being a school board member saying they're not going to vote for our parcel tax because we're only educating illegal immigrants. It's coming to us, guys --
>> Mayor Reed: Sorry, your time is up. Yolanda Angeles, followed by Sandy Perry and then Shane Patrick Connolly.
>> Well, good afternoon, ladies and gentlemen, and I am also here to speak -- that please, as my city council, my local representatives, of what I do in this county, we've got to stand firm, even though Arizona is its own law and its own state. What affects people in Arizona, can eventually come here. Somehow or other, sooner or later, it's going to affect all of us. My mother was born and raised in Greece. Worked hard, her entire life. Everyone that I have met, and I'm almost 60 years old, I have lived most of my life in this state. And some of the most wonderful people I have ever met were born and raised in Mexico, in Canada --
>> Mayor Reed: I'm sorry, your time is up.
>> So please consider what happens.
>> Mayor Reed: Time's up. Sandy Perry, Shane Patrick Connolly. And then Leon Kimura.
>> Okay, good afternoon, I'm from champ deliverance ministry. We support this motion, we commend Councilmember Nguyen. We believe the city can't afford not to get involved in this issue. Our ministry has been trying -- our agenda has been to house the homeless and heal the sick. We found we could not do this without dealing with the issue of immigration. The Congress tried to make it a felony to shelter people without checking their papers. This is wrong. We cannot end poverty, we cannot end the lack of health care and we cannot solve our budget problems. Secondly Martin Luther King said that injustice anywhere is a threat to justice everywhere. And people back in his day used to talk about state's rights as a excuse to do nothing. We're a Christian ministry. Either we love each other or we don't. Thank you.
>> Mayor Reed: Shane Patrick Connolly, followed by Leon Kimura and Monica Amador.
>> Mayor and council, thank you for having this conversation. Although I support the grid of having this conversation and I have a father who is a first generation American, I have friends who are of undocumented status. I do not support this effort. I believe that an ideologically driven boycott undermines the professionalism with which our city council traditionally approaches issues and the way it is stuck to issues concerning our community and our citizens, I don't -- we also invite retaliation from other places, and it's quite possibly the boycott was quite possibly an unconstitutional infringement but I don't think it's a good use of our city attorney's and other employees' time and energy. We have a deficit of over $100 million and tens of millions more in unfunded future pension liabilities to deal with. It is an inappropriate intrusion of our city government into the legislative and law enforcement decisions of another state. It is their policy.
>> Mayor Reed: Sorry your time is up.
>> I don't think we should --
>> Mayor Reed: Leon Kimura is our next speaker. [applause]
>> Mayor Reed: Leon wait just a second. After Leon we'll have Leon Amador and Rose Amador.
>> Thank you, my name is Leon Kimura, I'm the president of the San José chapter of the Japanese American Citizens' League. I'm also a third generation Japanese American and I'm native son, born right

down the road in San José hospital. I just wanted to say on behalf of my mother who was incarcerated illegally, in an American concentration camp and my father who was in the United States army at the time I would like to thank you all for your fortitude in bringing this forward to the board today. I would like to read very briefly the ending of the resolution of the national JACL who will be taking this item under consideration at their national meeting at the end of the month and it is whereas the JAC was founded in the 1920s during the time of antiasian and antiimmigrant, antimuslim and antidocumented seen in the 20th century, now a lot of different whereases. Now therefore be it resolved by the National Council of Japanese Citizens' League that JACL strongly supports --
>> Mayor Reed: Time is up. You can submit that in writing if you want.
>> Thank you, I'll do that.
>> Mayor Reed: Monica Amador, Rose Amador, Carol Nguyen.
>> I'm Monica Amador, Hispanic chamber of commerce Silicon Valley and I would like to thank Madison Nguyen for spearheading this. This is something that I would urge the city council to consider in this resolution. And to -- also keep in mind that we understand and share the American frustration with the lack of action in fixing the broken immigration system. This law is not a solution to the immigration problem. It is instead a violation of the civil rights of millions of Americans, and of our most fundamental values as a country. My father was an immigrant from Mexico who earned his citizenship as a veteran, and who was a hero. He received a medal for saving his platoon. So we do bring a lot of value to this country. A lot of people that were American Indians were sent to Mexico --
>> Mayor Reed: Sorry your time is up. Rose Amador, followed by Carol Nguyen and Richard Conda.
>> Good evening, Rose Amador, president and CEO of Center for Training and Careers. And CTC is an affiliate of national council of La Raza. We firmly believe this law will open the door to racial profiling of all indigenous people the vast majority whom are legal residents and U.S. citizens. Worse yet, it is the native indigenous people of this land are now being profiled. The Pomo Yaki and many other native tribes. This bill purposely promotes racial profiling of brown skinned people and in particular, people of American indigenous background. La Raza round table the national council of La Raza, native Americans against SB 1070 and several other major civil rights labor and social justice organizations have called for targeted boycotts and we thank you Councilmember Nguyen and other councilmembers to have the courage and leadership to stand up for the rights of the Americans against this racist bill.
>> Mayor Reed: Sorry your time is up. Carol Nguyen Richard conda and Myra Salvador.
>> My name is Carol Nguyen. Mayor Reed councilmembers I think I'll just read the letter that was published in the Mercury News that I wrote last week. The proposed boycott of anything Arizona time and money. How Arizona is dealing with immigration and border issues is a hotly debated topic throughout the country. But for our council, to have this debate in council chamber rather than over dinner, cup of coffee or around the water cooler like the rest of us is both astounding and appalling. Surely there are more pressing issues surrounding the lives of the citizens of San José to address. I implore the marry and the councilmembers to vote no on the Arizona boycott and get back to the fine work you've been doing of addressing the communities and the services here in San José. [applause]
>> Mayor Reed: Richard conda followed by Myra Salvador and Gil Chesso.
>> Good evening mayor and members of the San José city council. I'm Richard conda. Arizona's SB 1070 is misguided and mean-spirited. It sadly reminds us of another misguided and mean-spirited 1997 ballot initiative, prop 187. Prop 187 would have barred undocumented immigrants from our schools and from other essential services. SB 1070 sadly reminds us of other discriminatory laws of the past the Chinese exclusion act, the internments of Japanese Americans during World War II. Quoting San José Chief of Police Rob Davis, negatively effect and undermine the level of trust and cooperation between local police and immigrant communities. Please join other San José cities in sending a strong message to the state of Arizona, denouncing SB 1070. Thanks so much.
>> Mayor Reed: Myra Salvador, she'll be followed by Gil Chesso and Michael Estramera.
>> Good afternoon, I already made some points, I don't want to repeat what everybody has been saying before. I support what they're saying. I want to make a point to what Councilmember Liccardo said, he used the word aliens. We are not from another planet, we are immigrants, we are from earth, we are not alien. The word is immigrants. You do not know the fear of immigrants unless you are an immigrant. You might say that. The fears, there are a lot of fears that they face but unless you are an immigrant yourself you don't know the fears that they're going through, the fears of every day having to drive to school not knowing where you're going to be stopped. The fear of going to school or to work not knowing if your parents are going to be stopped by immigration or ICE. The fear of knowing what is going to be next is I'm

