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>> Vice Mayor Nguyen: Good afternoon. I'd like to call the San José city council meeting to order for November 27, 2012, and we will begin with the invocation. Councilmember Pyle.

>> Councilmember Pyle: Thank you, Vice Mayor. November hosts animal shelter awareness week. So today we have members from the animal care and services division to lead our invocation. San José's animal care and services is a full time division that offers the community many valuable programs and services. It provides shelter and field services for San José residents, as well as residents of Cupertino, Los Gatos, Milpitas and Saratoga. Please give a hearty welcome to director John Cicirelli, Dotty Barley, John Turadeau, and field workers Murtula and Dick. Thank you for coming.

>> Thank you Nancy. [applause]

>> I want to give a special thanks to Councilmember Pyle. For the last few years she's coordinated this with the shelter to highlight some of our special friends that are down there and give us an opportunity to get our message out there in one of a irvariety of ways. Thank you very much for your support. We have with us six, first one here, this big gold boy here is comet. Next to comet, the little rabbit held by Julie is Cupid. And eight month old Donner. Our captain has the big ferocious Chihuahua named blitzen. And on the end is one of our special rescues, it's taken us almost three months to rehabilitate her, but she's just about ready for her new home, her name's dasher. And hiding behind me Councilmember Pyle stole the kitty. The kitten.

>> Councilmember Pyle: The kitty's taking a rest.

>> Trust me, it's back there, you might not be able to see it now but it will pop up in a minute. These days we are always having difficulty with struggling with resources and budget. So I just wanted to remind you about our Website. San José animals.com. We are in a coalition in the entire county, six shelters including ours, we are all in a coalition together where we make a guarantee that any healthy or adoptable animal will find a home and not lose their lives in our shelters. We have managed to accomplish that goal for a few years in a row and continue to do that in the future. We have also started a new campaign called shelters first. You can learn more about

shelters first by going to sheltersfirst.org. All of our shelters work together, we do some promotions together. Our big promotion that's coming up sort of our, everybody talks about black Friday or cybermonday, all these kinds of sales. We're taking the whole month of December for ourselves. It's going to be our home for the holidays promotion and any adult dog or cat will be just \$12. Tell your friends, family, neighbors the people you might work with or friends at school, and let them know if they're looking for a pet, think about shelters first. All six of our shelters have wonderful pets. We have a goal of finding homes for 1200 dogs and cats. Goal this year we did more than a thousand. With that, just want to thank you, thank you for spreading the word, helping United States out and thank you for supporting us. [applause] Here's the little kitty, I wasn't lying.

>> Vice Mayor Nguyen: Thank you very much, John. We will now have the pledge of allegiance. We have eighth graders from bridges academy in district 7 to help lead us with the pledge of allegiance. Please stand. [pledge of allegiance]

>> Vice Mayor Nguyen: I believe we have some changes under orders of the day. We will defer item 2.7, ordinance amending the Municipal Code related to discharging firearms within the perimeter of the airport and we are also deferring the joint city council financing authority action he related to the City's financing authority commercial paper program. We will also add 2.26, action he related to mayor's travel to Washington, D.C. And per Councilmember Rocha's request we will hear 5.2 immediately after the consent calendar. Are there any other changes? We have a motion to approve the orders of the day. All those in favor, opposed, seeing none motion carries. We will adjourn this meeting in memory of Judith Ann Henderson, a resident of San José for over 40 years, a former staff member for district 2 councilmember Judy Stabile from 1985 to 1993, and an avid supporter of preserving historic buildings throughout San José. Councilmember Pyle has a few more words.

>> Councilmember Pyle: Thank you, Vice Mayor. Right now, somehow my paper got misplaced. But I would like to begin by introducing -- I don't know if somebody kept that with them or what. But -- oh -- give me a couple of seconds. Not here. I'll think we'll begin by introducing Kathleen Muller who is here to give honor to Judith Henderson, and with her as well is Judith's husband, Jim Henderson, and other family members, I think Scott Knies is also here on her behalf, so we'll begin with you, Kathleen. Thank you.

>> Thank you, Councilmember Pyle. Members of the council. It is truly my honor to say a few words in memory of my friend, Judy Henderson, today, and to highlight for you some of her many contributions to the City of San José. Judy was born in San Francisco. But she moved to San José after her marriage to Jim in the late 1960s. She earned a degree San José State University and she began to pursue her love of local history and her interest in preservation when she began volunteering at the San José historical museum in the late '70s. She was then appointed for the first time to the San José historic landmarks commission in 1980. And in that position, on -- as a member of the landmarks commission, Judy became engaged in saving historic buildings in the city. A passion that served as a driving force in her life for rest of her life. Judy left the landmarks commission for the first time in 1985. When she became an aide to newly elected councilmember Judy stabile. The two Judies as many of us came to know them had met through their membership in the league of women voters. While working for councilmember stabile Judy contributed extensively to the City's plan for past which capitalized on our historic resources in the downtown area. She also served as a member of the unreinforced masonry structures committee that was formed after the Loma Prieta earthquake to ensure that brick structures in the downtown core were preserved for future generations. The committee successfully recommended to the Redevelopment Agency that funds be directed to building owners, in the downtown, to help they preserve their structures. Judy also worked extensively during this time on saving the Hayes mansion. For years, she helped lead flashlight tours through boarded up mansion, hoping to find someone who would be interested in preserving it and using it. I first got to know Judy when she served as Councilmember stabile's liaison to the San José historical museum which is known as History San José. I can tell you Judy immersed herself in everything that was important to the museum and became our eyes and ears at City Hall. After councilmember stabile's second term ended in 1992, Judy came to work at the San José historical association where she concentrated on member services which was a perfect fit for her, because she had such a wonderful, wonderful way with people. She also helped to edit numerous books with the museum association published on local history which I think was always a real highlight as far as she was concerned. Later, Judy worked for friends of Guadalupe river park. Where she developed our first education programs for children. And then she was employed by the San José downtown association, from which she retired in 2003. Judy also volunteered for many years with the San José women's club. And as you probably can imagine, she was devoted to maintaining their historic clubhouse, the building that's located on south 11th street,

