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>> Mayor Reed: Good morning, we're going to get started with the city council meeting. We have our quorum. As usual we're going to start with the labor update and then we will go into closed session and back out here at 1:30 for the rest of the open session agenda. Alex Gurza.

>> Alex Gurza: Good morning. Aracely Rodriguez of the office of employee relations will be providing this morning's presentation.

>> Good morning, mayor, city council. Aracely Rodriguez, senior executive analyst. Just as a reminder for anyone that's watching, the information that we are going to be discussing today is available on our Website and all the documents can be accessed. Since our last update we did meet with AEA, CAMP and AMSP on Friday and Monday. They did provide us with four counterproposals. Those proposals are before you in the packet we've provided you. We also met with the five groups listed above on retirement reform negotiations. They did provide us some proposed ground rules for negotiations. We are pleased to report that we did reach a tentative agreement with them to eliminate the SRBR. Our next meeting with them is scheduled for September 7th. We also met with CEO and MEF on contract negotiations, and they provided us with ground rules for negotiation and our next meeting with them is on September 21st. That does conclude our presentation this morning.

>> Mayor Reed: I have one request to speak. Take that now. Nancy Ostrowsky.

>> Good morning, mayor. Vice Mayor. City Manager and city council members and staff. Nancy Ostrowsky representing AEA, AMSP and CAMP of the San José coalition, all members of IFPTE's local 21. I want to update you on our perspective about ongoing negotiations. Our coalition is preparing an in depth proposal on retirement reform that is fiscally sound and fair to the taxpayers and employees. Our actuary, Tom Lohman, is working hand in hand with us so that we deliver a plan that strengthens our retirement system and saves money and provides a fair retirement for career city employees. We will be responding to the city proposal that placed new employees into Social Security, something that back in January, the council and staff said they had no intention of doing. And we have responded to the other city proposals with counterproposals on new employee retiree health care and SRBR. We remain cautiously optimistic that the give-and-take of negotiations can produce a plan that keeps us

from litigation, accomplishes most of our mutual goals, and is acceptable to the mayor and city council members. Thank you.

>> Mayor Reed: Thank you. Councilmember Chu.

>> Councilmember Chu: Thank you, mayor. Just wanted to say, I hate to see the SRBR going away. I think it's a good measure, although the -- I'm not totally agree with the formula how we calculate what to give out to whom. Question for Alex, since they have already sent us the ground rule, when can we review it and get it back to them?

>> Alex Gurza: Councilmember Chu, the groups that Aracely had mentioned had produced ground rules and we will be discussing them further with the council on closed session.

>> Councilmember Chu: So today we'll be able to make a decision on it?

>> Alex Gurza: Yes.

>> Councilmember Chu: Thanks.

>> Mayor Reed: All right, we're going to be going into closed session. We'll be back here at 1:30.

>> Mayor Reed: (gavel strike) Good afternoon. I'd like to call the San José city council meeting to order for August 30th, 2011. We'll start with an invocation. Vice Mayor Nguyen will introduce the invocator.

>> Councilmember Nguyen: Thank you, Mayor Reed. Good afternoon. I'm delighted to welcome pastor Arnold Perez or Pastor Perez as he's known by many in the community from Cryy Out Christian fellowship to provide today's invocation. Under Pastor Arnold's leadership, Cryy Out Christian Fellowship continues to provide vital services to the community including a weekly brown bag program for seniors and the disabled, an after-school homework club, National Night Out events and the October harvest night. These programs are of course free of charge, and they really help to bring the community together. I wanted to thank Pastor Arnold for all the work that he has done for District 7 residents and really delighted that he's here with us.

>> Let's pray. Father in heaven I want to thank you and I also want to pray to you for your grace and your mercy, your love and your faithfulness and the peace that you bring into our lives. Thank you, lord, for giving us the privilege, the honor and the gift of prayer. And so, Lord, today I lift up Mayor Reed to you that you would strengthen him when he is weak, that you would encourage him when he is discouraged, that you would give him wisdom to know when to work and when to rest. Bless his family, his health, his leadership, guide him and lead him, lord, as he leads our city. Bless our Vice Mayor Nguyen and each city councilmember and give them wisdom as they come together to deal with and discuss city issues. And lord, might they be unified and work together for the good of the people. I lift up our city, our communities, families, schools, law enforcement officers, firefighters, military, the elderly, disabled, and the homeless, and I pray lord for purity, unity and prosperity. And Lord, I ask you that you help us to turn to you and trust you in these tough economic times, and lord, cleanse our hearts and heal our land. I lift these petitions to you and thank you lord, in advance, and I pray this in the name of Jesus Christ, amen.

>> Mayor Reed: Thank you. We'll now do the pledge of allegiance, please stand for the pledge. [pledge of allegiance]

>> Mayor Reed: There any items in the orders of the day that we need to change from the printed agenda? We have a motion to approve the orders of the day. All in favor? Opposed? None opposed, those are approved. We would like to note that we will adjourn this meeting in the memory of Bruce Blain de Mers. Ful of us knew Bruce and Councilmember Chu has additional comments.