still going to be here the next day, if I'm going to be able to go to school drive to school or go to work. Thank you.
>> Mayor Reed: Gil Chesso. Gil chesso, and then Michael Estramera and Gil Villagrand.
>> Michael Estramera for the motion, speaking on behalf of Santa Clara County La Raza lawyers, of which I am president-elect. I also sit on the board of directors of the San Francisco La Raza lawyers and the California La Raza lawyers, all who have passed resolutions condemning the Arizona law and encouraging a boycott, and we urge the council to do the same. We agree with the mayor, that this is an unconstitutional law, it requires racial profiling and on that basis we urge you to join the county's amicus brief challenging the law. We also believe the de jure arguments that ignore the de facto ratial profiling that result from this law are intellectually dishonest. And on that basis we urge you to join the amicus brief in challenging this law. Secondly this is a local issue. This does affect our own community residents, when they travel to Arizona and they look like me and they're subject to racial profiling and on that basis we urge you to pass the motion. Thank you, Councilmember Nguyen and Councilmember Liccardo, for your leadership in this he be defer. Thank you. [applause]
>> Mayor Reed: Gil Viagran, followed by David Wall and Doug Ruiz.
>> Gil Viagran, lecturer in the school of social work, San José State university. I teach a class on global studies called global leadership and in that class we focus on international immigration and human rights. And I want to just focus my brief statement on NAFTA. NAFTA was passed in 1994, took effect in 1995. That law enabled goods and money to across the border along with vehicles, and that's when all the Machialoros were built in Mexico just south of the border. So let me give you an example of general electric. They made lightbulbs in south bend, Indiana. The workers were paid 15 to $25 an hour. General electric moved the factories to the border of Mexico, most likely Juarez, just south of El Paso, and now the light bulbs were made in Mexico and they paid $1.50 to $2.50 an hour --
>> Mayor Reed: Sorry, your time is up. Next speaker is David Wall. Your time is up. A lot of people want to speak. Fleece sit down. David Wall, Doug Ruiz and Anahid Reyes.
>> David Wall: What is the law? Touchy feely concept. A wise jurist once said, whenever you substitute convenience and/or expediency for the law, you give license to injustice. The conveniences and expediencies that we've seen here today and will continue to hear are panderings, simple panderings. Please have every right to find out who is in their custody. We won't debate that. But raising hands against our fellow Americans in a time of war to those people in my opinion fall into two categories and only two categories. Collaborators or traitors. [applause]
>> Mayor Reed: Doug Ruiz. Anahi Reyes. Paul Brunemeyer.
>> Good afternoon, mayor and councilmembers. I agree with the mayor, the City of San José should not be wasting its time and resources protesting a law from some other state. The fact is, it is the federal government that is responsible for enforcing immigration laws. And they have deliberately ignored them. Arizona should be provoking them to action. I would like to make a motion for someone in the council to redirect this resolution to the federal government, to enforce the existing laws at the boundary so that Arizona does not have to. I also believe that if the federal government continues to ignore enforcing its own laws, we should join Arizona in solidarity to secure California's border as well. Thank you. [applause]
>> Mayor Reed: Thank you. Anahi Reyes, Paul Brunemeyer and then Joann Sanders.
>> Good afternoon, my name is Anahi, I am a student and a taxpayer of the City of San José. I'm currently attending San José State, and I'm here to support the memo condemning Arizona's action. A boycott against Arizona would not be a notable sign of opposition towards Arizona's implementation of such a discriminatory law but more importantly it would be a sign of support and acceptance of all of our City's diverse immigrant backgrounds. It is important to note that a boycott like this has proven to be effective. We went into this in the early 1990s. When the people boycotted Arizona for the state's failure to often Martin Luther King day. It is also important for everyone to speak out against the law that discriminates against any community. An injury to one is an injury to all. Thank you. [applause]
>> Mayor Reed: Paul Brunemeyer, Joann Sanders, Ross Signorino.
>> Good afternoon, I'm Paul Brunemeyer and thanks for letting me speak before you, I'm here to speak in opposition to the memo. From one set of you or one group of you I'm hearing words like contagion and wedges and offense and fear and message. And and from another group I'm hearing laws and crimes rules and consequences and precedent and legal status. And I just want to ask you: Why are half of the of you so afraid of enforcing the laws? Why are you working against that? Why are you trying to weaken it? There is a dreadful cost associated with people being here illegally and that doesn't seem to be part of

this discussion. I'm a victim of crime that was inflicted on me by an illegal alien. They knew he was an illegal alien because police found his prints on my car where he broke in. He'd done it before, he was a felon. Folks I ask you one not to get involved in the issues of another state and two really understand the consequences of the positions you're taking. Thank you.
>> Mayor Reed: Joann Sanders [applause]
>> Mayor Reed: Followed by Ross Signorino and Susan Bailey.
>> Good afternoon, and I am offended that you have to take up the taxpayer's time and the city's time in trying to tell Arizona what to do. Their people are being murdered, their people are being kidnapped, their law enforcement has to do with the drug trafficking. Let's handle our own problems, here. [applause]
>> Mayor Reed: Ross. Ross Signorino, Susan Bailey, Reneé Guerra.
>> Ross Signorino: Thank you, Mr. Mayor, members of the council. I agree with Pete Constant and what he said. Arizona is a sovereign state. It has a right to make these laws, to protect their people here. We have the right to protect the American people here. Arizona is doing what we're trying to do on the borders, build a fence. It is the cheapest type of fence, we are paying billions of dollars to try to protect our country from people coming into this country illegally. They know they're illegal. And yet they keep coming here. That must be stopped. When they're here, that's fine, thank you.
>> Mayor Reed: Susan Bailey followed by Reneé Guerra and Kevin Cotilla.
>> Okay, my name is Susan Bailey and I am urging you to vote against this boycott. Arizona has great problems which haven't been mentioned today. They have people being killed. They feel like they have to carry guns to protect themselves. Their property is being invaded. They shouldn't have to go through that. Our federal government has failed to do what it needs to do, and they have every right to protect themselves. And we could have the same problem here. We have federal immigration policy which the State of California mirrors as does Arizona. There is no profiling. You have to have a just reason for doing something with someone before you can even take them into custody to find out their status. If people are legal American citizens, they shouldn't have any fears because they've got proper documentation which is what we need to show and we're paying all the taxes to pay for all this. And --
>> Mayor Reed: Sorry your time is up.
>> And also the illegals and we're getting --
>> Mayor Reed: Time is up. Reneé Guerra. Followed by Kevin cotilla and after that Bill Hughes.
>> Ladies and gentlemen, I have been listening to you and I heard that some of you have been maligning the Arizona law. And the Arizona law is just reasserting federal law and the problem is not about immigrants because many of you have been talking about immigrants. No, it is about an illegal immigrant. I am an immigrant. You hear my accent, it is thick as molasses, right. I am an immigrant, but I came leg-al-ly. You know, that's the problem. When you oppose the Arizona law, you are actually eliciting, by in effect, having love of more people coming across the border. I lived in Mexico. Mexico's a rich country. It's full of corruption, and what they do is dump the people here. Mexico should be on a par with Canada because they -- they are richer than Canada. But whether they endure those conditions, because of corruption, but also because they have been for 70 years flirting with socialism, so I oppose what you are --
>> Mayor Reed: Sorry, your time is up. Kevin cotilla. [applause] [Booing]
>> Mayor Reed: Followed by Bill Hughes and Carey Dunlay.
>> Mr. Mayor and the City of San José and the rest of the city council I would like to thank you. I would like to -- I would like to thank Madison Nguyen for bringing this issue to the -- to our attention. I am, and giving me a chance to speak on this. I am -- I want you to know that this is the -- I have never seen a bigger -- case of racial profiling than in my life than -- thus -- there is so much that could be -- that so much of a chance of ratio profiling with that law in Arizona. We need to put a stop to it! You need to -- and I want to take -- and I want Madison and I want to thank Madison Nguyen for bringing this to our attention and I ask you to support her boycott of --
>> Mayor Reed: Sorry your time is up.
>> -- Arizona. Thank you.
>> Mayor Reed: Carey Dunn Leigh and Don Verich.
>> Mayor, city council, I'm Don Hughes. I agree with the present city council policy of not interfering with the business of other governmental entities, when San José isn't affected. We certainly can't get involved in any lawsuits against Arizona. In fact we should be enforcing the immigration laws use like Arizona. If we are hoping to make the Oakland A's the San José A's we should support them here and at spring training in Arizona. To help offset the boycotts of Arizona my wife and I are going there for major league

