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>> Mayor Reed: It's time to start. Let's call this meeting to order. Rules and Open Government committee meeting for August 17th, 2011. Any changes to the agenda order? All right, let's take up the city council meeting for August 23rd, 2011.

>> City Attorney Doyle: Back to the anybody o'clock labor update. After a one week?

>> Mayor Reed: Anything on page 2 or 3hree? Page 4 or 5? I have a note on Item 2.10, that's bonds for Taylor Oaks apartment, that's going to be renumbered as Section 4-something.

>> Dennis Hawkins: That's correct, Mr. Mayor.

>> Mayor Reed: Off the consent calendar and out into the rest of the agenda. Anything else on 4 or 5? Page 6 or 7? I have a question about the redistricting advisory commission report. 3.4 set to be heard first in the evening. Do we know how long a presentation that might be from the commission? And can we set some limits on it?

>> Dennis Hawkins: It will be relatively short, Mr. Mayor. Staff is working with the chair, and the vice chair of the redistricting commission. I think this is intended just to give you a broad overview. Probably, five or six slides, and pretty much it.

>> Mayor Reed: Okay. Anything else on 6 or 7? Page 8 or 9?

>> Ed Shikada: Mr. Mayor, on 9.1, the enforceable obligation schedule we will need a sunshine waiver.

>> City Attorney Doyle: Yes. That's -- includes both the memo and the -- the staff memo and the legal documents which accompanying that.

>> Mayor Reed: Okay, that's the obligation schedule that the state statute purports to require us to publish by the 28th of August. I understand we're still waiting for further understanding of what the supreme court stay would do with this.

>> City Attorney Doyle: Yes and there's no question about this and it could very well be deferred on Tuesday.

>> Mayor Reed: Okay, but in any event we need to get a sunshine waiver, so it's on the agenda.

>> It could be deferred because of the state?

>> City Attorney Doyle: Because of the state yes. But we're seeking clarification.

>> Mayor Reed: Anything else on 8 or 9? Page 10 or 11? The order of hearings, we have the bail bond establishment ordinance on, and then we have one two three four other land use things, any reason to take those in any given order? I think the way they're set up works okay. We'll take the redistricting stuff first and then the land use. Is there anything else on the agenda that we're kicking from afternoon to evening? I think redistricting was the only one. So no reason to change the order. Okay, anything else?

>> Dennis Hawkins: Mr. Mayor there is an add sheet with one item for the 23rd. Request for waiver of revolving door restrictions for two employees.

>> Mayor Reed: Okay. Everybody may recall that we set up an expedited process for waivers of the revolving door restrictions, and so this is the first time that we've used it. The whole idea is to get it on the council agenda quickly and efficiently.

>> Dennis Hawkins: That's correct.

>> Councilmember Oliverio: Mayor a question.

>> Mayor Reed: Yes.

>> Councilmember Oliverio: This looks like a waiver for an individual versus anyone that could be laid off.

>> City Attorney Doyle: That's correct. It's case-by-case. And I think that's been consistent with the council approach towards any waiver of revolving door. To the extent that individuals may now have a revolving door issue, the idea was to bring it forward as quickly as possible but it's still case-by-case.

>> Councilmember Oliverio: So Council has the discretion of whether not to revoke the waiver based on the person and/or the occupation that could be taken?

>> City Attorney Doyle: Yes it's based on you have to make a finding that it's in the best interest of the city and in this case I think the staff memos will attempt to make that case. It's really work for the city or to assist the city.

>> Councilmember Oliverio: Okay I'd be interested to see how this works, thanks.

>> Mayor Reed: When will the memos be out?

>> Dennis Hawkins: We will have them out no later than Friday.

>> Mayor Reed: So this needs a sunshine waiver as well.

>> Dennis Hawkins: Yes, please.

>> City Attorney Doyle: And just to amplify a little bit, not to debate the issue, but there have been cases where revolving door has been waived and it's always in cases where people have been doing work on behalf of the city, so that's the exception here.

>> Mayor Reed: Tells me it's the council's discretion and we're not making decision as Rules Committee, we're just trying to facilitate getting it in front of the council as easily as possible for the employees to make the request so that's what we're trying to speed up. Any other additions?