>> Councilmember Chu: Thank you, Mr. Mayor, association of San José police officers and firefighters, Bruce de Mers on May 20th, 2011. Bruce is survived by his wife, Loulla, daughter Carrie and his family has honored us with being here today to join us in memory of Bruce. His brother Don and Buck and nephew Allen and the current president of association of retired San José police officers and firefighters Jay are here. Can I ask you to please stand up? Bruce was a good husband, father and brother and a friend to many. He was a San José resident for the past 40 years. With 26 of those years as a dedicated San José firefighters. He took his job seriously and performed his duty with enthusiasm. His service to our city was exclamatory. He was knowledgeable and wise. He knows what he was talking about and he really knew his subject. Bruce always brought laughter and smiles with him, wherever he went, especially when he give his time and energy to help and support our community. He was highly respected, admired and recognized as an excellent role model in our community. Bruce's effort has touched many people's lives. He has provided hopes and positive motivation to those with whom he interact. We have truly lost an inspiring man. May his memory and legacy forever live on in our hearts and minds. Thank you very much for coming.

>> Mayor Reed: Councilmember Herrera.

>> Councilmember Herrera: I just want to say too, to add to Councilmember Chu, that I will definitely and deeply miss Bruce de Mers. He was somebody who was a very strong advocate for the police and five retirees and he really took that seriously and was very passion at about it and I always enjoyed having conversations with him about that topic. He also helped in the community. So any time there was a need to work out in the community he would work with the retirees to make that happen. So my deepest condolences to his friends and family that are here today.

>> Mayor Reed: Councilmember Rocha.

>> Councilmember Rocha: Thank you, mayor. Let me also share my condolences and thank you for allowing him to serve this city, not just a great public servant but as the two councilmembers mentioned previously, a dedicated community person. Councilmember Herrera spoke exactly of my last interaction with him, that was at an event we were doing and he was trying to help our office coordinate for the police and fire retirees to participate. And I'm going to always remember his willingness to step up when asked, and was in awe of his service. So thank you.

>> Mayor Reed: On behalf of the entire city council we do thank you for the service, the family has served as well as Bruce and we appreciate that. Next item is the closed session report. City Attorney.

>> City Attorney Doyle: The city council met in closed session this morning, pursuant to notice there is no report today.

>> Mayor Reed: Next would be the ceremonial items. Before we do that I want to introduce a visiting delegation from Kabul, Afghanistan, Aslam Acramie, Deputy Mayor, finance and administration, Abdul-Jabbar Hakbin, director of general finance, and Mr. Mustafa, senior advisor to the Kabul city initiative. These officials from Kabul are visiting for a couple of days as part of the U.S. Agency for International Development's Kabul city initiative. The three-year program provides technical and material support to the Kabul municipality. The city's department of finance and other departments will be sharing their insights and experience during these meetings. I've had the pleasure of meeting with the delegation myself, and it will be visiting San José and Oklahoma City as part of this U.S.I.D. sponsored mission. Welcome, thank you for being here, we appreciate that. [applause]

>> Mayor Reed: We wish you the best of luck. In my conversations with the deputy mayor he told me that municipal government was kind of a new idea to Kabul, a city of 5 million people so they have their work cut out for them but it's good to be able to offer a little bit of help. I'll turn to a ceremonial item. I'd like to invite Jennifer

Maguire, Scott Johnson and our City Manager Deb Figone to the podium. We're here to accept some recognition, nationally, for the work that people in our city have done particularly in budget and finance. So the government finance officers association has awarded the city with a certificate of achievement for excellence in financing reporting for our Comprehensive Annual Financial Report for last year. This award signifies the achievement of the highest standards in government accounting and financial reporting. This is the 23rd consecutive year the city has received this prestigious awards from the organization. In addition, the city is receiving a distinguished budget water for the 21st consecutive year. I don't know what happened to the first couple of years. Maybe they didn't even give out the award. So 21 years and we're receiving a certificate of recognition for budget presentation for the 8th consecutive year. So we're very proud of that. We like to set highest standards and this is an area where we certainly have met those standards and to accept the awards we have our City Manager, along with Jennifer Maguire and Scott Johnson.

>> Jennifer Maguire: Thank you, mayor and City Manager, as well as the city council. I'm honored to receive on behalf of the city these two budget awards conferred to the city by the government officers finance association. These awards do signify the commitment by the city council and staff in the highest principles of governmental budgeting. In order to receive these budget awards the city had to satisfy nationally recognized guidelines for effective budget presentation. Specifically, GSOA assesses whether the City's budget serves as an effective policy document, financial plan, operation guide, and communication tool. Receiving these awards for as long as 21 years in the budget office and you're right it wasn't available I think those two other years has only been possible with the support of the mayor and the city council, the City Manager, the budget staff, as well as the departmental staff. I especially want to thank the entire staff in the first row, if you could stand, that's the budget office staff. Please stand who have worked on the 2010-2011 budget. [applause]

>> Jennifer Maguire: And together with departmental staff have worked countless hours to prepare the City's budget. While staying very light hearted and humorous during very many late nights and evenings as well as weekends, sacrificing a lot of family time in order to bring this great budget to you each year as difficult as it's been in the last several years. Thank you very much. [applause]

>> Scott Johnson: Thank you, Mr. Mayor. Members of council, Deb Figone, City Manager, as the mayor mentioned the certificate of achievements for excellence in financial reporting. The award signifies the highest standards in government accounting and financial reporting. To qualify for the certificate of achievement, the city must publish an easily readable, and efficiently organized and audited comprehensive annual financial report. The contents of what's known as the CAFR must conform to the programming and accounting standards and must satisfy accounting principles generally accepted in the United States of America, as well as all applicable legal requirements. The City's CAFR is widely distributed and used by various stakeholders, including investors, financial institutions, rating agencies, and the public. Therefore, it is important that the City's CAFR continue to be at the highest level of professional integrity and accuracy. I think it's very telling that both the budget award is being presented as well as our financial report award being presented. It's very important that the City's finance department and the budget office work well together. Because it's equally important that we have very strong, sound budget policies, and financial policies that the mayor and the council approves, throughout the year. So finally, I'd like to ask the Department of Finance staff that are here, there's many more that participate in the presentation of our to please stand to be recognized. [applause]