and is a San José city landmark. Judy's longest running and most devoted volunteer efforts were as part of PAC San José, the preservation action council in San José. From its founding in 1992 until her death. She served as a board member for many years and as part of the organization's advocacy team. She also went on to serve two additional terms on the San José historic landmarks commission, in the '90s including a term as its chair. And she was eventually named a landmarks commissioner emeritus. I think only the second person ever awarded this honor in the City's history. On November 8th of this year, PAC SJ added Judy to their preservation hall of fame and presented her husband Jim and her daughter Jill with a silver heart to symbolize that Judy was the heart of the preservation community, which she surely was. Judy was a loving wife and mother. A dear friend to many of us. And certainly contributed greatly to the City of San José. So I want to thank you very much, thank the mayor, the council, Councilmember Pyle especially for remembering Judy's many contribution he in honoring her today. Thank you.

>> Councilmember Pyle: Thank you, Kathleen, and I wanted to add a couple of things. Judith Ann Henderson passed away on Tuesday, November 6th, surrounded by loving family and friends after battling lung cancer for the past year. She would often say her most rewarding work was when she was on the staff of councilmember stabile representing San José's district 2 from 1985 to 1993. She had just turned 70 years old on October 2nd, and her birthday was celebrated with nearly 100 friends and family. While many of us wait until one's passing to say the things we wish we would have shared while they were still alive Judy's birthday provided those in attendance an opportunity to tell Judy how they felt about her. A tradition that many of us might adopt. Thank you very much, again, for your wonderful presentation, Kathleen.

>> Vice Mayor Nguyen: Thank you. We move down to closed session report. City Attorney.

>> City Attorney Doyle: Madam Vice Mayor there is no report today.

>> Vice Mayor Nguyen: And I just wanted to make an announcement that earlier today, Dennis Hawkins our City Clerk informed the mayor and the city council that he will be leaving the city on December 15th, to take a position with the Santa Clara County. Dennis will join the county as administrative services manager for the office of the

county counsel. In his almost two decade career with the City of San José Dennis has been commended for his commitment to open government, efforts to increase efficiencies through technology and collaborative leadership style. He has served as City Clerk since January 1st, 2011, after serving as assistant City Clerk since 1994, he has been elected five times to the governing board of the Oak Grove school district in South San José and has served as board president in 1998, 2003, 2008, and 2012. The mayor and council is expected to appoint an act City Clerk while a he search is conducted for his replacement and on behalf of the city we want to thank you for your service with the City of San José. [applause]

>> Vice Mayor Nguyen: Now we will begin the ceremonial items I would like to invite Councilmember Kalra and Latitia Gabersy to join me at the podium. Today we are declaring November 28th, 2012 as Albanian Independence Day in the City of San José.

>> Councilmember Kalra: Very happy to be here to honor the albanian community, here in San José. We also have with us Fakmir Alay, Bayazit Mazar, Jafad Rekzar, and of course Leon and Leona as well. And Fatmir Alay. The City of San José celebrates the republic of Albania centennial anniversary of its independence. Recognizing this prominent milestone in Albanian history and the country's enduring commitment to protect democracy and social freedom. After 500 years of suppression by the Ottoman empire, Albania declared independence on exactly 100 years ago on November 28th. Under the leadership of Ismael Kimala, the founder of the modern Albanian state who spearheaded Albanian national movement, an assembly of 83 delegates gathered at the city of Lore and unanimously decided that Albania should be free and independent. Today the republic of Albania is a thriving example of democracy in action as well as a member of the United Nations and NATO. And here in the United States, a population of more than 200,000 Americans of Albanian descent are present throughout the country with many families having retained the rich traditions and language. And it is my -- well, it is certainly my honor and before I hand it over I just want to mention we are having a flag raising ceremony tomorrow at City Hall and everyone is welcome to that. It is my honor to proclaim to join with Vice Mayor and city council as well as the mayor, to proclaim November 28, 2012 as the 100th anniversary of the independence of Albania with hope to further diversity of our community and afford all residents

the opportunity to better understand recognize and appreciate the people Albanian heritage. And so vice Mayor, if you could please present the commendation to Ms. Creveshi. [applause]

>> Thank you. Ladies and gentlemen, good afternoon. On behalf of Albanian community from Silicon Valley I would like to thank councilmember Ash Kalra and his office for sponsoring the first Albanian flag raising in San José, California in honor of 100 years of Albanian independence from the Ottoman empire in 1912. Also I would like to thank the mayor of the city of San José, Mr. Chuck Reed, and all other councilmembers. I would like to thank the Albanian-American community of Silicon Valley for supporting me in this flag raising. As an Albanian American, this is one of the most important days of my life. And here on behalf of Albanian community from the Silicon Valley to accept the proclamation of the first flag raising in San José, California, in honor of 100 years of Albanian independence. Raising the Albanian flag in California is a confirmation that United States is the best country in the world and it is a reminder that the freedom of speech is an extremely important, that this great country provide and preserves and we should all honor that. Especially people like us who came from the war and all repressed regimes should always appreciate the reminder, ourselves and others, how sacred freedom of speech is. Today's event is a great example of that. My dad Iman Barani, educated in Kosovo and specialized in U.S. in electrical engineering was placed in jail in Kosovo just because he expressed his feelings about Albanian flag. And many people like my dad had the same torture just because they expressed a freedom of speech about the Albanian flag. And here today it is me his daughter together with the Albanian community of Silicon Valley, we are given the opportunity and privilege by the City of San José to initiate and organize the first Albanian flag raising, God bless you all, God bless the City of San José, God bless the United States of America and God bless the Albanian community. Thank you very much. [applause]