spring training next year. The rest of you come join us, will you? That will offset a lot of this boycott. And also, I have confidence in the Supreme Court making the right decision. The U.S. Supreme Court.
>> Mayor Reed: Carey Dunnlay followed by Don Barich and Dale Anderson.
>> I want to thank councilmember Pete Constant for his comments. The council prefer illegals go to the front of the line via federal immigration reform, the new buzz phrase for amnesty, ahead of those who are going through the process legally. What we really need is law enforcement reform. We are not a nation of illegal immigrants or hyphenated Americans. We are a generation of legal immigrants who choose to become Americans. It is not acceptable for people to come here, become citizens, or serve as elected officials and claim allegiance to foreign nations or specific races. While diversity brings much to our nation unity is what holds us together. We are Americans first and foremost. Social injustice, racist, terms du Jour, who wants to be accused being either of those? The bigger travesty in this country today is elected officials' total disregard for our laws and the fact they have stopped listening to the very people who they were elected to represent.
>> Mayor Reed: Sorry your time is up.
>> Thank you.
>> Mayor Reed: Don barich. Followed by Dale Anderson and then Mike Boulia.
>> Mr. Mayor and city council members, thank you for your time today. Boycotts like this are irresponsible. Let the courts do their jobs in deciding if the law's constitutional and you need to take care of the local challenges that we're facing. That is what the citizens of San José are paying you for. You will hear speakers saying this is an issue of civil and human rights. It is not. It is a rule of law issue. They will make issues of -- make accusations of racial profiling, racist intent and prejudice. This debate only takes on racial overtones because people who support illegal activity introduce it. There is no race or color specified in the bill. It is specifically prohibited as it should be. The Arizona law is no different in its wording than U.S. code 1304. And to you Ms. Nguyen you state and I quote, it's important that we send a message that we don't condone what Arizona is doing. What is that exactly? Attempting to enforce existing laws as is our right as a sovereign nation? As a nation we welcome immigrants --
>> Mayor Reed: Sorry your time is up.
>> Thank you.
>> Mayor Reed: Don Barich Dale Anderson, and then Mike Boulia and Ron Asillian.
>> The federal government has for many decades now completely failed to protect us to honor -- to guard our borders. Arizona is simply responding to protect its own people, to protect people who are citizens of this nation. Yes, immigrants but legal. This is all about illegal immigration that people object to and I am very much opposed to the boycott. I think it's not the business of this council to stick its nose in another state, another governing body's business. As a taxpayer I really object to you spending our time this way, spending the money this way, it's just not right. Arizona needs to protect its citizens just like we do. People are being murdered kidnapped, human trafficking arms smuggling all kinds of things at our border and nobody's taking care of it. What about the citizens, do we have any rights? I'm sorry that people feel fear.
>> Mayor Reed: Sorry your time is up.
>> Thank you very much.
>> Mayor Reed: Mike Bulia followed by Ron Asellin and Chris Novack.
>> Let me know when I can start. Thank you so much. First of all, I am a legal resident of California. I don't believe anyone before me was an actual immigrant. I am an immigrant. I can prove it. Second, I would like to mention to you that again we are for immigration but against illegal immigration. You got to have a law that discerns the bad people from the good people, you want to make sure you don't let in terrorists or people who have bad intentions. Secondly, any law can be abused. Racial profiling can be applied to, even today to any kind of law and yet we uphold the laws and deal with the racial profiling and the inequities. We have ways to deal with that. So just because there is a risk of it doesn't mean we are supposed to dump the law. The law is good. The third thing, you're hired here to perform a specific job and when you are taking taxpayers' money and start going you know on your own, you're stepping over your boundaries --
>> Mayor Reed: Sorry your time is up.
>> Thank you so much. [applause]
>> Mayor Reed: Ron Asellin Chris Novack Don Nedell.
>> Thank you, mayor and councilpeople. I just want to say that I strongly oppose the boycott and I feel that it's not a matter of immigration, or it's a matter of law. It's not racial issue, it's a matter of law. And like

many of the people before me have already stated, that we need to enforce the laws that we already have. And if we did that, all these other issues have been mentioned about racial profiling and so on and that raise fear in those who are here illegally, would basically take care of itself. So let's enforce the laws that we have and I don't think that it's a matter of the -- it's within the scope of this council to be dealing with Arizona's issues. Thank you.
>> Mayor Reed: Chris Novak. Followed by Don Nedel, Theresa Hanson.
>> Thank you, councilmembers, I'll make it very brief. I've heard a lot today ad nauseam about racial profiling. By the very definition any person who says to you or to me or anyone else, I am Mexican American, I'm Italian American, I'm German American, by definition, has racially profiled themselves. Enough of this nonsense. Enough of this nonsense. We are Americans. If you are a citizen of this country, you are an American. I'm a European heritage Hungarian, Austrian, Spanish, Turk. I don't go around saying I'm Hungarian, Austrian, Spanish, Turk American. This racial profiling nonsense divides this country. Being an American unites this country. It's time you people pay attention to what's important to San José, jobs. Jobs! Jobs!
>> Mayor Reed: Your time is up. [applause]
>> Mayor Reed: Teresa Hanson, Jerry Mungai and Janie Palisi.
>> Hello, my name is Teresa Hanson, I live in District 6, and I am a fourth generation Californian. My paternal grandfather was almost full-blooded black foot Indian. I have a huge Hispanic portion of my family. We would have tamales, and enchiladas, you know, normal fare right next to our Thanksgiving turkey and Christman turkey. And this issue of illegal immigration, calling -- using the euphemism of undocumented, the need to be a hyphenated American, is dividing us, it's tearing families apart. We need to be Americans, and you need to follow the law. You need to enforce our immigration laws. You need to follow Arizona's lead. You need to focus on, as the gentleman said before me, your $116 million city deficit, creating jobs.
>> Mayor Reed: Sorry your time is up.
>> Creating better life for citizens here. Thank you.
>> Mayor Reed: Jerry Mungai. [applause]
>> Mayor Reed: Followed by Janie -- wait one second. After Jerry Mungai we have Janie Palisi, Keith de Phillippus, and Sandy Tate.
>> Thank you mayor. By the way, I'm an American of European descent. Having said that, what I have to to say, it is anticlimactic. It's a fait accompli. We have six out of the 11 that's going to vote for it. So having that in mind, Americans welcome legal Americans who are required by law to not be a burden to the taxpayers. We heard today that injustice anywhere is a threat to justice everywhere. Does that mean you will boycott Mexico travel products, to protest their notorious treatment of persons found illegally within its borders, will you boycott or at least formally condemn the treatment of women and gays in Muslim countries that practice Sherea law like Saudi Arabia and Iran? In the name of tolerance and justice, will you condemn Saudi Arabia for disallowing anyone in the country who wears a cross or carries a Bible? Thank you very much.
>> Mayor Reed: Janie Palisi followed by Keith de Filipi and Tate.
>> Hello, thank you for allowing me to speak. I'm definitely against the probably that we should be against the proposition against Arizona's law. To me, this is a matter of law. And you have quote from Navarette's article in the paper about crime going down when immigration increases. What is that illegal immigration or legal immigration. I would like to see how the crime statistics stack up in Phoenix whether it's a crime, the kidnap capital of the world. How would that -- their statistics go down? Also, I'm very impressed with Councilwoman Herrera's passion about legal -- you did not say legal immigrants. About immigrants coming to this country. I'm Italian heritage. I'm not an Italian American, I'm American. I appreciate your passion but you never once said legal immigrant. We're a country of laws. John Adams said --
>> Mayor Reed: I'm sorry. Your time is up.
>> Thank you.
>> Mayor Reed: Keith de Phillipus, Sandy Tate.
>> My name is Janie Palisi. The people you heard before me say pretty much of what I feel. The whole issue here is about the illegals, not the immigrants. We all come from immigrants of some sort. That's what America is. It's been a melting pot. But unfortunately, it has become -- the accentuation has been on multiculturalism. We're losing our country, that's something to be concerned about. I married a -- my grandparents were immigrants, I married one, who was a very proud citizen, these days. You must use your head, use common sense and enforce our lays. Respect our laws. And that's my time's up I guess.