>> Scott Johnson: I'll say in the last ten years that I've been here as the director of finance it's really been an honor to work with the excellent staff that we have to continue receiving these consecutive awards from year to year for 23 straight years. And it's not only the finance department. It's also support from many different departments throughout the city that make this award possible. So I want to thank you, as well. So thank you very much. I appreciate it. [applause]

>> City Manager Figone: Thank you, mayor and council and Jennifer and Scott. I just can't let this moment pass without noting that this is Scott's last council meeting with the City of San José. For ten and a half years Scott has been at the helm of our finance department. Throughout that time he has devoted himself to ensuring that the city holds itself to the highest standards of fiscal accountability. And this last award was just evidence of that. Within this city organization he has consistently demonstrated high ethical standards, both within his department and for the city as a whole. Under his leadership, managing our finances, the city earned enviable credit ratings. Even during these difficult fiscal times we had maintained the highest credit ratings of any large city in California. Scott,

I want to personally thank you for your ten-plus years of service to the are city. You have helped our city to navigate some of the most difficult fiscal challenges that we've ever faced. And I have always valued your sound fiscal counsel and your willingness to confront and take on very difficult challenges with optimism and creativity. And I have also greatly valued your strong work ethic and even to this day Scott is spending his last less than two weeks ensuring that we do have a smooth transition to the next team. You do move on to the City of Oakland. Deanna is going to owe us for this one as their new assistant city administrator but I know that you have had that as a career objective so I applaud you for that. We will certainly miss you here but wish you all the best and I for one am very, very happy that you are going to continue your outstanding career in public service. So mayor, council, colleagues and audience please join me in wishing Scott well and thanking him for a job well done! [applause]

>> Scott Johnson: I think it's appropriate mayor if I address you and the council. I just want to take a couple moments just to say I've been here as ten and a half years as the finance director. It has truly, truly been an honor. It's been an honor and a privilege. And I really appreciate the respect that I receive from the mayor, from the council as I've worked with the staff in the finance department. I couldn't have achieved what I achieved through my leadership without the support and the excellence of the finance department staff. Thank you once again. It's really kind of bitter sweet realizing that this is becoming a reality, that I am moving on. I'm very excited about the challenges ahead of me but I'm also very appreciative of the opportunities you have given me. Thank you very much for that, I appreciate it.

>> Mayor Reed: Thank you, Scott. [applause]

>> Mayor Reed: We have noticed an elections commissions interviews and appointments to start at 2:00, we're not at two o'clock yet, I'll go to consent calendar and come back to that item specifically noticed at 2:00. On the consent calendar I have two requests -- actually one request to speak on the consent calendar. Mr. wall.

>> David Wall: Good afternoon. Couple items. One on the Rules and Open Government report, Mr. Mayor we need some type of commentary because there's a contradiction in environmental terms, with revenue to the 9 par

property at water pollution control plant being utilized for the anaerobic digester project. There's been no linkage to the habitat plan and the nitrogen deposition will be coming through with all those garbage trucks. With reference to the storm drain or storm water permit, I'm not satisfied with this whole program. I think with all the resources that have been brought to bear, City of San José shouldn't have been on the local page showing their storm drain full of trash. There's 29,000 storm drains in the city. The city is dedicated millions, tens of millions of dollars on this program and has gotten relatively little for it. Subsequent would wonder why, with all the engineers within the city that they haven't come up with a patent for a device that could be easily attached to a storm drain to keep debris and garbage from getting into the storm drains. Now I know the silt is a different issue but the actual garbage could be dealt with, it could be patented, manufactured here at San José. This is not even been thought about which is characteristic with the lack luster leadership of the environmental services department. The amount of council travel is getting to be quite staggering. Which it's good to have you guys go out of town and see how other cities are run. But I think you got to stay here and run your own city for a while. Of course it does beg the question if you all decides to go on a trip at the same time we would have a benchmark to see if anything would change. Thank you, and good afternoon.

>> Mayor Reed: Thank you. That's the testimony of the consent calendar. I would like to incorporate whoever makes the motion, deferral of item 2.8 the agreement with wayport for the WiFi services at the airport to September 27th. And any items that people would like to pull off for discussion, item 2.6, Councilmember Constant, Councilmember Kalra.

>> Councilmember Kalra: Actually, are you going to -- excuse me mayor are you going to be speaking to 2.16?

>> Mayor Reed: 2.6.

>> Councilmember Kalra: I had a question on the travel as well.

>> Mayor Reed: What item?

>> Councilmember Kalra: On the --

>> Mayor Reed: 2.6 is a report from retirement. Maybe it's not.

>> Councilmember Kalra: Well it's on -- there is 14, 15, 16, there's a general city council report on 2.5.

>> Mayor Reed: Okay, well --

>> Councilmember Kalra: I can let Councilmember Constant go first and I can gather my thoughts.

>> Mayor Reed: All right, we'll deal with 2.5, twoch 6, any others to pull off? Motion. Motion to approve including the two deferrals, all in favor, opposed, that's approved. 2.4 first. Councilmember Constant.