>> Councilmember Constant: I'd make a motion that we approve the agenda, with the additions, and the, I believe it was two sunshine waivers.

>> Councilmember Nguyen: Second.

>> Mayor Reed: Okay, motion is to approve the agenda as modified with the sunshine waivers. All in favor? Opposed, none opposed, that's approved. Next, August 30th, draft council agenda. Anything on page 1? Again 9:00 closed session start. Page 2 or 3? , page 4 or 5. On page 5, is item 3.4, that's the council priority setting discussion on ordinances. I assume we'll get a staff report out with that pretty soon.

>> Ed Shikada: Yes, we are working to get it out by Friday.

>> Mayor Reed: Okay. And then I think when you talk about adding interviews for elections commission --

>> Dennis Hawkins: Yes.

>> Mayor Reed: Is that on your list? Okay we'll come back. Anything else on page 4 or 5 or 6? No, all right. Additions? You want to talk about the elections commission interviews?

>> Dennis Hawkins: Yes, Mr. Mayor. We sent up eight applicants to the council for their review. We're waiting for the indications of interest from the council, to determine how many interviews we will have. That memo will also go out on Friday.

>> Mayor Reed: Okay. That's -- everybody that gets four requests for interview goes on the list, so I've seen the list. There's quite a few good folks on there. So I would anticipate we're going to have six to eight to be interviewed. Which will run us a couple hours. But I think the rest of the agenda on the 30th is light, which is why we thought we could put this in. Okay, other requests for additions? Councilmember Constant's travel to New Orleans, retirement training. Councilmember Herrera's travel to San Francisco. League of California cities. And Councilmember Herrera's travel to Portland on the city-to-city trip. Any other additions?

>> Councilmember Constant: I just wanted to clarify the source of funds since that was an issue last week. That on the second two, and that's to make sure that there are district funds and not council travel funds. As it says there or council general.

>> Dennis Hawkins: Mr. Mayor, they are district funds.

>> Mayor Reed: Okay. And I think the your travel no New Orleans success paid for by retirement services.

>> Councilmember Constant: Two different boards.

>> Mayor Reed: Training boards. And then the city-to-city trip, again, that's district funds?

>> Dennis Hawkins: That's correct, Mr. Mayor.

>> Mayor Reed: Council's council budget. Any other additions or modifications? There's no evening meeting on the 30th.

>> Councilmember Nguyen: Motion to approve with the addition.

>> Councilmember Constant: Second.

>> Mayor Reed: Motion is to approve with the additions. All in favor? Opposed? None opposed, that's approved. Agencies agenda nothing for the 23rd or the 30th except potentially the joint item on the council agenda for the enforceable obligations?

>> Ed Shikada: Correct.

>> Mayor Reed: Nothing else. Legislative update would be next, Betsy Shotwell.

>> Betsy Shotwell: Thank you, Mr. Mayor, members of the committee, Betsy Shotwell, Director of Intergovernmental Relations. The session just started up again on Monday for the next four weeks in Sacramento. A lot of bills are being discussed and heard. The only new news today is the Department of Finance confirmed the controller's estimates last week, that they are about half a billion dollars short of revenue for the month of July. They are saying, don't worry, too early to show concern, they will do a write-up in November and December to see where these projections are, and just to recall, the governor and the state budget that was signed, at the end of the -- June had in it an expectation of \$4 billion in extra income, revenue to the state. And if that doesn't happen, as I was reading today, for instance, the education community is very worried over where that might be absorbed. So we're watching, and they said there will be some other later tax returns that come in, the estimated tax returns, too, that could add to the revenue. So that's where we are financially.

>> Mayor Reed: Questions on the general topic? We do have a couple of specific requests for action. On state-level actions. I'll take those up. SB 931, which I think is to keep us from hiring outside counsel, and AB 646, something on impasse procedures, I'm not sure exactly what it is. Let's talk about both of those. I have one request to speak, we'll take that in a minute. Betsy.

>> Betsy Shotwell: Jennifer is here from OED to brief introduction and of course answer any question that you may have.