>> Vice Mayor Nguyen: And now it is my honor to invite, I would probably say a superstar, that we have here in the city council chambers. Isabel Allende and her husband, William Gordon, and her family members who are here. If you wanted to come up, that would be great. And as you are walking up let me say a few words on behalf of mayor Chuck Reed about Isabel. Isabel Allende, a Chilean American born in Peru, who became an American in 2003, is a renowned writer, journalist and teacher. She is known for her novels, the house of the spirits and city of the beast and has written 19 books that have been translated into 35 languages and have sold 55 million

copies. She has also created two international films and her works have been adopted for movies, plays, musicals, operas, ballets and radio programs. Isabel has received 50 awards in more than 15 countries and has also been awarded 12 international honorary doctorates. In 2004 she was inducted into the American Academy of Arts and Letters, and in 2010 she received Chile's national literature prize. In 1992, she created the Isabel Allende foundation to support the empowerment of women and girls worldwide and for over 20 years she has lectured internationally about women's rights and the empowerment of women, Latin American and world politics, Chile, writing and the creative process, spirituality, and of course her work. So on behalf the City of San José I would like to thank Isabel Allende for all her wonderful work in support of women worldwide through her work in the arts and education, and I'm very, very proud to present this commendation to her on behalf of our mayor Chuck Reed and the entire San José city council. [applause]

>> Vice Mayor Nguyen: And of course would like to invite her to say a few words.

>> Thank you, thank you to everybody. Thank you to the mayor, to the city and this city means a lot to me because 25 years ago I was passing by in a book tour. It was October 23rd, 1987. And I was introduced to the last heterosexual bachelor in San Francisco. I married him and I'm still here. So I owe this city everything. My citizenship as an American citizen, my marriage, my happy life for 25 years. And to be recognized here, is really very emotional for me, so thank you very, very much. [applause]

>> Vice Mayor Nguyen: At this time I'd like to invite Dr. Paul de Aurora and also the students from bridges academy to join me up here at the podium and as they're walking up I would just like to say a few words about the achievement beavid program. Month programming been around for more than 30 years. This program focuses on preparing highly motivated students from low income working class and minority families who might not fit the traditional top of the class college profile in grades and test scores. The bridges academy avid program believes all students should be afforded the opportunity for success through a multiprong approach, one that concentrates on improving opportunities for under-represented populations, improving the quality of teaching and improving the, complete 40 hours of community service in order to successfully fill the avid class requirements. Students learn the importance of giving back to their community as well as receiving exposure to the real world in a number

of career option he by donating over 3200 hours of community service. Through the avid program students were able to engage in activities such as peer tutoring, animal rescue, elderly assistance and food distribution at various organizations, including the Franklin-McKinley elementary school choral program. San José public library, senior care centers, hospitals, second harvest food bank, several faith based organizations and of course the bridges campus. So I am very proud of the students who are here today for the early dedication to our community as evidenced by their exceptional work and I'm confident that the skills that they have developed will lead them to a brighter and more successful future. So now it is my honor to present this commendation to the bridges avid program as well as the certificates of achievement to the bridges avid students who are here today and I would like to invite the principal of bridges academy to say a few words.

>> Good afternoon. This program would not be possible without the work of some very dedicated professionals that I would like to acknowledge this afternoon. The avid coordinator at our site at bridges academy is Ms. Alex Adams. Please stand Ms. Adams. [applause] The avid administrator, Ms. Debra Matthews. The avid counselor, Ms. Valdit Assay, and from Santa Clara County office of education Ms. Sheila Walters. Please give them a nice round of applause. I'm extremely lucky to be the principal at bridges academy. We've got the best staff in Santa Clara County and I have the most wonderful students that any middle school could possibly want. So thank you very much for this award. And we will continue doing the community service to make our neighborhood proud. So thank you very much. [applause]

>> Vice Mayor Nguyen: We would now move to the consent calendar. Are there any items the councilmembers would want to pull for comments?

>> Councilmember Herrera: 2.8 and 2.21.

>> Vice Mayor Nguyen: Councilmember Kalra.

>> Councilmember Liccardo: Ask to drop -- is that Kalra?

>> Vice Mayor Nguyen: Councilmember Kalra.

>> Councilmember Liccardo: Okay.

>> Councilmember Kalra: I need to recuse myself from one. I don't know Rick if you could advise, on 2.11, I'm on the health trust, I'm sorry, I got it messed up with housing trust. 2.10, got deferred, that might involve housing trust. Then the only item I would like to pull is 2.18.

>> Vice Mayor Nguyen: Councilmember Liccardo.

>> Councilmember Liccardo: Ask to drop 2.19. And ask to recuse myself from 2.17.

>> Vice Mayor Nguyen: Okay. Anyone else, can we get a motion for the balance? We have a motion to approve the remaining balance. Is that 2.17 is pulled so we will call members of the public. We have a motion to approve the remaining balance. All those in favor? Opposed? Hearing none motion carries. Let's move down the list here. We have 2.8.