>> Councilmember Constant: Thank you, mayor, it's been a while since I've given a report from the retirement board so I thought I'd give a brief update. I think you're aware that both of the boards see the results of that. Both boards have been struggling to implement some of their core asset allocation strategies. Both funds have had difficulty actually completing the purchases of investments to get them within their guidelines that they've set for their asset allocations. The primary reason for this has been due to staff constraints in bandwidth, how much staff work can actually be put through in the months between board meetings. This has several root causes. Obviously, the overall budget and the implementation of the health care trust and the workload that's associated with those as well as other staffing issues related to compensation both in relation to comparable public plans and the outside private sector. Both boards, together, have engaged Cortex applied research which I'm sure you're all familiar with, they're the group that did the work on the board governance, that led to the outside board members. They are having Cortex continue their research, and go a little bit deeper to what changes to board governance procedures could be utilized by the boards to more effectively manage the boards and fulfill their fiduciary responsibility. Both boards have also asked for Cortex to look specifically at one of the Cortex recommendations that was not implemented by our council, which was the independence of the boards in relation to the city council. All that's pending, Cortex is just starting its interviews with stakeholders, including

board members, staff, and others. Some of you councilmembers may get a call from Cortex to get your input if they feel that they need additional input. Additionally, both boards are in the process of working with the City Attorney on an RFP process to select new board counsel. And it looks like they will both be moving towards independent attorney representation instead of through our city attorney's office. So that's my update, mayor and motion to approve that.

>> Mayor Reed: All right, motion to approve the update. All in favor? Opposed, none it's approved. 2.5, Councilmember Kalra, the travel report.

>> Councilmember Kalra: Yes, mayor, it was I think I was misunderstood a little bit because I also wanted to speak to 14, 15 and 16 and not a reflection of the travel that's been done. I know after this last budget it's hard for me to consider most council travel, I've cut back even before this last budget on a leadership group trim, I excellent slept on a friend's couch not to use my city budget for that. Not to reflect the trips being taken I just want to register, if the clerk could register no vote, specifically on items I'll register a no on 14, 15, 16, otherwise since it was done as one full consent, if it's no on the skeptic, okay, I'd prefer it's a specific no vote on 14, 15, 16.

>> Mayor Reed: All right, City Clerk, is that enough? The votes are modified. Think that's the consent calendar everything done. And it's now on my watch 2:00 so we can turn to item 3.5, the elections commission interviews and appointment. Which we noticed for 2:00, and seems like we have our first applicant here. So welcome.

>> Thank you.

>> Mayor Reed: We'll give you a couple of minutes to tell us why you're interested in this commission and we'll ask you a few questions, perhaps. Rolanda Pierre Dixon.

>> I'm Rolanda Pierre Dixon, I'm a former assistant City Attorney saw the elections commission position, coming open. And I saw to myself this is something that I would like to do. I am very proud of San José, I've been here over 30 years, I think we do a wonderful job and I want to make sure that we continue to do so. The elections

process to me is one of the most important things that we do as a democratic society. And I want to make sure that it is always on the up and up. And I know we are a very active community, very political community and I just want to contribute and give back to my community and I thought this would be a wonderful way to do so.

>> Mayor Reed: Thank you very much for your interest in the community. Given your background in the law I think this is a pretty easy question for you to explain. I like to ask this question because some people have difficulty with the concept of we have the rules and we have my personal opinion about things. So how do you reconcile when you have the law that you're having to deal with and your personal opinion about something when you're faced with making a decision with some matter that's in front of you?

>> Well, I've had to do that many times over the 30-plus years as the prosecutor and as the attorney. The law is the law and we have all heard that statement in the past and you have to follow the rules and what the rules say is what goes. Our personal opinion may think something else should happen, but we have to look at the rules. What do the rules say? If they have been broken, then there will be a price to pay for that. If they haven't, then maybe if a person does something shady here if it doesn't fall within the requirements of those rules and the rumtion are not broken you cannot hold that person accountable and you have to maf on to the next thing.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: Thank you, mayor. Great to see you there.

>> Thank you.

>> Councilmember Constant: Happy to see you in retirement and I'm happily surprised that you're free to jump into things. It's great working with you back on my PD days and on the domestic violence stuff we've done together. I have one easy question or simple many question. Just to clarify that you know that by accepting a position like this if you were so appointed it does put some significant restrictions in your ability to engage in political activists.

>> Right.

>> Councilmember Constant: I just wanted to find out whether you understood that.

>> Yes I did.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Pete took my question. Thank you for your service and leadership in the office, Rolanda.

>> Councilmember Kalra: You just don't want to take a break do you?

>> This is a break.

>> Councilmember Kalra: I had a follow-up as well, clearly there are rules as to what you can and can't do and those I don't have any question that you'll be able to follow those rules and abide by them appropriately. However, the fact that the elections commission is unique and yes there's law and there will be some standards that you'll have to abide by as you evaluate claims that come before you, however, there's no doubt that in the past and certainly it will be the case in the present or the future that elections commissions oftentimes can be used as tools, as political tools and you know so how do you -- how would you reconcile that knowing that you have to look objectively of what's before you but understanding also the political aspect of it without getting political yourself? Understand my question?