>> Mayor Reed: Your time is up, yes. Keith de Phillipus, Keith will be followed by Mary during and Carol Ann Astrofsky.
>> My name is Keith de Phillipus, councilmembers, Mayor Reed, Pete, you've lost so much weight I didn't recognize you. And my own councilmember, Oliverio. Why are we wasting so much time on an issue that is only a feel-good thing? We have serious things to solve in this community. We have serious budget deficits, we're going upside down, we're spending serious time worries about it's not evenly a boycott anymore. We're looking like Los Angeles. Los Angeles unanimously voted to boycott Arizona. Then they remembered, they get 25% of their electricity from Arizona. So even their boycott was a joke. Thank you mayor.
>> Mayor Reed: Mary during, Carol Ann Ostrofsky.
>> Mayor, I voted for you today, so I hope you do the right thing, I really do. And council constant, very good. Everything you said was very good, he said the right thing. There is nothing discriminatory in this law. If there was, yes it wouldn't be right but no, there isn't. You got to protect our country, you can't let people come in here illegally. There's nothing wrong can Mexicans, Irish, Chinese, come on in but do it legally. That is it. Councilmember Nguyen, you guys should not be here. I have a house in San José, I'm very lucky, very, very very lucky, why are we here? Why are we here? Arizona is doing the right thing. God bless Arizona. [applause]
>> Mayor Reed: Carol Ann Ostrowsky, Laurel Pathman, Chris Ariola.
>> Hello, mayor, councilmembers, I live in Alviso. And I'm very upset about what's happening here. I say to Councilmember Herrera, if you want to chew gum and walk at the same time, chew gum on your own time. And not use taxpayer dollars. I'd like to -- and I say that to all of you who are in favor of this absurd idea of a boycott. What I see is merely pandering by members of the city council except for Pete Constant who understands what law is. And how citizens need to obey the law. This is not about diversity. It's about the rule of law. 70% of citizens of Arizona prove their law. It's none of your business. And again, it's pandering. It's pandering to La Raza socialists --
>> Mayor Reed: Your time is up. Chris Ariola, Jeff Moore, Cesar Juarez.
>> My name is Chris Ariola and I'm with La Raza Round Table and La Raza Lawyers. I've been a prosecutor in this county for over 12 years and have seen how horrible the effect on these types of laws can have on our ability to prosecute crimes. I would like to tell that you hate and fear have consumed Arizona and taken the zig tonight of all of its people and if we do not speak out against this type of hatred we are all complicit. We support Maldef and the Chief of Police in their support of this horrible law. We ask you to vote yes and to tell the immigrant children of San José that they have value with or without papers. Please vote for this law and fulfill your duty as public servants to serve those who cannot speak for themselves and who cannot defend themselves and tell the children they have human dignity and have value.
>> Mayor Reed: Jeff Moore -- [applause]
>> Mayor Reed: Followed by Cesar Juarez and Efriam Trujillo.
>> Councilmembers, I'd like to thank Councilmember Kalra for supporting me and my actual trip for the day in Arizona. As I went down there and I marched with more than 30,000 people against this absurd law. The exclusion doctrine around the mid 1600s was something that America established that eventually went into the 1705 slave codes that exactly states the same thing that this law states. The northward migration has been -- they are coming north because we have destroyed their fruits and their growing stuff at home. City Manager Figone, I want to say that you did your homework in saying that crime is not rising in Arizona as has been said. A lot of things that are being told to us about happening in Arizona are not true. I passed out a fact sheet that you can look the up the facts themselves. This is an absurd law, this is a racist law. If we take off our glasses and deal with ourselves honestly for a moment, you see predominantly white Americans come down here opposing this law where people of color are standing up saying there's something wrong with this law. The boycott is the same thing we did against south Africa that changed our --
>> Mayor Reed: Sorry your time is up Cesar Juarez, after Cesar, we have Efriam Trujillo and Jasmine Segura.
>> I'm Cesar Juarez. I'm the organizing director at SAREN and I'm a proud resident of District 5. I was brought here at the age of seven. I graduated from Lindo elementary, I went to Alcala middle school, and I'm a proud cardinal, Mt. Pleasant cardinal. And I also do a lot of work in the Seven Trees community in district 7 and we're disappointed that the boycott language was removed. But we do applaud the hard work of denouncing the Arizona racist law, this law does come to our neighborhood, that law does bring

fear to our neighbors. Our family members, our friends. So I do applaud the strong message that we're giving to this whole country that when injustice become law, persistence is a duty. And voting on this resolution gives a strong message that the Arizona SB 1070 is a wrong pathway, and the practical solution is comprehensive immigration reform that creates a pathway to legalization to our brothers' immigration reform --
>> Mayor Reed: Sorry your time is up. Efraim Trujillo, followed by Jasmine Segura and Jose Sandoval.
>> Hello, my name is Efraim Trujillo, I'm a proud immigrant, college educated, pay all my taxes, and I am here to highly urge you guys to please support this resolution simply because it will help the relationship between the police and the immigrant community simply because it would also help protect our city workers from being exposed to more racial profiling. Because they are from Santa Clara, and let's not forget that San José and Santa Clara have the highest foreign-born population in California, in fact one-third of our county residents are foreign born. Immigrants have made great contributions to our community and our county and they would be the right move to support this boycott. Thank you. [applause]
>> Mayor Reed: Jasmine Segura, José Sandoval, Norma Benevides.
>> Good afternoon everyone, my name is Jasmine Segura, and I'm here with SAREN. I urge all of you to please support this memorandum and take a strong stance against Arizona. This is an issue about public safety. Lands like Arizona undermine public safety and break down the trust between immigrant communities and local governments. In fact in 2007 the City of San José observed that the reluctance of immigrants to interact with local authorities can critically undermine the health and well-being of all residents including U.S. accidents. Therefrom it's imperative that the City of San José passes this memorandum to condemn SB 1070. By passing this resolution San José will join more than 75 cities and counties nationwide that have adopted similar resolutions. As the third largest city in the state and 10th in the nation it is important that we send a clear message against Arizona SB 1070. Breaking our economic ties is an effective strategy but most importantly it is a sign that we value and accept our rich and diverse immigrant community in San José. Thank you.
>> Mayor Reed: Maria, Norma Benevides, José Sandoval, Maria Granados, Yvonne de Pasarrin, Ilogia Figueroa, come on down when I call your name, please. Nadira Mambuki.
>> I'll be translating for her. Ilogia Figueroa.
>> Spanish]
>>> The immigrants are part of America. We pay our taxes, we work, we go to school, we participate in our communities. We need a solution to help our people come out of the shadows.
>> My name is Jizelle Rodriguez. I am from USWW. I want to applaud Councilmember Nguyen, Liccardo and Herrera. Just like Martin Luther King said a long time ago, he wishes that his daughter could be judged by the content of her character not the color of her skin. Thank you very much for passing this memo, thank you very much.
>> Good afternoon, Mayor Reed, city council members, co-members and attendees, my name is Nadira Mambuki, representing Service Employee International Union, USWW, and we support the Arizona boycott. Why, because we believe that every human being has a right to life, meaning to live with dignity, respect, honor and family unity. Laws like Arizona are hurting families and workers and Congress needs to pass a comprehensive reform act to prevent things like this from happening. [applause]
>> Mayor Reed: Rachel Hennikan.
>> Hello my name is Ivo Passaran, I am here from --
>> Mayor Reed: Uno momento. Just wait, I need to get some more people moving down here, one minute please. Rachel Hunekins, Michael Francois. Amy Guinsona, I'm not sure about the last name, Victor Cristobal.
>> My name is Ivo Passaran, I am from SEIU local 1877. Before to speak I want to say thank you, all the community leaders who are taking responsibility to take care about the community here in San José. Before that, after that I'm sorry, I want to -- I want to say to the council that consider boycott Arizona, because this is center and I want to finally say that with us, America works. [applause]
>> Good evening, Mr. Mayor and members of the council, my name is Rachel Henikens, I'm also here with SEIU United Service Workers West. We're a labor union of 40,000 service workers across the state and we also wanted to strongly support Councilmember Nguyen's motion and encourage the council you know to approve it. We also want to say that we respect the council's decision to drop the Arizona boycott from this motion. However we would urge the council to follow in the courageous footsteps of many Bay Area municipalities including the cities of San Francisco and Oakland in revisiting a boycott as a way to