>> Councilmember Herrera: Thank you, Vice Mayor. This is the adopting resolution on the foreign trade zone, I just wanted to say that I think this is really exciting that we're moving forward with this. This is really going to make it a lot easier and save money for our companies that could potentially utilize this. I think it could result in 23rd more manufacturing companies locating in San José and those here benefiting from it. I wanted to ask, I don't know if anybody is from economic -- I see Kim. I just wanted to -- if you could just mention do we have any companies that are going to be our first companies to utilize this, do we have any lined up?

>> Kim Walesh: Hi? Yes, I'm Kim Walesh director of economic development. Council approved us applying for this trade zone decision last year and we received word that we had received it. The benefit is huge. Instead of it taking eight months to get federal approval, it takes about 30 to 45 days it's much simpler easier cheaper both for

the applicant and for the city. So we have been actively promoting this program. We have five companies that are ready to go as soon as you approve the revised fees.

>> Councilmember Herrera: Thank you. I know this is going to reduce tariffs and federal tariffs are really complex so we can't say exactly how much any particular company would save in terms of importing a component and manufacturing it here. I've heard there is a story of one company that saved quite a bit of money like a million dollars or something.

>> Kim Walesh: It's important to get the word out to any company that is doing manufacturing in San José. The companies that are participating to date are saving on an annually basis, high six figures to over a million dollars annually. Any company that is a manufacturer please refer them to the office of economic development. We will sit down with them and figure out the January financial savings to them. This is a great program to save and promote manufacturing jobs in America.

>> Councilmember Herrera: Thank you, Kim. I just wanted to highlight this, it's not small change so I'll make a motion to approve this item.

>> Vice Mayor Nguyen: Mr. Wall, you have cards for about five items did you want to speak on all of them?

>> You've administrator yes. But on this specific item I would like to thank Office of Economic Development for all their efforts and also, with the addition of a patent office, this positions the city for great economic development. I do say one comment, though, that the fees look like they're a fire sale, when you consider the benefit the companies are going to receive. And that is my only criticism on that. On 2.3, on the committee reports, I'd like to thank and hold out for accolade the City Manager for retaining the Safr grant and that means San José firefighters will be providing all the necessary protection at the San José airport. I also, on the public safety, finance, strategic support committee, recommended that the auditor's work plan be amended to pay strict attention to all financial agreements associated with the water pollution control plant's master plan. The -- that will do for now. Thank you.

>> Vice Mayor Nguyen: On 2.12, actions related to the 2012 Interstate crimes against children act, the council already approved this but Mr. Trout did you want to speak on this item? Can you speak on 2.13 as well, while you're up here.

>> I get 74 minutes then?

>> Vice Mayor Nguyen: Actions related to 2012 Internet crimes against children's act.

>> I get four?

>> Vice Mayor Nguyen: Yes, do you.

>> Wonderful. Mark Trout, I ran for city council here in district 9 and the thing that got me going actually was the assassination of senator Nancy Schaeffer in Georgia. And its possible connection to our child protective services here in California. Nancy Schaeffer was in all likelihood assassinated by the pedophiles that work for if child protective services in Georgia. She was a two-time senator in district 50, a great gal, good Christian, married to the same guy for 100 years, member of the eagle forum, pro-life, pro-ten commandments, pro-gun, straight on down the line, and they slandered her character by saying she shot her husband or vice-versa in a murder suicide. But I got to thinking my O my since Nancy Schaeffer had proposed legislation to entirely dissolve the child protective services because of their crimes against children allegedly being their protectors but in reality molesting them and make porno movies out of them, I thought my O my, I sure hope this ain't happening in these here parts. So I says I'm going to become the government, and it didn't work out, you know, he won but --

>> Dennis Hawkins: Mr. Trout, excuse me. Madam Vice Mayor, I hate to interrupt, but our practice is that a member of the public has two minutes and can address any number of items within that two minutes. But he would not get four minutes under public comment.

>> Vice Mayor Nguyen: Okay. So you have 50 seconds. Mr. Trout.

>> Google Michael Aquino, Kevin Collins. He has to be arrested, he lives at 243011 worth, Google that Michael Aquino Kevin Collins. Google that, Michael Aquino. So is all the time I get.

>> Vice Mayor Nguyen: That's all the time I get. Thank you.

>> That's unfair not just.

>> Vice Mayor Nguyen: Does any councilperson want to revisit these items? Okay. 2007 ADA accessibility ramps project.

>> Councilmember Liccardo: Thank you, I'm recusing myself because I believe I may live within a 500 foot radius of one of the ramps.

>> Councilmember Kalra: And he may need one as well. So.

>> Vice Mayor Nguyen: We need a motion to approve the item then. We have a motion to approve the item. All those in favor, opposed, hearing none, motion carries. 2.18, oh, that's just an addition for the -- right?

>> Councilmember Kalra: I wanted that one pulled. That's the trip to Iowa. I have no problem approving the trip for Silicon Valley leadership group to D.C. I'm not going to vote in favor of the trip to Iowa to talk to the governor of Iowa and talk to the taxpayers association about measure B. And what's going on here in San José. I don't think it benefits residents of San José. If there's any issues of IRS approval and what have you we have a federal delegation for that and there's other ways of doing that, than traveling to Iowa. It seems a more political trip and should be paid entirely by personal funds.

>> Vice Mayor Nguyen: Can I get a motion on 2.8?

>> Motion to approve.