>> My feeling is if you are professional, you'll accept that and they'll have to accept what your decision is. I think you run afoul of these sorts of groups when you sort of waffle and you're not clear and you're not precise. When we come back with a decision based on what the law is and this is what the rules are, this is professional what I

felt occurred then I will hope fair and impartial and do the right thing and I think I have that kind of reputation all right and I would hope that that would continue to be the way as we go forward. Sometimes things arise and it is stuff. you got to stand your ground. As a prosecutor there were many times that there were things that I would like to have done. Folks could not prove that case rornd it could not filed and that was a fight I had to have every day and I think I was self in doing the right thing.

>> Councilmember Kalra: Thank you for your service and your continued desire to serve.

>> Thank you.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: Thank you, Rolanda and glad to see you here today. Do you have a particular system that you use when it come to gray areas? An they're always there.

>> It really is -- you just really have to search your heart and your mind. Obviously if you are dealing with legal issues you better search the law pretty good and look at the precedent. Then you got to come down and make a decision and be able to stick with it. Hopefully there's a law that will stick make that decision and you live with it. And hopefully, you use the law to back that up.

>> Councilmember Pyle: Thank you, appreciate that.

>> Mayor Reed: Councilmember Oliverio.

>> Councilmember Oliverio: Thank you, mayor Reed. This question is for Rick Doyle. In absence of an elections commission, if we just didn't have the elections commission we have the FPPC that so reality is the elections commission just only enforcing the few city ordinances we have. And it seems like there are less of them because of the court channels that have changed things.

>> City Attorney Doyle: Well, the court challenges have changed the provisions of some of the ordinances, you have a campaign ordinance, a gift ordinance, a revolving door ordinances, a number of other subject of the elections commission's jurisdiction. And so they are charged with the responsibility of enforcing those. And the reason that at least prior councils have established this staple is to keep it out of the political realm based its decision. The FPPC will not rule on our local ordinances. To the extent that we have enhanced or have separate rules from state laws, that's the role of the elections commission.

>> Councilmember Oliverio: So in essence that would force the city attorney's office to vote on a rule rather than an independent body like the elections commission ?

>> City Attorney Doyle: The City Attorney would be in charge of code violations we would do that. But let me again the way the current ordinance reads is the City of San José is not charged with enforcing those be put on notice and the reason again is to take it out of you know the client for the City Attorney is the city council, and to keep it out of the I don't want to say political realm but at least the appearance of the coin who may have a case before the commission or interested in the cialtion.

>> Councilmember Oliverio: Is that by ordinance?

>> City Attorney Doyle: It is by ordinance not a charter commission.

>> Councilmember Oliverio: To that point not every city has an elections commission, San José is unique in that regard?

>> City Attorney Doyle: I think san Francisco, Los Angeles, San Diego.

>> Councilmember Oliverio: Okay, thank you. Rolanda I didn't want to have to give you those questions. I figured it would be right. Issue of anonymous complaints. Do you have an opinion as to whether yourself or your experience as an attorney on how you would handle that?

>> Well, my first thought is obviously I hate them. Because I think anyone who has a complaint ought to value in it. But the reality is having worked in the law as long as I have and as a prosecutor, people can be afraid. And there could be reasons why somebody doesn't want to give their name. And so we deal with all complaints the same whether they are anonymous or not. And I certainly get them having worked in domestic violence and a supervisor for over 45 lawyers at a time and I have to deal with those complaints as if there were a name attached, do what investigation I can, figure out what's going on and then come to a solution. So they're difficult. Any time you get someone with a name forward for maybe a good reason.

>> Councilmember Oliverio: Thank you for that answer. But question again on that do you believe that person should even be anonymous to you?

>> Well I would like to know but there have been times when I've had to investigate things where that person is anonymous even to me.

>> Councilmember Oliverio: Thank you.

>> Mayor Reed: Councilmember Rocha.

>> Councilmember Rocha: Thank you mayor. Thank you for your interest in serving. One question. Any experience with election law or with elections in general? I was looking through your application if I missed that I'm sorry.

>> No, not really just in terms of having supported other folks that have run for different elections and I've done that in the past but not on an elections commission or working with election law. Most of my prosecution has started with misdemeanor code violations and the.

>> Councilmember Rocha: Thank you that's all.

>> Mayor Reed: You're welcome to leave that's up to you. I think our next person is Brian Quint if we're running the list the way I've got it, correct?

>> Dennis Hawkins: Correct Mr. Mayor, he's on his way.

>> Mayor Reed: Take a minute for the clerk's office to get Brian in. Mr. Quint, welcome.

>> Hello.

>> Mayor Reed: Holed. Thank you for your interest in this position. We'll give you a couple of minutes to explain your interest in this position and then we'll ask you some questions.

>> Sure. My name is Brian Quint. I've been in San José for about 20 years. I'm in the private sector and work at Cisco systems and really wanted to look into ways that I can get involved in the community, in the city. I've reached a time where, with my kids and upbringing I can finally blossom a little bit and explore other areas to give my skills besides just at work. What do I do at work? I'm in the business operations area so I'm really focused on processes, efficiencies in the services area at Cisco. My -- during my kids' upbringing I've been involved in the community through the school elementary school and the foundation, as an officer, treasurer, been involved in scouting and with the kids. A lot of the things I've been involved with are values where I can influence and kind of there is a way of life that you want to train others to be in. Fairness and equitableness. This elections commission is kind of a natural alignment with me, in dealing with when there's values it's not always black and white and you want to be fair. That's really where I pride myself on fairness, open mindedness and doing your homework. When

I say doing my homework I think being involved in the elections commission, I did spend time looking through minutes, the agendas, the issues, anything from the instant runoff issues, the issues of the election expenditures, or even lobbyists and things. It's all about ethics and it's all about having a level playing field for everyone to have a chance to represent their interests in the city. I've also looked through the title 12, and understanding what this city has documented as being of importance and values. I mean those really what the title 12 represents is kind of the set of values and rules that we like to have a level playing field for everyone to have a shot. Everyone has a fair play to be in a representative government. So -- and I looked at that time amount of time that's involved and I am totally committed to being involved in the meetings, in the off-meetings, do the research, do the homework. Because I think this world can have a lot of influence to constituents, and to those who like to look for office or run for office that they have a fair place to go for any escalations, appeals, or things to follow the law and ethics. I'll end it at that.