>> Good afternoon, Jennifer Schembri with the office of employee relations. SB 931 would prohibit the use of public funds to pay for outside attorneys or consultants on ways to minimize or deter the exercise of rights guaranteed by the Meyers Milius Brown act and other relevant laws. This would change the City's current practice as we do consult with outside counsel and consultants in coordination with the City Attorney's office on labor negotiations and labor relations issues, so that would be a significant impact.

>> City Attorney Doyle: Yeah and I just want to sort of supplement this. While there's ostensibly an exception for collective bargaining and when you are involved in litigation, frequently is value of outside counsel is to avoid that litigation and seeking that advice in advance. So it's not just a local control issue and a right of counsel issue but it is also potential lie cost minimizer over the long term.

>> Mayor Reed: I get one request to speak on SB 931. Mr. Wall.

>> David Wall: Good afternoon. I particularly have far more faith in our city attorney's office than the rest of the city organization. I also believe that it -- if you had prudent management to begin with by definition, you wouldn't need to pull skulduggery by outside lawyers and consultants to do the job you're either competent or incompetent to do. Now, in keeping with Councilmember Oliverio's great policy, of openness, this goes contrary to that openness philosophy. Because now we bring in the coin of silence to all these negotiations and whatnot, and may I remind everybody in this room, there's a lot of salaries either behind me, or at this table that are going to disappear in next year's budget allocations. The entire office of employee relations, for example, could just be gone. Because of complete amputations referenced by his honor, Councilmember Constant in the budget study session in February. So this is a bill that is self-serving, to employee relations type groups. Once again it's like the people that support this, it's almost like they're lobbyists for their own well-being. But it's deleterious to the city long term because it undercuts our city attorney's office which are very excellent litigators and whole host of other things I've already mentioned. Thank you.

>> Mayor Reed: Thank you. I think that's the comments on 931. This is another ridiculous piece of legislation coming through the legislature, and I think we should oppose it along with every other city. San José might be in a

position where, if it's passed, we have a large enough set of lawyers that okay, we hire somebody to do this specialized work. But a smaller city, they use outside counsel and now they're going to be prohibited from retaining other outside counsel. Or maybe they're prohibited from having their existing outside counsel talk to them about labor issues. And the only way to find out I guess is to depose the lawyers and clients to figure out what they talked about. This is a crazy unworkable scheme that would be difficult for San José and impossible for some other cities to cope with.

>> Councilmember Constant: Mr. Mayor if I could, I'd like to just make a motion on both items. SB 931 and 646, I don't think we need to necessarily waste too much time talking about the other one. Because everything we just said we can just say ditto. Both of these piece of legislation would be very negative to us and others. So I make a motion that we take an opposed position for both much these with a one week turn around for council action.

>> Councilmember Nguyen: Second.

>> Mayor Reed: Motion is to follow the staff recommendations. Any other cards on that? Okay. All in favor, opposed, none opposed, go on the council agenda for 23rd. Okay.

>> Betsy Shotwell: Thank you very much.

>> Mayor Reed: Nothing to report from the federal. They're in recess. Meeting schedules, nothing to talk about. Public record. Anything from the public record the committee wants to pull for discussion? I have some requests to speak.

>> Councilmember Constant: I'll make a notion to note and file pending Mr. Wall's comments.

>> Mayor Reed: Mr. Wall, we have a motion to note and file. Go ahead.

>> David Wall: I'm of the opinion that even though that you're never wrong, okay?

>> Mayor Reed: Remember that.

>> David Wall: I stated it. You're a little bit economic on being right with reference to this sick leave buyout policy. Now, I don't want any city employee to have to lose their sick leave, because of either their time and grade, or they're going to lose it because you opposed it or what have you. And that includes our honorable City Manager, who has, as of August 12th, 1222 hours of sick leave, that could be, you know, gone away with if she doesn't retire or if you don't change your policy. But the city is losing tremendous amount of qualified people that want to just work for the city but don't want to lose that benefit that they've accrued over the years. You are losing tremendous talent because of this policy. So I think there needs to be a creative and innovative way to convince you to stop it and two, to come one a way to fund it. Because if not, the City Manager, in theory, in theory mind you, has 77 days from today's date to offer you a resignation, within the 60-day voluntary separation notice. I don't want anybody to have to retire because of this. I understand the budget just as well as you do. But this has to be fixed. Before you lose a lot of talented people, not necessarily in the manager's office but throughout the organization. That hurts the city. Thank you.