>> Councilmember Liccardo: Madam Vice Mayor may I --

>> Vice Mayor Nguyen: Councilmember Liccardo.

>> Councilmember Liccardo: I support the trip. I think it's important. As we recognize, there's a political process in Washington particularly with the IRS in moving forward in a unique way I think it's important that as many jurisdictions as possible that are interested in pension reform and meaningful pension reform be engaged in D.C. and I think it helps certainly for the mayor to be out there to be telling other jurisdictions about our experience. So that we can be really marshaling a strong stand in D.C. to get the IRS to move forward. We have all been waiting for some time, I know in Orange County they have been waiting for several years and it's time for IRS to act.

>> Vice Mayor Nguyen: We have a motion. All those in favor? Opposed? Councilmember Kalra and Councilmember Campos opposed. I'm sorry, Councilmember Pyle. That would be one, two, three, so that motion fail on a 5-3 vote. No, you need --

>> City Attorney Doyle: It's 5-3.

>> Vice Mayor Nguyen: We move down to 2.19 has been dropped. 2.21. The neighborhoods commission 2012-2013 pilot work plan.

>> Councilmember Herrera: Thank you, Vice Mayor. I just wanted to again thank any colleagues for supporting the extension of the neighborhoods commission which I believe has played a valuable role in the budgeting process and will continue to do so this fall as well as involving the neighborhoods in many other items including a tree policy and other things. I want to thank Norberto Duenas and Kip Harkness for their work to develop this work plan highlights many of the very strengths of the committee its role in the budget process and their input on major

citywide issues like the selection of the new police chief. So with that I'd like to move approval of the neighborhoods commission work plan.

>> Vice Mayor Nguyen: We have a motion to approve. All those in favor? Opposed? Hearing none motion carries. We will now move to 3.1, report of the City Manager.

>> City Manager Figone: Madam Vice Mayor did you want to bring up the 5.2 right after consent?

>> Vice Mayor Nguyen: That's right. Thank you very much. 5.2, the community center reuse update.

>> Councilmember Rocha: Thank you, madam Vice Mayor. I just wanted to reiterate some of the my direction that was included within the committee report for the council's benefit. We heard the community reuse status report and a number of other items and it was my interest to ask the question at the time of whether or not we've done an assessment of the reuse for the past year or however long we've been doing it. Generally just to take a look at have we gotten a return on the investment, did we get the dollars we were expected to, is this the right past continuing forward and if we haven't done that financial analysis to kind of compare if positives and the negatives both fiscally and in terms of the benefit for public then I'd like to see us do that before we move into the next budget session. So that was my direction at the committee level and I think part of that direction was also included for this to be included in one of the budget study session as far as the report. And I think the committee accepted that unanimously so I'd like to include that with my recommendation to accept the report.

>> Vice Mayor Nguyen: Councilmember Campos.

>> Councilmember Campos: Thank you, Vice Mayor. I just wanted to comment I put a memo out just reiterating my support of the operator, the Asian American community services. You know, they've done a tremendous job since they've taken the responsibility of running that center. Along with making the center available for the surrounding neighborhoods, especially the capital Gough neighborhood association. They brought life back into

that center and I know -- I wanted staff to come down and I know they wanted to add a couple of things for the record as this motion goes forward. Thank you.

>> Thank you, Councilmember Campos. I'm Suzanne Wolf, deputy director with Parks, Recreation and Neighborhood Services. For the record we just wanted to clarify that council policy 7-12 outlines the administrative protocol for selecting our service providers at city reuse sites. Thank you.

>> Vice Mayor Nguyen: Councilmember Liccardo.

>> Councilmember Liccardo: Thank you, Vice Mayor. I just wanted to inquire of Councilmember Rocha just about the nature of the analysis. Because my recollection being involved in this a couple of years ago is that none of us sort of jumped willingly into reuse, we were kind of pushed by budgetary circumstances because we simply couldn't manage programs within our budget. With the very scarce budget that we had, through no one's fault, simply because we didn't have the money. And so I had understood reuse to be sort of the best alternative among very few alternatives about how we could actually provide programs for youth and seniors and people who need programs in our communities, with a very minimal expenditure of city dollars, we're all aware there's city dollars involved. So I guess it would be helpful going into sort of understand the analysis sort of what alternatives would be suggested to compare against. That is, is this effective compared to what? You could help me understand.

>> Councilmember Rocha: Compared to the dollars we were investing before, and get a comparison also in terms of how much are we continuing to spend on the facilities, investment in maintenance, overhead, any improvements we are continuing to make as part of those agreements. So I don't think any of this direction doesn't recognize the past action he. I think it's just an analysis on did we get the dollars that we expected out of it and if we didn't then at least we might want to consider. Because hypothetically, let's just take the extremes here. We're spending more now than we did previously. I know that's probably not likely, but until we do that analysis I don't know why we continue along a path without at least taking a look at you know, we made a decision based upon what we expected and how do we know that actually happened? Until we look at it.

>> Councilmember Liccardo: I think we all agree if we were spending more than we were spending before, this certainly wouldn't be the right course. So just to understand then, we're comparing where we're at now from where we were two or three years ago, with city providing programming many of the facilities that we're not providing programming in now.

>> Councilmember Rocha: And also to get a look at the total I guess we're getting on the return those sites and the reuses and the investments we're getting from the nonprofits. Just to get a sense of what the dollars look like.