>> Mayor Reed: Thank you. I think we'll have a few questions. I'd like to start by just asking you how do you set aside your personal opinion when there's maybe a conflict between what the law says or the process or the procedures that have been outlined in the code and personally what you think should happen, how do you answer at a question?

>> That's a fair question. I would side with the law. If I have a difference of opinion with the law and how I would personally feel there is a difference of opinion to change laws. My role would be to follow the laws and interpretations with that, to change through whether representatives or ballots or initiatives or things like that.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: Thank you, mayor. Thank you for applying and taking the time to come here today. My question for you is, are you aware of and are you okay with the restrictions on personal political activity that come with an appointment to a board like this?

>> Yes, I'm very comfortable with that.

>> Councilmember Constant: Great, thank you.

>> Mayor Reed: Councilmember Kalra.

>> Councilmember Kalra: Thank you, mayor. And thank you also for your willingness to serve and I hope that regardless how this turns out that you look at other opportunities as well with the city. So similar question but in terms of how you approach items that come before you, once you're given an understanding of what the law is and what kind of parameters you have to analyze any claim before you, understanding that unfortunately, elections commission at times is used as a political tool as well during the heat of the campaign what have you, how would you approach that in terms of focusing on the claim at hand, understanding the issues of the claim but not getting political minded yourself?

>> The best way I would look at that is really what are the issues? I'm really into the investigator to look to kind of be a nonemotional look at the facts. I think that's really important. The politics will always be there but the data in the situation is your stability, there's always interpretation and that's where you rely, I'm imagining on this commission to determine those data sets to make the right application of the law and the politics to me, what I would do is put it aside. And if there's an escalation politically where it is, there is a vehicle of escalation in the code to allow for any redress.

>> Councilmember Kalra: Thank you.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: Thank you, mayor. There's always a certain number of gray areas. Case comes up, and it's he said she said they said whatever. How do you -- do you have a formula or some system that you use to determine gray area questions?

>> The best way would be to collect as much information and see the consistencies, see the past history of any facts that are given, is there any substance to it. I would research the substance of any claims being made. You'd have to go off of validated information to make a judgment. That would be the best way to do it, versus having any kind of judgmental way. Because I think the facts will stand for itself.

>> Councilmember Pyle: Thank you.

>> Mayor Reed: Thank you. That concludes the questions. Thank you for your interest. Thanks for being here. You're welcome to stay or leave, we won't be offended. Our next applicant should be Neno Aiello, I believe. Welcome, Mr. Aiello. Thank you for joining us. Thank you for your interest. We'll give you a couple of minutes to talk about why you're interested in this commission and we'll have a few questions for you.

>> All right. I have always been interested in politics. I know this may sound a little facetious but I think I've been interested in politics longer than many -- most of you have been alive. I got interested in 1940 when I was a young man. And I've been always interested and follow it. I also taught political science and history at the college level. And I follow every election. The only dubious claim to fame I have is that publicly I've never endorsed a candidate. And the reason I applied for this commission is I know the process in terms of voting and things. And I have another philosophy that I treat people with equity, rather than equality. By that I mean, I try to treat people fairly rather than equally. We're created equal but we're not all equal in our work at what we do. And I've got time. I'm totally retired. If you do appoint me you can have me full time because I don't have any other commitments of any kind.

>> Mayor Reed: Thank you. We'll have a few questions. I'd like to start by asking you how do you go about reconciling the process you have a personal opinion that might be different?

>> Well I have a background in social work which taught me that my personal opinion, my personal views never get in the way whenever you're doing any kind of task that's -- I don't have any trouble being neutral. I try to listen to everybody as I say. That's why I try to be fair. I try to listen to all sides before coming up with any opinion.

>> Mayor Reed: Councilmember Kalra.

>> Councilmember Kalra: Thank you, mayor. And professor, thank you for your interest in this position. And especially with your background in political science, you must be aware that at times, there may be claims made and put before the elections commission that certainly, have a political tinge to them but obviously sometimes the commission can be used as a political weapon by one party against another. So how would you go about filtering through that in order to come to an objective decision that's aware of the political nature of the claims being made without yourself getting involved in the politics of it?

>> Well, the one thing that I do, on any issue, for example, I -- to make sure that I understand things, I find myself when I read the state progression, sometimes I have to read them thoroughly two or three times before I can ever make a decision, which way am I going to vote or what are they trying to say? And I think the biggest thing is to be open minded. But keep your own political views and opinions out of it. And I -- that's something that I've done all my life. I just don't take sides publicly, as I say I've never endorsed the candidate nor have I ever worked against the candidate. But I do follow every election there was. The only time I didn't vote was when I unfortunately had to serve in a war. And we didn't have a chance to vote absentee. That was probably the only time I missed voting since I was old enough to vote.