>> Mayor Reed: That concludes public testimony on the public record. I have a motion to note and file. All in favor, opposed, none opposed, that's approved. Boards, commissions and committees. We have a work plan for housing and community development advisory commission.

>> Councilmember Nguyen: Motion to approve.

>> Councilmember Constant: Second.

>> Mayor Reed: We have a motion to approve. Staff, is there anything you want to add to the staff report?

>> Thank you. Kristin Clemons from the housing department. The HCDC has been really focused on trying to provide direction to staff and ask questions on that limitation and really have engaged in the last year on the RDA

issues and inclusionary housing. And particular pieces of legislation. Going forward, they would like to find the best way that they can support community engagement and input into the process and in terms of having open houses, really encouraging folks to come in and way in and also to again focus on particular pieces of legislation of interest. I'm happy to answer any questions.

>> Councilmember Constant: I don't have a question on this particular work plan but just a question for the committee, and the clerk. When do we anticipate discussing here or starting the discussions on all of the commissions and committees?

>> Dennis Hawkins: Probably late September.

>> Councilmember Constant: Okay, I'll reserve all my comments for that time then.

>> Mayor Reed: I just want to confirm, looks like monthly meetings for this commission at most?

>> Yes, monthly meetings, we have two vacancies that need to be filled now. We just filled one vacancy.

>> Councilmember Constant: Is there a reason they're not quarterly like we changed all the commission meetings to a year ago?

>> I don't know. And can inquire and get back to you.

>> Councilmember Constant: Yeah, I'd like to at least have that back when we come back in September to have this discussion. Because the reason we did that was due to the amount of staff time required for commissions, and talking about how we might want to streamline that. And I know that there is several commissions that are upset because they are not allowed to meet monthly. I just think it's important that we remain consistent.

>> Dennis Hawkins: Mr. Mayor, if I could, as I recall, HCDC was authorized under MBA 16 to have more frequent meetings. Because they do perform some function such as the CDBG grants and others. So I believe that they have a greater meeting frequency than some other commissions. But I'll go back and look at MBA 16. I don't recall their number off the top of my head but they seem to have an exception as I recall it.

>> Thank you. I want to say inasmuch as they are interested in focusing on some pieces of legislation, too, they are sometimes fairly time sensitive for them to weigh in at the appropriate point in the process. Thank you.

>> Mayor Reed: Anything else? No requests to speak. I forgot if I had a motion or not.

>> Do you.

>> Mayor Reed: Motion is to approve the work plan. All in favor? Opposed? None opposed, that's approved.

>> Thank you.

>> Mayor Reed: Next item would be a request from Councilmember Liccardo to add some items to the City Auditor's work plan regarding incubator program. And I've got a memorandum from Councilmember Rocha, Councilmember Herrera is here, and a request from Councilmember Pyle to speak. So I've got to sort this out. City Attorney tells me that we can have as many councilmembers in the room as long as they are part of the public but since there are four of us here we can only have one councilmember speak.

>> City Attorney Doyle: Right. Otherwise we have a council meeting.

>> Mayor Reed: Otherwise we're not noticed for having a council meeting because that's why we have subcommittees and council meetings. So --

>> Councilmember Oliverio: Here comes the seventh!

>> Mayor Reed: Councilmember Pyle here is Councilmember Liccardo is here assuming he wants to speak on his -- his memo. So Sam we were just talking about how many -- what the head count is in the room. We've got more than five in the room. And the rules are that if there are four of us sitting here, only one additional speaker.

>> Councilmember Liccardo: Right.

>> Mayor Reed: But Councilmember Herrera and Pyle wanted to --

>> Councilmember Liccardo: Wonderful.

>> Mayor Reed: Wanted to speak.

>> Councilmember Liccardo: Okay.

>> Mayor Reed: But we're not noticed for having a council meeting.

>> Councilmember Liccardo: Happy to do this in some sequential order.

>> Mayor Reed: That's something we need to resolve.