>> Councilmember Liccardo: I guess would -- Councilmember Rocha making the motion, would you consider amending to also add an inclusion in that report some indication about when various leases with nonprofits might be expiring, that is, we have many conversations I think all of us do out in the nonprofit community, folks who are look for potential facilities, and it would be helpful for us to be able to say, this facility or that facility may be up in a year or two. I'm not sure if that's something that's --

>> Councilmember Rocha: I don't see the relationship between the two action items that we're doing. So you want a list of all the agreements we have and when they're expiring?

>> Councilmember Liccardo: Yes, just to know when facilities might be available for nonprofits who are interested.

>> Councilmember Rocha: I don't have a problem.

>> Councilmember Liccardo: Okay, great, thank you.

>> Vice Mayor Nguyen: Councilmember Oliverio.

>> Councilmember Oliverio: Thank you, Madam Vice Mayor. This is for PRNS staff, going through the variety of budget questions over the years, it appeared to me that these facilities, if not in reuse would be shuttered and closed. Could someone come and answer that question?

>> Councilmember Oliverio, that is correct in that the facilities at the time of the budget would have been closed as an alternative.

>> Councilmember Oliverio: So we use was really the only way to keep these facilities open?

>> It was the strategy that was presented at the time, and to keep the facilities open for our community services.

>> Councilmember Oliverio: Okay. I'm certainly going to support the request by my councilmember for information but I think what we're going to find is I think what the experience has been is just that there has been no money to do things in the traditional manner and faced with closing facilities the council chose a reuse policy to at least allow these facilities to be open for residents to derive the benefits from. I wanted to ask you because I remember this pretty much all the times it's come up in years and years and years. So thank you.

>> Thank you.

>> Vice Mayor Nguyen: Thank you. We have a motion from Councilmember Rocha with a friendly amendment from councilmember Sam Liccardo. All those in favor? Opposed? Hearing none motion carries -- yes, we're including councilmember -- Campos memo dated -- yeah, November 27, 2012. You have two different dates on there. Okay so that motion carries. We now move back to item 3.1, report of the City Manager.

>> City Manager Figone: Thank you, madam Vice Mayor. I wanted to make a few brief comments about some of the things that are very important that I reinforce for the council and the community and our workforce, quite frankly about our current police chief search. I either have already issued or you will be receiving an info memo which expands on some of these key points. As you know we're in the process of looking for our next police

chief. Last night we had the first of a series of community meetings to hear from the community on what they think the city should be looking for, what I should be look for. And we've been meeting with our workforce, our Public Safety workforce, to get their input which is a very important part of this process, also. And what I'm concerned about is that we pay attention to a few things. Very similar to the last search, confidentiality in this process is going to be very, very important. And so I want to clearly confirm that we are conducting this recruitment with the utmost professionalism which includes my commitment to 100% confidentiality about the identities of actual and potential candidates for the position. Several news media outlets have recently reported specific speculations about potential candidates for the next chief and I want to let you all know that there is no list, and anyone who says that they know who we're considering is not telling the truth. It's critical that we respect the sensitivity of potential candidates and their currently positions. This is particularly important if rumor speculation or premature disclosure of our interest in possible candidates could discourage them or, quite frankly, others from actually applying. In addition, I wanted to strongly encourage any councilmember or member of the public or member of the staff, aware of potential candidates, to bring those suggestions directly to the attention of either myself or our recruiter Terry Black and associates. The position of police chief is a City Manager appointment and like all of our department directors my appointment for our next chief will come in due course of the city council for ratification. And so until that point it really is inappropriate, and counterproductive to be discussing specific candidates outside of the recruitment process. In closing, let me just say our most important goal is finding a candidate through this process who will be a good match for our community and our department who has the appropriate experience, skills, vision, to lead the San José police department during these very challenging times and into the future. And I am very concerned that speculation rumor or breach of confidences can damage this result. Thank you very much. That concludes my report.

>> Vice Mayor Nguyen: Thank you, Mr. Wall, I apologize, did you want to speak on 5.2. Did you still want to speak on that item?

>> It's a little bit behind the scenes now. But I did want to comment that Councilmember Rocha was on point and that the analysis, the financial analysis should have been done a long time ago. Several councils just had poor financial planning with reference to the construction of these community centers and their financial stability. Some

of these community centers are just going to end up having to be in my opinion shuttered and just closed, sold. Because the city could not continue on. With reference to Councilmember Liccardo's question of Councilmember Rocha's poignant and on point opinion, Councilmember Liccardo should know, and for his length of service, that one of the major issues with reuse programs is, is there enough money coming in for capital improvements? Therefore, it would be my recommendation that a fee structure be initiated in which the director of Public Works can charge a fee to come in and reassess the maintenance of these structures, what is going to be required to maintain them. And obviously, there has to be some type of either sinking fund or some type of annuity structure set up for the maintenance of these very costly structures that, in my opinion, were hastily built with very poor financial decisions by several councils. Thank you.

>> Vice Mayor Nguyen: Does the council want to reconsider this item? No. We move down to 4.1, the TEFRA hearings for the issuance of tax exempt multifamily revenue bonds to construct the seventh and Taylor Ajsai apartments and Orvieto B apartments. We have a motion and second. Mr. Wall do you want to speak on these items?

>> With the city in the financial straits it is in issuing tax exempt bonds, there should be a moratorium on them. Just actually ban them outright. Because these structures, these apartments or what have you are going to require a lot of city services and they are not going to be paying their fair share to provide code enforcement police or what have you. And I don't understand, and possibly this council could make it publicly, why you go for tax exempt bonds, when you're scraping the bottom of the barrel for just about everything. I just oppose these tax exempt bond issuances, thank you.