send a very clear message to Arizona that this law is unjust unfair racist and is going to be tearing apart families. Finally I want to echo the sentiments of many people on the council and also comments from the public that ultimately fixing our broken immigration system is the job of the federal government. We as SEIU and members of our union strongly are urging our congress and the administration of president Obama to pass a comprehensive immigration reform bill. I think we all agree that laws like Arizona and misguided enforcement-only policies are going to continue until we --
>> Mayor Reed: Sorry, your time is up. Michael Francois, Amy Giasonan, Victor Cristobal and then Fred Hirsh.
>> Thank you, members of the council, I appreciate everybody here has very different opinions of what's going on. As a community member in district 3 I'm very proud to be here and be able to speak. We live in a state that fortunately isn't Arizona but it's not to say that things like this couldn't change. And by not taking a stand against the problems that Arizona is facing obviously the federal government does need to step up. I can pretty much reiterate and I agree with the previous speaker but I also am a voice for the children and I, like the little girl that spoke to president -- or the first lady, I have a lot of children that are children of illegals and the fact of the matter is it's not that they don't want to be legalized, there's a lot of problems with that as well. The fact of the matter is it is a racist issue, not everyone that's suppporting the boycott I agree with, and not everybody that's against it. It's up to you, thank you for being the ones that have to make the decision but we are the big sister of Arizona basically and --
>> Mayor Reed: Sorry, your time is up.
>> Thank you. [applause]
>> My name is Michael Francois, I'm an organizer with SEIU, United Service Workers West. I applaud Councilmember Nguyen for her efforts in the matter. SEIU United Service Workers West is a statewide property service local that represents security officers janitors airport and stadium workers, many of whom live work and play right here in San José. I would applaud the council for taking up this resolution and what encouraged you for vote for passage of it. The Arizona law SB 1070 does not present the comprehensive solutions our economy workforce and families need. Instead it lends itself to failed enforcement only tactics that fail to honor the great values of this country, equality and value for all. Again thank you for this opportunity and I encourage passage of this resolution. Thank you. [applause]
>> Hi, my name is Victor, I live a community, we live in District 3, Sam Liccardo. So Arizona pass on SB 1070 will not serve to overcome the broken immigration system. I think it's implemented along the border local police and we break those in the immigrant community and law enforcement. I want to say, thank you Sam Liccardo for support pass this resolution for boycott Arizona, all the community I want to say, don't feel now it's legal. All the people say you are illegal. We are not illegal, few men is illegal. Thank you. [applause]
>> Mayor Reed: After Mr. Hirsh speaks we'll have Amy Giasonan, Angel Luna, Maureen Dinera and Ellen Lynn.
>> My name is Fred Hirsh. I'm a member of the executive board of plumbers and fitters local 393 and a delegate and activist with the South Bay labor council which has an historical point of view that all immigrant workers in this country shall have a road towards citizenship and should have a right to reunite with their families. In our deliberations at the council, we have come to put the point of view of the labor movement forward, in support of initiatives of elected officials to -- towards the goals of boycotting the state of Arizona and businesses headquartered in Arizona to the extent practicable unless and until Arizona rescinds state senate bill 1070, and we urge -- we urge you also to oppose provision of any federal funds --
>> Mayor Reed: Sorry your time is up.
>> That would support implementation of 10 --
>> Mayor Reed: Your time is up. Your time is up, sir. Amy Leazonan. Everybody wants to speak. We're going to give everybody a chance. Amy Giasonan, Angel Luna, Maurine Dinera, Ellen Lynn.
>> Good afternoon, my name is Angel Luna and I'm representing Silicon Valley Debug. I just want to say that as a city we should support the boycott in Arizona just because that's wrong what they're doing in Arizona. Before we're American we're humans, we're humans in the eyes of God. We just have to remember that. There is nothing that says that oh you're an American you're this, we're humans, we breathe, we have the same emotions. I want to applaud Councilmember Nguyen for taking the initiative, actually leading instead of waiting for the reaction, being proactive. Because in the city we need more proactive leaders like Councilmember Nguyen Sam Liccardo and Kalra. Before I end this I just want to give a message to all our brothers and sisters because we are brothers and sisters. I mean we have to

unite, we have to make this happen. But we might have difference but you know what what they're doing in Arizona is wrong. Because it's not about the law. It's about what is right. What is right for you to like leave your brothers and your sisters in the street, are you to kick them out into a place like --
>> Mayor Reed: Sorry your time is up. [applause]
>> Before I begin I want to say thank you to all councilmembers of San José for listening to both sides of this issue. My name is Maureen de Nieva, a proud Filipino American a child of immigrant parents and grandparents both from the Philippines. Many of my own relatives across the world, from Australia, Germanym Philippines, and even the City of San José itself ask me why do I care about SB 1070, why do I care the about this law if it's in Arizona why do I care if I'm a legal citizen, why do I care even though I'm not Latino myself? I care because this is not just a Latino issue, this is not an Arizona issue. My good friend Omar Torrez who is sitting behind me this is a human issue. And on a personal note being stopped for reasonable suspicion doesn't fly with this human. Let's embrace inclusiveness. Let's embrace all immigrants. Let's embrace this resolution. Thank you.
>> Mayor Reed: Ellen Lynn, after Ellen Fernando Perez, Raj Jaidev.
>> I'm Ellen Lynn I'm representing the psychological perspective. I'm a psychologist at San José State university. We all know from research that we, every one of us, do stereotype. Unfortunately, this legislation that is written relies upon stereotypes and other forms of implicit bias that may result in racially ethnically based racial profiling by officials who try to be fair. There's discussion about what's legal and what's illegal and there's much emphasis about legal immigrants. The problem is, the way that this legislation is written is not about illegal immigrants. It is written in such vague language that it forces -- it makes the enforcement rely upon profiling. So thank you for all for supporting this.
>> Mayor Reed: Sorry your time is up. Fernando Perez, Raj Jaidev, Luis Rocha, Jr., Enrique Arguello.
>> First of all, I want to just say I commend the city council for taking a step forward and putting this memo out there. My father once told me asked if you want something done ask a busy person. I know you guys are very busy but to have this as an item on the agenda means that you guys not only get the work done that needs to be done in our city but also taking on issues facing communities outside of the state and really, the point that I came up here to make was, the stance that Arizona is taking right now with ethnic studies is also something that needs to be observed and by boycotting Arizona we're also saying that our history books are telling the story of Americans of ethnic groups that have come to the United States, they need to be in the books as well, and it looks like in Arizona initiative is looking to good rid of all this rich history, people that know that is necessary for our children to grow up and learn about. So please continue with this boycott do the right thing and thank you.
>> Good afternoon, I'm Raj Jaidev. Compass of this great immigrant city and I urge the rest of the council to do what I think is the only moral and ethical obligation that you can do as representatives of that city to boycott Arizona and to support the memo and the resolution against SB 1070. You know, the City of San José has been struggling with invalid arrests for a couple of years ago so we know the dangers that are inherent against racial profiling. It should say a lot to this council and this city that Silicon Valley Debug is seconding a position taken by the San José police chief Rob Davis in condemning SB 1070. We should know that unity comes on the side of justice and we are crossing bridges to make that act of solidarity should tell you a lot. What is happening in Arizona is reminiscent of apartheid South Africa, and what history has shown us is that we need to extend --
>> Mayor Reed: Sorry, your time is up. Your time is up. Luis Rocha Jr. Enrique Arguello.
>> Good afternoon mayor and councilmembers. First I'd like to acknowledge and commend Councilmember Nguyen for bringing this issue before us. I believe it's imperative that this council do take action on this item. My great great grandfather is buried in Arizona, my mother was born there and for those that believe that this is just coincidence that this law is surfaced now do not know the history that has taken place around this issue and the this country. In '94 Clinton was in the White House. In 2010, Obama is in the White House. It is no coincidence that this type of legislation has surfaced. It's a wedge issue, it's horrible, it is not a solution. We should not be thrown under the bus with a problem with the immigration system in this country. We should not be thrown under the bus because of political will, the lack of it. Reagan when he was in office there was action that took place on immigration reform. Do the right thing, councilmembers, mayor, support this --
>> Mayor Reed: Sorry your time is up.
>> Thank you.
>> Mayor Reed: Enrique Arguello and after Enrique we'll have Maria Fernandez.
>> Good afternoon, mayor.