>> City Attorney Doyle: I think the concern is that only one councilmember outside the Rules Committee can speak on this issue and participate.

>> Councilmember Liccardo: Sure.

>> City Attorney Doyle: I think you have to decide amongst yourselves who's going to speak. Otherwise we have a Brown Act issue.

>> Councilmember Liccardo: Sure.

>> Mayor Reed: Or we renote it for another week and do something different.

>> City Attorney Doyle: Or refer it to council.

>> Councilmember Constant: So my two cents would be that since we have the primary memo's authorize here that we allow that councilmember to speak and we have our discussion and any other councilmembers that want to speak can either speak at council or some other time.

>> Mayor Reed: Yes?

>> Councilmember Nguyen: But we also have the chair of economic development here as well so I'm not really sure what is -- who is the appropriate person to speak on the issue because obviously as the chair, she he or she has the discretion in terms of pitting the items for the work plan. So I think that's also very critical to have the chair speak on the item.

>> City Attorney Doyle: I mean that's your call.

>> Mayor Reed: How about we kick this for a week and notice it as a council meeting --

>> Councilmember Constant: Or just hear it at Tuesday's council meeting. Add it to the council agenda.

>> City Attorney Doyle: You have a busy council meeting Tuesday, you can do it either way.

>> Mayor Reed: I think it's better to deal with it at the rules committee. Because it is an auditor work plan. We do this all the time. Obviously, people are interested in it and need to speak.

>> Councilmember Liccardo: I have no objection to it being kicked to a Tuesday meeting, not next week but the following, to allow everybody have the right to speak.

>> Councilmember Oliverio: Rick Doyle, I remember being not on the rules committee and speaking in front of the rules committee and actually having another memo from an opposing viewpoint to another councilmember where there was six of us. Was that a mistake in the past?

>> City Attorney Doyle: The memo is not a problem. There is another memo from Councilmember Rocha that is before you as well that is a part of the item. So that would make it --

>> Councilmember Oliverio: But we were both speaking.

>> City Attorney Doyle: That might have been an oversight. The issue is, is that only five members of the council can participate in the debate. If it's six, you've got technically a council meeting and it hasn't been noticed as such. So the mayor's suggestion that you notice next week's Rules Committee as a council meeting is one way to do it or can you kick it to a council meeting for discussion, regular council meeting for discussion.

>> Councilmember Oliverio: If the Rules Committee is the decider of workload I'd sort of like to keep it at rules committee.

>> Councilmember Constant: The problem is if we notice next week's Rules Committee as a council meeting that is really abnormal and the average member of the public would have no clue we're doing that. I mean it's going to be one line on an agenda posted on a Website. If we're going to have a council discussion on something then that belongs in a council meeting not in a committee meeting that's noticed as a council meeting. I don't think that's right from the citizens' perspective of knowing what's going on. While I understand we have folks from the economic development committees here, what we're talking about is, the auditor's work plan. And audit work which is the jurisdiction of this committee not those other two committees. And I'm not opposed to having those

councilmembers speak but I obviously feel if we're going to have a council discussion the appropriate place is at a council meeting.

>> Mayor Reed: We could flip a coin. Either way. Councilmember Constant thinks that when that time when you're talking about when there were two councilmembers speaking that there were only three much us sitting here. I'm not sure, I don't remember but we try to follow this rule occasionally comes into play when we have multiple councilmembers who want to engage in the conversation.

>> City Attorney Doyle: And the only reason to notice it as a council meeting is to allow you to have that conversation at the Rules Committee. However the committee wants to handle it is really -- you've got some options here.

>> Councilmember Oliverio: Question mayor.

>> Mayor Reed: Okay, well, Councilmember Rocha isn't here. We haven't heard from a couple of other councilmembers yet. Councilmember Oliverio.

>> Councilmember Oliverio: So if this was not heard today, the alternative, one of the alternatives could be coming back to rules next week, and any councilmember of the 11 or ten could put out memos just putting out their opinion on the memo.

>> City Attorney Doyle: That's correct. And that's like any other meeting or any other committee meeting or Dennis, the clerk can notice it as a special meeting of the city council. And we could take it -- could you take it up as that, as well.