>> Vice Mayor Nguyen: All in favor, opposed, motion carries. We will now move to the several items on the historic landmark nominations. We can take it separately or we can take one motion for 4.2 to 4.6.

>> Motion.

>> Second.

>> Vice Mayor Nguyen: We have a motion to approve 4.2 to 4.6.

>> Councilmember Liccardo: Vice Mayor if I might speak briefly.

>> Vice Mayor Nguyen: Councilmember Liccardo.

>> Councilmember Liccardo: I think it's fitting on a day we pay tribute to Judy Henderson that we are approving these many homes. I think we know where historic preservation is often most meaningful to people is in their own neighborhoods and I'm just glad that we're able to continue moving forward with this important program.

>> Vice Mayor Nguyen: Mr. Wall.

>> Echo Councilmember Liccardo's appreciation for this event and just make a cursory comment that the historical landmark commission has been quite active. I haven't seen so many properties all at once be linked as a historical landmark. And lastly it will be interesting to see how these historical landmarks will fare under the urban village approach that will be plaguing the city for years to come. Thank you.

>> Vice Mayor Nguyen: Thank you. We have a motion to approve. All those in favor? Opposed? Hearing none motion carries. 4.7, rezoning real property located at the southwest corner of Saratoga avenue and Kiely Boulevard. We have no staff presentation. We have a motion. Mr. Wall.

>> I -- the rezoning of properties lately, under the influence of this envision 2040 plan, is problematical. With this particular property, I don't know if the adjacent property owners were consulted as to their property values, or their real estate values, on how this rezoning will affect them. This envision 2040 application basically deals with setbacks. In other words, this business will basically cut back on parking, and therefore, parking will be either restricted to the surrounding streets and possibly blight the adjacent properties. So I would consider notifying the

public about this intent to use this rezoning as a potential eminent domain ploy. Not on this particular property, but others. Thank you.

>> Vice Mayor Nguyen: Thank you. We have a motion to approve. All those in favor? Opposed? Motion carries. We will now move to 4.8, naming rights and sponsorship for the San José civic auditorium and center for the performing arts.

>> City Manager Figone: Staff is here for questions, madam Vice Mayor.

>> Vice Mayor Nguyen: So this would be 4.8B, correct?

>> City Manager Figone: Correct.

>> Vice Mayor Nguyen: Okay, Councilmember Liccardo.

>> Councilmember Liccardo: I just want to thank Bill Sherry for making this happen. We recognize we need to invest much more in these facilities and really appreciate his creativity and his proactive efforts to try secure support from private sector, and certainly to thank the city national bank. I wanted to make sure I got the name right. Thank you to city national bank for their support and investment in San José.

>> Vice Mayor Nguyen: Thank you. We have a motion to approve. All those in favor? Opposed, hearing none motion carries. We will now move down to 5.1. Agreement with San José unified school district for the construction and joint use of soccer fields at Steinbeck middle school. We have a presentation from staff.

>> Thank you, math cano, deputy director of Parks, Recreation, and Neighborhood Services. Have a very brief presentation for you today. As everybody knows we have a very severe shortage of sports fields in the City of San José. Several years ago, we identified a very successful partnership with San José unified school district to build artificial turf soccer fields at Leland high school in Almaden valley. Most recently in collaboration with

Councilmember Pyle's office, we identified a partnership possibility with San José unified district at Steinbeck school which is in the northern portion of the Almaden Valley to provide more soccer and sports opportunities for the youth in San José. We were proceeding at the time with one artificial turf lighted soccer field which is on the left-hand side or Santa Teresa boulevard side of the evidence in front of you in the presentation. And then we heard from Councilmember Pyle's office that we have an extremely generous donor very generous that was going to bring over \$4 million to the table. That allowed us to not only build one artificial turf field but two artificial turf soccer fields lighted to better serve our youth in our community. The next steps for this project, today we're asking for your approval. In the past we have already -- we've received the council's approval to enter into agreement with the donor to accept the over \$4 million donation for this project. Today what we're asking the council is approval of a joint use agreement with San José unified school district. Our next to actually construct these fields and then jointly use them over a 25-year period. Our next step after today assuming we receive approval today is to attend the San José Unified board meeting in a few weeks and obtain their approval, then we would execute this agreement and proceed towards construction of these fields next calendar year. That concludes our presentation, and if you have any questions I'd be happy to answer them.

>> Vice Mayor Nguyen: Thank you. There are questions from councilmembers? Councilmember Pyle.

>> Councilmember Pyle: I just wanted to make a comment. I hope in the period of your time as a councilmember, that you have the experience of finding a donor that's in the \$4 million category. This is truly an outstanding, generous gift from a member of our society who wishes to remain anonymous I'm extremely grateful not only to her but to our staff who's done a phenomenal job. Matt Cano has worked like a Trojan to put everything together, and I will be there even though I will not be official next year. Thank you so much for all the work you've done and I recommend approval.

>> Vice Mayor Nguyen: Councilmember Liccardo.

>> Councilmember Liccardo: I want to congratulate Councilmember Pyle and the residents of district 10. We hope there will be more of these wonderful donors falling from the sky.

>> Vice Mayor Nguyen: Councilmember Herrera.

>> Councilmember Herrera: I want to add my congratulations to Councilmember Pyle. Great final act, as getting these soccer fields, and I don't know if you had any hand in finding the \$4 million donor but maybe you can pass on those secrets before you leave how to find those donors.

>> Vice Mayor Nguyen: Great. We have a motion to approve. All those in favor? Opposed? Hearing none motion carries. We are at the open forum. I have several speakers here. Mr. Wall.