>> Mayor Reed: Give me one minute. Maria Ellen Fernandez. Jamie McLeod, John messina.
>> Good afternoon, mayor and city council, my name is Enrique Arguello and I'm an activist in the community. I am proud to be an American. I'm proud to be Mexican. I am proud to be immigrant. And I am proud to be human, because the fact is that there is only one race in this planet, the human race. I close the border without papers but my roots are deep over here because my grandparents they came in the late '20s. And the reason I crossed the border without papers is because the inefficient immigration system is broken. It makes almost impossible to come legally to this country. I want to congratulate city council members, Madison and Sam Liccardo. You guys are working on your duties. By responding and taking action on the community concerns. So please, I argue to support the resolution of the Arizona boycott. [applause]
>> Good evening, mayor and council. I'm going to keep it simple because I think it is quite simple. Today you have a choice. You have a choice to stand strong against hate and injustice or to pack down and do absolutely nothing. We need our city officials to pass this resolution so we can feel safe in our neighborhoods at our jobs in our schools and in our community. This is not just about supporting our brothers and sisters in Arizona. It's about keeping San José as a place we are all proud to call our home. So I ask you to be bold, and to make us proud.
>> Good afternoon, I'm Alson Lasser representing sacred heart community service. I want to thank Councilmember Nguyen and Liccardo for bringing this forward and thank you, Councilmember Herrera for your strong comments. I just want to express, that we see each and every day at Sacred Heart, why would an antipoverty organization be against -- or excuse me, before an extreme as strong as possible boycott of Arizona? The reason is that our immigration system only promotes greater poverty. It's an absolute barrier it continues to perpetuate poverty and continues to psychologically and legally hold people back from their goals and their objectives in their lives and this is something our agency cannot stand for and we're looking to you as leaders of the city to really stand strong. Not only is Arizona passing legislation like SB 1070 but boycotting and saying no to all ethnic studies programs and eliminating racism from the history of our country. This is very scary.
>> Mayor Reed: Time is up. Jamie McCloud, John messina, followed by Samuel Trejo, Maria Castillo.
>> Good afternoon, mayor, council, staff and community. My name is Jamie McCloud, I serve on the council of a neighboring city, but I'm here on my own behalf. As elected officials our most important responsibility is the safety of our community. When people are targeted we must act. When discrimination is practiced we must speak out. The issue before you is not about addressing immigration law it's about setting policy to target people based on skin color and appearance. In our country's most shameful moments this approach has been used to target American of African, Irish and Japanese descent, among others, as well as Jews, and gays and lesbians. SB 1070 directly impacts your employees and your constituents that travel to Arizona. It also puts police officers in the untenable position of having to enforce bad policy. You're under tremendous pressure to remain silent but silence is also a statement. This is your opportunity as a council to say that you all believe that setting public policy based on skin color is wrong. I strongly usually you to support the motion I also want to commend the honorable Madison Nguyen for bringing this forward. Thank you. [applause]
>> Hi, my name is John messina and if the City of San José passes this resolution they will be encouraging unlawful conduct. While stopped at a red light down here in downtown San José, I was rear ended, by two drunk Mexicans and it wasn't hard to tell that they were here illegally. They had no driver's license no insurance no papers and as soon as they discovered there was no cops around they took off leaving me holding the bag. I could have been hospitalized or killed. And who's going to pick up the tab for that kind of thing? If they pass this resolution anybody injured in the city by an illegal immigrant should sue the city. You are the ones encouraging there. These anarchists should get papers and get in line to come back. Thank you. [applause]
>> [Spanish]
>> Mayor and council, my name is Maria Castillo. I'm a community leader with Sacred Heart. The reason I'm here is because we need this resolution to be passed, and the reasoning is very simple. I'm a mother.
>> [Spanish]
>> And as a mother sometimes I think, what about -- what are those people in Arizona, what are those mothers feeling in Arizona. They're with fear, they don't know that just because of the color of their skin they might be stopped and this resolution today is to demonstrate that the City of San José is with our families, with our neighborhoods, and with the entire community. We're saying no to hate, no to being

traced because of the color of your skin, and yes to liberty and yes to happiness for our city and for our families. Thank you. [applause]
>> Mayor Reed: Samuel Trejo, Omar Torrez, Dennis King. Beth Jiminez.
>> Like a member of the community volunteer with sacred heart organization. We support the memo against the state of Arizona for law SB 1070 because the police have the right to protect the working people, not to have persecution or separation of families. Now with this new law Governor Janice Bowen will give the right to her immigrant community in the most secret, being legal or not. This resolution is a symbol that in this area, the community would support us, no matter nationality age, sex, or reservation, thank you.
>> Mayor Reed: Betty Jiminez Greg Miller and Amber Sanchez.
>> Hello, Omar Torrez, chair of the Latino caucus for the California Democrats. I'm here to speak in favor of the boycott against Arizona. Our immigrant community, they're passionate and aspiring leaders in the community, organizing neighborhood watches, building stronger and healthier communities. What are we teaching our future generations, that hate and blame are appropriate? We should teach acceptance and tolerance and justice for our future generations. Discrimination to one is discrimination to all. I am an empowered American born and raised in San José, very proud American actually, I'm going for U.S.A. for the world cup sorry everybody back there but I am proimmigrant and I vote. Okay? You see me walk precincts for many of you guys up here on the city council and you guys have to do the right thing and boycott Arizona. I don't want to regret myself being out there in the sun walking for you guys or voting for you guys.
>> Mayor Reed: Sorry your time is up.
>> Thank you. [applause]
>> Mr. Mayor, councilmembers my name is Dennis King executive director Hispanic chamber of commerce Silicon Valley, also the state parliamentarian and board member of the California Hispanic chambers of commerce. Both business organizations voted overwhelmingly to condemn and boycott because they believe this is a bad law and bad laws need to be nonviolently confronted challenged and changed. History teaches us a lot of lessons. History in this particular country tells us that this country was born in boycott. If it was not a boycott, that brought the colonies together against stamps, against tea and against other British products, against bad British laws, there would be no United States of America! If it was not for immigrants, documented or otherwise, there would be no vibrant United States of America, as it is today. Let me share one final thought. Please, let there be no mistake, let us be very, very clear. That how we treat Americans, with or -- how we treat immigrants with or without documentation, how we treat the hundreds of thousands of families --
>> Mayor Reed: Sorry your time is up. Betty Jiminez, Greg Miller, and then Amber Sanchez.
>> My name's Greg Miller. I'm active in California nurses association and I commend the council for taking strong action against this unjust law in Arizona, and Councilmember Nguyen for proposing it. The wave of migrants from Mexico Latin America and other impoverished countries around the world cox not just to give native born Americans a hard time but to survive. The conditions that create those waves were made in Washington, D.C. for example by NAFTA which allows our subsidized corn farmers to dump cheap corn in Mexico while making it illegal for the Mexican government to subsidize its own small farmers and by the international monetary fund which mandates the cutting of education, healt and social support programs of conditions for loans and bailouts. It was predictable that the race to the bottom in wages and living conditions that NAFTA and the IMP cause would cause people to migrate and we have multitudes of employers in the United States willing to use and abuse the migrant and keep them in the worst low paying jobs by holding their legal status over their heads especially if they try to stand up to their rights and organize.
>> Mayor Reed: Sorry, your time is up. [applause]
>> Mayor Reed: I have two cards left, Betty Jiminez, Amber Sanchez, last call. Those are all the cards I have. If you put in a card now's the time.
>> Hi, my name is Amber Sanchez, Sanchez last name take note please. San José has no authority to boycott another state, one. What business is it of San José to boycott another state? I don't quite understand it, okay? I just can't connect the dots in my mind. It's completely ridiculous. And the fact that I drove all the way down here to have to say this is just mind boggling to me. Mexico has much more Draconian immigration laws than does the U.S.A. The new law in Arizona mirrors the federal law and so I don't know what your problem is, what about it is it that you don't get, that in and of itself is breaking the