>> Mayor Reed: Well I think the question is do we have a discussion here on a Wednesday or on a Tuesday, and in the other room.

>> Councilmember Oliverio: Well would I -- my two cents is the discussion is here at Rules because if it's the future intention if you want a memo to go to council, just bring a bunch of councilmembers, then I think that's you know hard to manage later. So I'd rather just discuss it at rules in whatever capacity we can.

>> Councilmember Nguyen: That would be my opinion, too.

>> Mayor Reed: Okay, that's what I think we ought to do. Renotify it for here. Special meeting, could be next week or the following week, I don't really care. I think -- I haven't looked at that time agenda so I don't know what's on it. But next week would probably be the time to do it. And I think that makes 3 to 1 on that one, Pete, I'm not really sure.

>> Councilmember Constant: I'm used to it, don't worry.

>> City Attorney Doyle: And just thinking through process here, it's the Rules Committee that controls the auditor, or makes recommendations on the auditor's work plan. So what I would suggest is we notice it as a special joint meeting of the Rules Committee of the city council, because it's the Rules Committee that will make the decision on to city council. Otherwise you're going to need six votes to make the decision. I just want to make it clear, sometimes the procedure gets in the way.

>> Mayor Reed: Okay, all right. So the -- rather than take testimony today from anybody, do anything, we just kick it for a week, renotify it, so that if we have more than one councilmember that wants to speak, they can speak, the public of course can speak as well. Is there a motion to that effect?

>> Councilmember Nguyen: So moved.

>> Councilmember Oliverio: Second.

>> Mayor Reed: We have a motion to kick it a week, renote it as a joint meeting. All in favor, opposed, one opposed, Councilmember Constant so that's what we'll do. See some of you back or all of you back in a week. And then the other thing I would ask the City Clerk, just make sure the councilmembers know, they may not have come down here because they know of the rule so they're aware if they want to speak they can come next week. For those that weren't here --

>> Dennis Hawkins: We'll get something out to the council this afternoon.

>> Mayor Reed: Okay. Next item is Councilmember Liccardo's memo, Councilmember Liccardo has left the building. Left the door. But on 1270 Campbell avenue, page 3, request to refer to the council, recommendations about City of Santa Clara's effort to designate Campbell addresses with postal addresses to City of Santa Clara. Does staff have any comments on this? Is there something we need to do before we just put this on the council agenda, Councilmember Constant?

>> Councilmember Constant: I just have a question. Because personally, I don't care about postal addresses, I have about three or 4,000 people, households in my district that have different mailing addresses that still belong in the City of San José. It's talking about postal addresses, but then it talks about Lafco making a decision about annexation. I want to know specifically what we're talking about here. Because if it's about -- and it's too bad Sam snuck out but if it's about postal, I don't think we have anything to do with it. That's the postal service makes that determination. If it's about annexation then I think we need to have a full discussion. Because we do have the policies as we were painfully reminded of, during the Cambrian 36 annexation process. About deannexation and what the City's policies and procedures for that are. Here comes Sam. You must have heard my questions out there.

>> Councilmember Liccardo: I just realized I had another item.

>> Councilmember Constant: So Sam what I was asking is, I'm a little confused by the memo, more than I'm normally confused. The recommendations talk about postal address bearing City of Santa Clara. And I was

mentioning I have several thousand homes in my district that have addresses of the four cities that surround my district yet they're still in the City of San José. But then it refers to Lafco and annexation which Lafco has nothing to do with postal addresses and postal addresses have nothing to do with annexation. So are we talking about deannexation?

>> Councilmember Liccardo: My understanding is that first, the reason why the need for the change in postal address --

>> Mayor Reed: First, can I just verify: There's no truth to the rumor that we are going to take over Santa Clara university? Not that that would be a bad thing. But it would be nice to have them.