>> Councilmember Kalra: Well, thank you very much.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: Thank you. And thank you for your interest, and just for the record based open your own admission you've been in politics since before my mom was born. So I just wanted to point that out. But with that I wanted to ask you, just if you were aware of the limitations that once you're seated, if you were selected, if you're seated on this board, there's limitations on political activity going forward. So I wanted to confirm that you're aware of that and two that you're okay with that limitation.

>> Oh, fine, yeah. As I say I keep an interest in elections and politics and things like that. But I don't have a problem keeping my own views and ideas out. And certainly that wouldn't be a problem for me. I'd -- most important thing I learned in social work is to be nonjudgmental. That's part of our training.

>> Councilmember Constant: Great, thank you.

>> Mayor Reed: That concludes our questions. Thank you for your interest. You're welcome to stay or go. We won't be offended if you need to leave. Thank you very much. You're welcome to have a seat. Next complicate would be Christine disalvo. Welcome. Thank you for your interest.

>> Okay.

>> Mayor Reed: We'll give you a couple of minutes to talk about why you want to be on this commission then we'll have some questions.

>> Okay. I'm a past member of the San José parks and recreation commission from the 1990s. I'm also on the Santa Clara County -- Florence sister city commission which my term is ending next year. So I saw this opportunity and I thought it would be interesting to get involved with the City of San José again. So that's why I applied.

>> Mayor Reed: Thank you. We'll have some questions. I'd like to start by asking you how you go about resolving the conflict that can arise when you have the law and the ordinance on one side and your personal opinion might be on the other side and causes a potential conflict. How would you deal with that?

>> I would make sure I would read the law, the ordinance and research whatever the case is. And the facts. And I would try to the best of my ability to go with the facts as they relate to the law, the ordinance. That's how I would handle it.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: Thank you, mayor and thank you very much for applying and taking the time to come out today. My question's pretty simple. I just wanted to see if you were aware of and if you're okay with the restrictions that are placed on elections commissioners as far as activities, political activities while seated on the commission?

>> Do you mean political activities like running for office?

>> Councilmember Constant: Running for office, openly endorsing candidates, things of that nature.

>> I am aware of that and I don't have any plans to run for office. I am aware of that.

>> Councilmember Constant: Thank you.

>> Mayor Reed: Councilmember Kalra.

>> Councilmember Kalra: Thank you, mayor. Thank you for your interest in serving in this capacity. More in terms of how would you come about analyzing claims came before you. Certainly there would be law and direction given to you as to how to analyze, and your decision to interpret that based on the facts. However oftentimes elections commission can be used as a weapon by one party against another. And it's inherently political. How would you do your analysis on the claims before you while understanding the political nature of the claims without yourself getting political, without yourself getting bogged down in the political part of it?

>> Well, I see myself as a pretty objective person. And I see myself more on the center of the issues. And I would just analyze the facts, the figures, the, you know, do some research about it and try to be as objective as I.

>> Councilmember Kalra: Thank you.

>> Okay, is that it?

>> Mayor Reed: Councilmember Rocha.

>> Councilmember Rocha: Thank you, mayor. Hello, thank you for your interest. I'm curious if you had any experience with elections?

>> With elections, yes I have.

>> Councilmember Rocha: What type of work if I may ask?

>> My husband is a Santa Clara County board elected official. He's a board member.

>> Councilmember Rocha: What about campaign?

>> I worked on a lot of campaigns in the past.

>> Councilmember Rocha: Candidates or measure or both?

>> Cant.

>> Councilmember Rocha: All right, thank you.

>> Councilmember Pyle: Hi Chris how are you. .

>> Fine. How are you.

>> Councilmember Pyle: Do you have a methodology sometimes there's disputes between candidates. How would you go about resolving that in your minds?

>> It's hard because you don't have an issue in front of you. I would, again, you know, try to analyze what the issue is, between candidates. You know, try to not let my bias come in for these candidates. And fry to make the best decision.

>> Councilmember Pyle: Thank you.

>> Mayor Reed: I think that's it on the questions. Thank you for your interest.

>> All right, okay, thank you.

>> Mayor Reed: Thank you. You're welcome to stay, you're also okay to leave, we won't be offended some your choice. Our last applicant Louisa Davis will be in shortly. Welcome, Ms. Davis. Thank you for your interest. Thanks for being here. We'll give you a couple of minutes to talk about why you're interested in this commission and then we'll have some questions for you.

>> Okay, first of all my name is Louisa Davis. Profession wise I'm a Realtor with Sereno group. My interest in the election commission may be more so heightened because we're getting into more of the elections years here. But it is to be involved in making them fair and ethics abided by. I think it's very important, it's at the core actually of our existence, why we are here, make sure our leaders are the best we can to make the best rules and regulations for us all to live by. So it would give me an opportunity to help that process.

>> Mayor Reed: Thank you. My question is: How you go about roxg a conflict that might arise when you have if law and conpersonal opinion maybe in the other place and the potential for that conflict, how do you deal with that?

>> That's pretty easily, to begin with because what you first go by is the rules and the law. Personal opinion is personal opinion and that to me is totally separate. I have to use my judgment of course, I have to use my brain but I think the basis of any decision making would have to be the law, the rules, what's in the code, and that would be my first line to look at. I would not be listening to any kind of gossip or any kind of external statements by people that, you know, might not be true. So I think basically, that's what I would do.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: Hi. Thank you for coming today and thanks for your interest in this position.

>> Thank you.