>> Before you is a document that I prepared that references the incoming rainfall and its potential effect on the water pollution control plant. The document describes a process called blending. Blending is where the incoming raw sewage is blended with treated final effluent for immediate discharge into the South San Francisco Bay. This is more along the lines of an emergency procedure due to the increased flows that might be coming to the plant as a function of these rains that are coming in. It would be my hope and prayer that the City Manager would use this opportunity as a training exercise due to the overturning of employees at the water pollution control plant that may not have the expertise to immediately step into this blending operation. That would require the laboratory to run 24 hours a day, and running multiple analysis, redundant analysis to have precise information for calculations on the waste stream. This would have to only occur during the rain season or the threatened rain season or the next five days. Also, plant operators would have to take multiple samples bringing in to ensure that the discharge or the blending does not violate the NPDES permit parameters. This is tricky business to blend. It's been done in the past and I would think that with the -- this meeting being the end of actually the church year, the only prayer that you would have would be to do this blending operation. And I sincerely recommend it. Because if you're not set up to do this and you get flows of over 300 million gallons per day it can easily overwhelm the plant and possibly create a raw sewage spill at Alviso. Thank you.

>> Vice Mayor Nguyen: Mark Trout.

>> Since I was cheated out of two minutes by the City Clerk, Mr. Hawkins I'll just continue along the same lines that I would have said on crimes against children. I'd like you to Google John de CAMP, Alex Jones. He wrote the Franklin coverup. He's not some crazy lunatic. He was a senator, and I'd clean his carpets for free if he lived around here. 16-year senator, okay, he's now a lawyer, he wrote this book, okay. What's happening, you ever heard of bohemian grove? It's north of San Francisco. They're taking children, they're messing with kids. Have you ever heard of MK ultra, MK ultra, the reasons I gave you Michael Aquino's address, it's for national security reasons. We need to know where he is at all times. Michael Aquino was part of the MK Ultra mind control experiments where they took children, okay, and raped them, gave them drugs, electroshock, it's absolutely incredible. I'm telling ya! What I first heard this, the guy was explaining it to me I was thinking in the back of my mind, this can't be true, it can't be true. The more I researched it, it's true and I don't even know the half it. But you can begin your search when you google as I said John de camp, Alex Jones. You'll hear a one-hour interview. This is absolutely incredible. And this guy Michael Aquino, after Oprah interviewed him, over 800 kids came forward and said yeah he raped me. Overwhelming evidence he killed dozens of children. Guy Peter Terchinof, signed a sworn affidavit under penalty of perjury that he saw him kill ten-year-old Kevin Collins. And Judge Don Sullivan up here in August in San Francisco refused to arrest Michael Aquino or Peter. Well, one of them's lying. Why didn't they take them into the back room. Because either Michael Aquino is lying, or Peter is lying, and Peter claims that Michael Aquino took him and messed with him when he was a kid.

>> Vice Mayor Nguyen: Sorry your time is up Mr. Trout. Jeff Bendola.

>> I'm Jeff Bedola. I wanted to bring up a matter, I have been following for a long time. Emery street vacation was on the agenda two weeks ago. I don't have any prepared remarks so I'm going to wing it. I was at the meeting yesterday in which Councilmember Oliverio mentioned that when a major stakeholder or major investor is not really clear on the fact that all of this -- the community input has been brought up in a proposal, it can create problems for a big investor, and it discourages them from getting involved. Well, that's basically what the case is with Bellarmine with respect to this proposal to sell this portion of Emery street. I don't want to go into a lot of detail here. I have spoken a couple of times in the past, Vice Mayor Nguyen, and I will bring some of my summary thoughts up, and I'll put them in a framework where you can read them. Okay? I'll bring them to the city attorney's

office. I mentioned I thought that mediation might be a good approach because if you don't have that buy-in, the best thing to do is to try bringing both perspectives out in the open. And work things out in the most reasonable fashion possible. Because going forward, as I see it, the City's got exposure here. If it -- because of the way this matter, this resolution was approved. I'll explain it in the comment. I would like you to take a look at that, because I people like I don't don't need the bring the up.

>> Vice Mayor Nguyen: Your time is up. Aaron Wilkins.

>> Good afternoon, Vice Mayor, and members of the council. I'm here today, first of all, thank you for letting me speak. I'm here today to introduce my nonprofit organization based out of Los Angeles, California, I work for a company called computers for a cause. We actually specialize in refurbishing and redistributing electronic waste. And we are here today to speak to you as well as a number of other organizations in the area about how we go about doing that. So what we do is we take in that e-waste that is recycled, we fur beneficiary it repurpose it and redistribute to homeless people, low income families, nonprofits, schools and veterans. And we are coming up to Northern California to try to start a subsidiary up here. So what we're asking is for some help from a number of cities in the area maybe for some possible facilities that you guys are not utilizing at the current time. And a first look maybe at whatever e-waste you guys have, for the City of San José, that you are getting rid of. So say you guys you know are going to buy a bunch of new computers, tablets, whatever for your city. We would like to take a first look at whatever you guys are getting rid of instead of just taking it to a recycler. Because what those recyclers actually do is they strip down these items, they take the precious metals out and they resell them and then they ship the other items that they don't utilize to third world countries and other areas where these things might not be recycled as we do here in the United States. So anything that you guys can do can help and I'll leave some business cards with the City Clerk so you guys can get back in contact with me and I do appreciate your time. Thank you very much for letting me speak today.

>> Vice Mayor Nguyen: Thank you, this concludes our meeting, we are adjourned.