>> Councilmember Liccardo: Well, take some tax revenue, I guess it probably would. We'd love to have them. Go broncos. We're satisfied certainly having San José State, though. What my conversations with the developer - - it's been clear first that Santa Clara is concerned about the separation of services and the agreements they have in place already with Police and Fire over there. As an interim measure recognizing that this process of sorting out where the site would actually remain, whether it would be in Santa Clara or San José, that may take a certain amount of time. The belief was if there is a postal address that says Santa Clara, then Santa Clara Police and Fire will happily respond. That somehow or another that itself is a trigger. Now, I don't pretend to know anything about this. I ran this by our far more experienced folks in planning and said, does this look okay? And they seemed to say it was generally fine. I'm happy to engage in a more -- deeper discussion at council but my understanding this is why it would be necessary essentially to ensure that they could get services from Santa Clara.

>> Councilmember Constant: Can I tell that you that is absolutely incorrect.

>> Councilmember Liccardo: Okay, I'm happily corrected.

>> Councilmember Constant: Because the reason is, and serving on Lafco, Lafco determines the sphere of influence and services are provided via sphere of influence. And as I mentioned in my district I have tons of homes, and thousands that have Campbell, Santa Clara, Cupertino, and Saratoga mailing addresses and they all receive San José police, fire response and services. So that mere change is going to do nothing. So my concern is because of the ambiguity, and I was mentioning right before you walked in with the pain we went through with Cambrian 36 and the talk about our deannexation policy, the background describes the deannexation but the recommendations don't necessarily do that. And I would just like more clarity before we go forward.

>> Councilmember Liccardo: Perhaps I could offer this. First, I'm going to make the bold prediction that we're not going to have a reprise of Cambrian 36 on this issue. Fairly confident there's not going to be a lot of battles. But the recommendation is far less important than it seems to me than getting this before council and having planning telling us what exactly we need to do. And you may be completely correct, Pete. I think the real issue is how do we sort this thing out? I'd just like to see it get to council in some form. And if that's through a substitute recommendation from Planning, that's fine.

>> Councilmember Constant: I'm more than willing to have the discussion. I just want to make sure we know what we are discussing. My concern is, we have that deannexation policy. If it's deannexation, I just don't want to set a precedence that we are then repeating all over the place for all the other arguments that we've heard in the past.

>> Mayor Reed: Why don't we refer this to staff to sort of answer these questions so we can neatly frame it up for the council to take some action.

>> Councilmember Liccardo: That would be fine.

>> Councilmember Constant: Is there time urgency for this?

>> Councilmember Liccardo: I don't want to speak for Santa Clara university, I don't know. My sense was they're eager to get this thing moving now the students are coming in in the fall.

>> City Attorney Doyle: With the fall semester?

>> Councilmember Liccardo: Yes, we're hoping there will be no emergencies and there will be no problem.

>> Councilmember Constant: Maybe Sam I don't know if there's a way to bifurcate it and say -- have the council do the blessing for them to do the postal address but be clear that it's just the postal address because really that is a common thing. We have it all over parts of our city with the postal address and if that makes them feel good for logistics and then we work out the actual sphere of influences and all those things subsequent, I'm okay with that. I just want to make sure we proceed with caution.

>> Councilmember Liccardo: That's pretty much the recommendation.

>> Councilmember Oliverio: Mayor, to your comment, that would be a recommendation to the U.S. postal service.

>> Councilmember Constant: I think what happens, my understanding, there is something that goes through the city for a determination of an address but the ultimate decision is made by the postal service and it's by who's going to be services, which postal building is going to be servicing that area. I don't know if you've heard anything different from that.

>> Councilmember Liccardo: That sounds right but again I claim no expertise here.

>> Mayor Reed: I want to go back to the question of who cares? I'm not quite sure why this is an issue for anybody, Santa Clara not going to provide services to them even though they're in the City of Santa Clara?

>> Councilmember Liccardo: No, they will not, because 9/10 of this side is in the City of San José. Currently, I believe.

>> Mayor Reed: Is that the site or the people? And how do you draw these lines about who's going to provide the services? Is that a Lafco argument who serves what side of the street?

>> Councilmember Constant: Part of that is Lafco but the part of it is the 911 point of origin. When somebody calls the point of origin is determined by electronic means and that's routed to the emergency center that provides the emergency response. But then in those areas of the city this particular place is about 1500 feet from Santa Clara police department. They could probably run there quicker than one of our officers could get there. But when they're on the edge it's not uncommon for both cities to respond and then figure out who does the paperwork later.