law illegally. I don't understand where you are coming from. If someone would enlighten me, I would appreciate it. I don't get it. Anybody? No? Didn't think so.
>> Mayor Reed: Your time is up. [applause] That concludes the public testimony. I assure everybody you will not hear a repeat of everything you heard from council. Nobody will repeat themselves many we don't do that here. So I want to add on a couple of things. As I said I thought the Arizona law was unconstitutional. I want to give you an example of what that means. The statute, as amended, provides that any person who is arrested shall have that person's immigration status determined before the person is released. The person's immigration status shall be verified with the federal government. Now, I don't know how comfortable you are with getting the federal government to do anything. I'm not really confident. So essentially the act and I'm reading out of the Tucson complaint. The act mandates the detention and verification of the immigration status of arrestees without any reasonable suspicion, probable cause or any other independent basis for continued detention in violation to the fourth amendment to the United States accusation. The act mandates the detention, verification of the immigration status of arrestees regardless of more -- other more urgent police duties and thereby usurps the local discretion over the exercise of police power, that's where local government comes in. And what that means in practice is that the city of Tucson under Arizona law is allowed to arrest, cite, and release people who are arrested for misdemeanors. They use that procedure in fiscal year 2009 for the immediate release upon citation of 36,821 persons arrested for criminal misdemeanors. Such as criminal speeding driving under the influence, underage drinking, drug offenses, disorderly conduct and similar offenses. So if they arrested 36,821 people and had to hold all of those people until the federal government verified the immigration status, how many more jails would the city of Tucson have to build? Would it be for a thousand people, 2,000 people, 10,000 people? It's hard to predict. But nevertheless, the Arizona law would put them in the position of having to do that in probable violation of the United States constitutional limits under the fourth amendment and if they did it, they would be subject to litigation for violating people's rights and if they don't do it the state of Arizona has given other people the right to sue them for not doing it. From a local government perspective, I'm very sympathetic to local government being a mayor, you can see how this law is not only unconstitutional but totally unworkable when it comes to local government. I had a question for the maker of the motion, and that is, the intent of the motion with regard to item A, which was to bring forward a resolution, I don't think we need to bring forward a resolution. I think today you can adopt a resolution, is that correct, City Attorney?
>> City Attorney Doyle: Yes, we could memorialize this action in the form of a resolution.
>> Mayor Reed: Well, the maker of the motion, today is the action, we don't have to bring it back forfine-tuning.
>> Councilmember Nguyen: That's correct, Mayor Reed, we can adopt the resolution today.
>> Mayor Reed: And the other question, item B, which is to draft a measure for consideration by the city council to prohibit the use of city funds for travel to the state of Arizona, again I don't see why we would want to draft that and have it brought back yet again for another debate. We can just direct the staff to do whatever it is you intended with the motion, is that the intent of the motion?
>> Councilmember Nguyen: That is the intent of the motion.
>> City Attorney Doyle: May I suggest that be part of the resolution. We could do that all in one.
>> Mayor Reed: Okay. And then finally item 2 which was to -- dealing with filing and amicus brief, I just want to make sure the City Attorney is not going to burn up a lot of lawyer time. There are different ways to do that without having get engaged in active litigation. City Attorney, I know you're understaffed.
>> City Attorney Doyle: We are. The memo that we presented to the council notes that there are five existing lawsuits currently. There is one in particular that is the case of friendly housing versus whiting. The county of Santa Clara is preparing an amicus brief, and we had envisioned that we -- its council passed that, that we would join with them. It doesn't require anything other than a review of the brief.
>> Councilmember Nguyen: That would be fine with me.
>> Mayor Reed: Good, with those clarifications I can support the motion. I want to thank the maker of the motion for taking out the boycott language. Councilmember Liccardo.
>> Councilmember Liccardo: Thank you. Thank you mayor. I think it's important to note that many people spoke against the boycott. We're not voting on a boycott. Although many of us would support a boycott including myself. I want to thank everyone for coming out to speak. Obviously there's strong passion on both sides here for good reason. These are important issues. I think one thing we can all agree upon is that the federal government could do a much better job dealing with our current immigration

mess and we badly need immigration law reform. What the question that came up quite a bit though is why is the council wasting its time? And I found it ironic that question was often being asked by people who were speaking against the current memo. Because after all, we're all spending time here, aren't we? And the reason why we're all spending time here is because we care passionately about this issue, it reflects deeply upon our values and it says something about who we are. And I say that because it is important because it says something about who we are as a city. I think without getting into the issues of why this is good or bad or all of that the mayor outlined a clear example how this could be unconstitutional. Let me give you another example. The police pull you over because your headlight is out or your registrations sticker is off. That is a lawful stop. Now, imagine that stop, which would ordinarily be five minutes, turned into a several hour stop in a jail cell, because even though you're lawfully here, maybe you're a U.S. citizen, that status can't be verified until somebody grabs your A file, for those of you who don't know, an A file is a file kept for people who are here illegally in this country. Until that's verified, fingerprints ore otherwise, you are detained. These are the things we don't like to see in this country, these are the freedoms that we fight for, so we don't have to be detained. You know, there was a lot made about this issue about you know Arizona is suffering because of whatever effects there might be from illegal immigration and we know there are significant costs, no matter what we do. But I think it is important, Nancy Pyle made reference to something. I think it would be important to understand exactly what that was to study. The associated press came out last week with FBI statistics in 2009 citing the four cities with the lowest violence crime rate, El Paso San Diego Austin and Phoenix. Either border cities or major cities in border states. Don't believe me, I'm a politician, look it up for yourself. L.A. times ran it about four days ago.
>> Mayor Reed: Audience participation is over here. Do not interrupt people when they are speaking.
>> Councilmember Liccardo: I appreciate the passion but it's important to understand there is more to it here. It is a complex issue. I think we should come together as a community and simply admit we have a problem here and we have to come together here and find more creative ways to solve it than by pointing fingers.
>> Mayor Reed: Councilmember Kalra.
>> Councilmember Kalra: Thank you, mayor. And mayor, thank you also for going over the constitutionality aspect of the law. I agree with your assessment and glad to hear that you'll be supporting -- you'll be supportive of the motion. I want to thank Councilmember Nguyen for taking the leadership on this issue and I was very proud to sign on, and join on the memo with Councilmember Nguyen as well as Councilmember Liccardo and Councilmember Herrera. And my pride is a little bit diminished in that I really would have hoped that item 1C stayed as part of the motion. [applause]
>> Councilmember Kalra: I know you know the language of 1C is a measure of consideration by the council of a boycott. I know that staff would certainly do a diligent job in determining what kind of impact that would have. We all have to consider the economic impacts and we'd have an opportunity to do that with further evaluation. But, you know, as has been said by many of the speakers and I think that all of us know as students of history that without some kind of tool to empower our views, oftentimes you don't see -- you don't see a reaction to these kinds of statements. So boycotts are proven to be very effective when they're widespread and I think that's part of the reason why so many other cities have joined together in doing that. That being said I do think this is an important step moving forward. I don't think it diminishes the value of what we're doing in that I think it certainly makes it clear how we feel about this new law in Arizona. Some of the issues that have been raised include the fact and I think the comment's been made here and I've received it in e-mails from many, many folks in the community, that why are we bothering with the law that just mirrors federal law? And it's not true, it does not mirror federal law, in fact even if it did, it does bring up issues regarding the supremacy clause and certainly the troubling aspect of having law enforcement, local law enforcement essentially be the wing of immigration enforcement which I think we all are concerned about. I know our police chief has been you know front and center in indicating what -- not just what issues it could cause but we have to recognize why we have one of the safest large cities in the country. And that's because people are willing to come forward as witnesses, people are willing to come forward as victims, and people are willing to come forward when the police are doing investigations. They're willing to do that whether they're an immigrant or not regardless of their status or not because they know the San José police department is not going to do further investigation or hand them over to another agency. And it's not even a matter of someone having proper documentation or not. It causes a chilling effect on legal residents, it can cause a chilling effect on legal residents as much as it can on illegal undocumented residents. As we have seen similar intimidation is used when it comes

to voting rights when individuals are placed near voting sites to look like they're federal law enforcement and citizens that are immigrants don't want to deal with the has many, don't even vote. And so we know that there could be -- that there are situations and it will certainly be increased in situations where people are not going to feel comfortable calling the police because they just don't want to deal with situations similar to what Councilmember Liccardo indicated, where they are going to be questioned and stopped and have to deal with a big hassle trying to prove they are either legal residents and/or American citizens. Some other aspects of the law that are troubling include criminal violations. And keep in mind that when the federal government does an investigation of someone's status that's treated most often as a civil violation, and the most common remedy is deportation. However this is creating brand-new criminal violations based upon federal status. And that I think is one more aspect of it that can cause serious constitutional concerns even more so some of the laws that it creates includes someone that's transporting someone, basically having someone in your car that's not a legal resident, hiring someone on -- they actually create a new law for blocking traffic. I think we know blocking traffic pick up someone at work, although we call this law on its surface unbiased, I think none of us here -- all of us here understand what that means and we have to be intellectually honest. That when they're talking about that, we know who they're targeting. And also, there's a new law created about harboring someone that does not have proper documentation. And so we can talk about family values all we want, but a family that has to turn in their grandmother because they may not be -- may not have the proper documentation or face their own criminal prosecution does not in any way resemble something we call family values. Furthermore there are claims that this is just -- when they amended the law a week after passing which right there shows you how there was a complete lack of thoughtfulness when they passed this law amending it a week later by doing that they essentially added to it that there must be a legal stop detention or arrest. That doesn't limit questioning regarding one's proof of citizenship to suspected criminals, it can include victims or witnesses of crime or accused of local ordinances like noise laws or loitering laws. Someone can be a victim of domestic violence or sexual assault. A witness who do comes forward could subject themselves to having their legal status questioned and again as Councilmember Liccardo raised a couple of times, even if they are legal they're certainly subjecting themselves to treatment that is very -- that will be very different than someone that's not a person of color. And another claim that's been made is that somehow, there's this incredible spike of crime that specifically is due to immigrants and particularly those that are undocumented immigrants. And oftentimes and in fact it's even been used by some of the legislators in Arizona to defend their actions in voting for this law, they discuss violence along the borders with ranchers and what have you. And a representative from the Arizona cattlemen's association specifically points to the drug cartels along the border as one responsible for the violence and not the immigrants. Not the immigrants coming into Arizona to work. There are two issues combined into one, the issue of immigration and proper immigration and the issue of violence that's along the border that has to do with drug cartels. And these are not individuals that are coming into the United States to live. These are drug cartels that create violence along the border, and they should be treated as such. They should be treated as a criminal matter. And so even that same organization that supposedly has suffered from some this violence with some of the farms down near the border does not take a position on immigration law, and appreciate it for focusing some attention on border security but they do not support and have not shown support for any immigration law because they understand themselves they're on the front lines, that it's not the immigrants that are coming in to work that are causing the problem. It's the drug cartels that are headquartered in Mexico itself. So we certainly need to draw the attention on the federal government to draw attention to that and some of that focus has been achieved. In regards to crime rate in 2008, the most recent year where figures are available crime rates in Arizona were historic lows. The violent crime rate was the lowest since 1966 while the property crime rate was the lowest since 1961. I think using violent crime as a justification is a red herring. Coming forward and telling us that this is not going to make it easier for them to do their job for the exact reason that's been stated up here several times that you're not going to get cooperation from community members to keep our community safe when they're saying it I think we should listen to the professionals that are saying it and not to the politicians that are trying to score very easy political points by using fear. Clearly this issue has garnered a lot of attention. Clearly there are a lot of people that support what Arizona has done. That is a reflection of what all of us feel, the fact that our immigration system is broken, our immigration system has a lot of flaws in it, and I think most of us can agree something needs to be done about it. And that applies both to the issue regarding allowing and having so many immigrants here in terms of work as well as issue of border security. Those are all issues that are very serious and should be taken seriously. But a state

creating law that is under the purview of the federal government is not the answer. And now what we see happening is not just in Arizona. Away we're seeing now is laws that are banning ethnic studies, laws that are banning teachers that have accents teaching, but sedates that are trying to copy what Arizona is doing. So to say this does not affect San José or San José's residents is absolutely not true, as has been stated by some of the speakers and some of my colleagues. It does impact the sentiment and the feeling of those that are in our community from feeling that they're part of the community, from feeling that they can trust law enforcement whether they have proper documentation or not and as it spreads around the country what we're going to find is that sentiment is going to increase and we're -- I'm fearful that we're going to see an increase in crime here mostly or at the very least a decreased number of crimes that are solved because we're not going to have people that are going to step forward to cooperate. You know, some of the folks that spoke that were in opposition to any action the council's taking here talked about unity and talking about being an American and being aan American family. And I agree with that. I think we absolutely should be an American family. There were a lot of Americans that stood up there that told all of us that they are fearful of this law. There are a lot of Americans that stood up there and said they don't like what's happening, what it's doing to our community. I think as a family we should be concerned about what our family members are saying. There are family members that are fearful of what's happening we should listen to them and try to find a solution and a resolution that creates peace and that doesn't continue to allow this fear to spread. You know when my father came here, and this is one last point I'll make in regards to Silicon Valley and the role that we play in Silicon Valley and the importance of immigration, he came here and he brought a Ph.D. in aeronautics and worked here in his whole career and through his work many jobs are created through his work he was able to contribute so much to this community. Through his children we've been able to at least my brother has, it's questionable whether I have or not we've been able to contribute to this community. And you know, it's very disheartening when we see sentiment that -- that discourages people from considering this nation as anything but friendly, to people from all around the world. I can tell you that if this environment existed back when my family decided to immigrate here, you know, I don't know if they would have. And I tell you why that's a problem for San José. That's a problem for San José because there are companies in this valley that would not exist or would not be successful, would not be growing without the ability to have talent from all around the world, the free flow of talent from all around the world.

I've talked to companies in my district that have specifically told me that if it were not for foreign born talent, they would not be here right now and their company and their ideas would likely be in another country and some of these companies one in particular I spoke with last week has created hundreds of jobs for Americans. So it does matter what's happening in Arizona. It does matter what's happening in San José. The safety of our community is imperative and I do think it has impact on the safety of our community and the last point I'll make is on the authority for us to do it we do have the authority to do it as a council because the policy that was referred to earlier that discusses not making a statement or taking action, in regards to actions of another state also says that this policy is not intended to limit the prerogative of members of the city council to place before the city council any question which they deem to be appropriate for consideration. And so I hope that my council colleagues will join Councilmember Nguyen, and others on the council, in supporting this motion on the table. I can tell you that it's something that's important for not just the immigrant community here but for all of us in order to make sure that we can provide the safest community possible to our residents, and to ensure that Arizona can provide the safest community possible to their residents. [applause]

>> Mayor Reed: I believe that concludes the council comments. Nope, not quite, Councilmember Oliverio.

>> Councilmember Oliverio: Thank you, Mayor Reed. A lot has been said today. Some accurate, some inaccurate. But definitely passionate and I respect all those viewpoints but with that said I cannot support this motion and that's the end of discussion for me. Thank you. [applause]

>> Mayor Reed: All right, we have a motion on the floor. As made by Councilmember Nguyen with the clarifications. Further discussion? All in favor? Opposed, one opposed constant two Oliverio, that passes on a 9 to 2 vote. That concludes -- [Cheering]

>> Mayor Reed: The last thing on our agenda is the open forum. We have at least one card, under the open forum, Ross Signorino.

>> Ross Signorino: Thank you, Mr. Mayor. In regards to that particular item 3.2, what was mentioned by Councilwoman Herrera, she says she has people in her ancestry --

>> Mayor Reed: Ross, often forum is for items we haven't talked about already.

>> Ross Signorino: All right, I'll talk about something else.
>> Mayor Reed: Okay you do that.
>> Ross Signorino: We talk about the Nazis, what mythical thing that existed at one time, now it is all gone. The Nazis did this, the Nazis did that. It was the Germans who did this. They knew about Mein Kampf, they read the book, they saw the Kristalnagen, they knew that, too. And they saw the Jews taking their business away, they saw the Jews being locked up, they knew this. So we can't say it was the Nazis, it was the German people who knew what was coming along and they let it go. And here we keep saying it like it's something convenient to say, it was the Nazis, there was more to that than that, the Slavic people --
>> Mayor Reed: One minute your time is up.
>> Ross Signorino: I thought that was two minutes Mr. Mayor.
>> Mayor Reed: We need to get out of here. Neck speaker is David Wall and Kevin Cotilla.
>> David Wall: This is a function of neighborhood watch, two event numbers here from the San José fire department. One is from 08:15 hours on June cents, 2010. Event number is 158-9075. The other at June 7th, 2010, at 2335 hours, event number 89-343. This goes directly to your drunk in public issue. The same individual called in himself that he was drunk and having chest pains so fire station responded, took him to the hospital then released him, hospital released him a few hours later, gets drunk again. The sister doesn't let him back in the house both times so he takes up advantage and calls the San José fire department for a free ride to the hospital. And get this: He's a Mexican national. I brought this to the Rules Committee before. This is three times, so we reflect on your drunk in public issue.
>> Mayor Reed: Sorry your time is up and last speaker is Kevin cotilla.
>> I just wanted to -- I just want to take a moment and -- um -- apologize for what I said earlier about 216, the festival of lights. I was misinformed. And I thank you for -- because I did not read the thing entirely. And I was misinformed. Thank you.
>> Mayor Reed: That concludes the open forum. And that concludes our meeting. We are adjourned. Happy election, everybody. If you didn't vote, you still got a couple hours.