>> City Attorney Doyle: And there's also the way of doing aid agreements or agreements, you may remember the original Cambrian 36 we were going to contract with the county to provide that fire service. So I mean, but yeah, I think a lot of staff questions probably need some answers. That can either happen at council or come back here.

>> Councilmember Constant: But we could ultimately end up with the cost of the contracting out of services if the sphere offully isn't changed. So that's my concern that there's -- we're just careful, we don't want to end up having a major incident there and then get a bill because of whatever happened.

>> Mayor Reed: Nothing ever happens in a university dorm.

>> City Attorney Doyle: Mayor --

>> Councilmember Oliverio: Outside of all the technicalities, I just think really, and I guess Santa Clara university probably has an outstanding relationship with the Santa Clara police department, if they notified them hey our

students are moving in here, be aware it's 1500 feet away. My guess is Santa Clara and San José PD cross the border all the time, whether it's grab a cup of coffee or do something work related. In the end we'll get past the technical issues and bring it back but again it starts to open up all the topics or fissures on the San José border.

>> Mayor Reed: Ed, how long do you think you might need to figure out which way to go on these alternatives?

>> Ed Shikada: If it be the committee's desire to have a report back from staff, I suspect, and we were only able to have a cursory discussion among staff this morning. Staff believes that most of this can be resolved ministerially. That said, I think if you give us a couple of weeks to come back to the committee, we should be able to give you a path forward.

>> Councilmember Liccardo: Could I offer one additional -- what I'd I've heard is all third hand, Santa Clara seems to need to hear something from the City of San José, that they're willing to not contest whatever it is Santa Clara needs to do in order to be able to provide services. So when that comes from the City Manager or the council, I certainly last no preference, for that to happen.

>> Ed Shikada: I believe we have no desire to contest zip code or any other action related to that.

>> Mayor Reed: Okay, so you can be communicating with Santa Clara in between here sorting it out, and by the time it comes back we can have a simple line to go. Okay, so bring it back in two weeks.

>> Ed Shikada: Yes.

>> Mayor Reed: All right.

>> Councilmember Constant: That's a great idea. We'll trade them for one-third of valley fair that we should have. [Laughter]

>> Councilmember Liccardo: Thank you.

>> Mayor Reed: Is there a motion to that effect?

>> Councilmember Constant: Yes, that's what I moved.

>> Mayor Reed: On the motion to bring it back in two weeks, oh, I have a request before we take action. Mr. Wall.

>> David Wall: I have a real simple solution: The heart of the Jesuits are not in District 1. The Jesuits are Santa Clara University. The Jesuits are the special forces of the Roman Catholic Church. Give them the land. They've got God on their side. Give them the land. There are consequences for going against God.

>> Councilmember Constant: Just for the record, it was 30 years ago this month that I moved into one of those dorms there, starting there so I'm very familiar with those Jesuits, not trying to cross them, trust me!

>> Mayor Reed: Are they the ones that came one, let my people go? That was prejesuit. Enough history. That includes the open forum, includes our work, we're adjourned. Oh, I'm sorry. Open forum. Mr. Wall.

>> Councilmember Constant: Watching out for you buddy.

>> David Wall: This has researches to the water pollution control plant. It's my opinion, that there's never been a time in the plant's history that they're on the edge, the boundary if you will, of having problems with the final effluent quality. Now, there are periodic problems that are not to the point that raises worrisome concerns. But because the office of the City Manager, and others throughout the city, have not paid any attention to the ongoing administrative aspects of that plant, you have very significant concerns with the prowess of people left in positions of responsibility. Note, whoever comes up to you saying, oh, we need to bring back the principal sanitary engineer position, your immediate response would be, why did you eliminate it in the first place? Who did you hire? And

above all, be very, very circumspect when they dip back into the retirees, the recently retired, people with expertise with reclaimed water or advance water treatment, to come back to augment people that are making \$200,000 a year, whose only claim to administrative prowess mistaking sure their shoes are on the correct feet. This is something you should be concerned about. Thank you.

>> Mayor Reed: That concludes the open forum, and our meeting. So we're adjourned.