>> Councilmember Constant: My question to you has kind of two parts. One is if you are aware of, and then the second part would be, are you okay with, the restrictions that we place upon commissioners once appointed to this commission? In other words, there's constraints on political activity by you individually.

>> Uh-huh, yeah, that's not a problem at all. And I have actually, you know, not really been that involved politically so I'm not belonging right now to any political affiliation of any kind. So yes, no problem.

>> Councilmember Constant: Great, no problem.

>> Mayor Reed: Councilmember Kalra.

>> Councilmember Kalra: Thank you. Thank you for your desire to serve the city, you've answered this in part and it's somewhat a follow-up on the political side of your duties. When you are given a claim you analyze it on a legal and factual basis. Inherently whether we like it or not the elections commission is used as a political tool in the election game. How would you go about doing your analysis, as you've already talked about approaching the

issues with the understanding of the political nature of the claims without yourself getting bogged down in the politics or letting that influence you?

>> Well, it's just kind of the way you approach a lot of things that are important, I don't think. It wouldn't differ too much, I don't think. It would be basically not letting my own personal -- we all do we are all human beings so we all have our own personal feelings about things and feelings are feelings. But again, the law is the law, the code is the code and you know I'd be up to speed on that. So whatever was right would be what -- how I would make any decisions or anything. So that's again kind of easy only because I would look at it that way, for sure.

>> Councilmember Kalra: Thank you.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: Thank you. Any given situation when you've on the elections commission there is some gray area that comes up. How would you go about tack lipping that?

>> Gray area?

>> Councilmember Pyle: One candidate says one thing, one candidate set something else, you're helping to solve the disputes.

>> Well I say getting to the facts of the matter. Getting to the facts of the matter would be the only way, where people we've had children we've had conflicts, we know, that there's always a gray area, there's always two sides to any story. So I think going with the facts looking at exactly what is before me, what I have before me, and making that decision that way. Without -- it's not like without feeling. I don't want you to think that but it would have to be based on that type of factual information that I have.

>> Councilmember Pyle: Yes, sure.

>> Mayor Reed: Thank you, that concludes our questions. You're welcome to stay or go. Your choice. But that is the end of the interviews so now the City Clerk is going to tell us something else.

>> Dennis Hawkins: Mr. Mayor, we have it set up for electronic voting or we have the low-tech solution, the paper ballots. I think John has loaded the E-vote on your computers.

>> Mayor Reed: Lets see if we can get the e-vote to working. We have five candidates, and we need eight votes to select somebody for the elections commission and if we don't get to eight votes then we won't make the appointment. So it's a little bit different than some of our other decision-making. So it typically if we don't get eight on the first vote we'll drop the lowest ranking candidates until we get to eight. But we have been I think one time when we had one candidate left and we still didn't get to eight votes.

>> Dennis Hawkins: That's correct.

>> Mayor Reed: So this is one of those circumstances where you don't have to vote. You can vote no. It's sort of like abstaining. So if -- I'm not sure that's real clear but when you get down to it because there's just one person standing. You can vote no. I don't know how you can vote with this one particular vote page but Dennis would figure it out.

>> Dennis Hawkins: We'd probably do the paper ballots to vote no.

>> Mayor Reed: Ever the optimist I think we'll get to eight votes here and make a selection. Now of these five, vote for one.

>> Dennis Hawkins: Vote for one.

>> Mayor Reed: The votes are Roland Pierre dim onten votes. We have ten for Rolanda Pierre Dixon. That is the vote. Congratulations to Rolanda, I want to say to the other applicants, this is a tough pool. Rondea is tough competition. There are other opportunities to get involved in the city. This commission will have openings from time to time and we appreciate your interest and hope that you look at some other opportunities, as well. Anything else, City Clerk?

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

>> Mayor Reed: All right, that concludes that item which was 3.5. We're going to take last on the work plan is the priority setting for the ordinances. We'll get the other items done first. Starting with item 3.1, the reports of the City Manager.

>> City Manager Figone: Mr. Mayor, I have no report today, thank you.

>> Mayor Reed: Next in order would be 3.6, the annual review and proposed amendments to the City's investment policy.

>> Councilmember Constant: Second.

>> Mayor Reed: Motion so is to approve the proposed changes. All in favor? Opposed? None opposed, those are approved. 4.1 are actions related to the dislocated workers grant for NUMMI, also known as new United motors something-something. We have a motion to approve. Any cards? No cards on the motion, all in favor, opposed, none opposed, those actions are approved. Item 4.2, workforce investment act funds for American recovery and reinvestment act. We have a motion to approve the recommendations. All in favor, opposed, none opposed, those are approved. 6.2, route 101 freeway improvements between I-280 and Yerba Buena Road. I'm sure nobody cares about that except -- is there anybody that 101 doesn't run through? Vice Mayor Nguyen?

>> Councilmember Nguyen: Thank you very much. I just wanted to take this opportunity to thank staff for continuing to work on this project and obviously at a very fast pace and also giving us regular updates. I'm sure constituents affected by this interchange really appreciate the fact that we provide them with regular updates both from my council office as well as Councilmember Herrera. But since she has the memo I'm going to allow her to make the motion. Thank you very much.

>> Mayor Reed: Councilmember Herrera.

>> Councilmember Herrera: Thank you, mayor and I asked Vice Mayor Nguyen and Councilmember Campos to join me on this because we're all affected by the traffic and congestion that happens on 101. And this is truly a remarkable solution and result that we've seen in this construction moving forward. And I want to thank staff, I want to thank our staff, VTA, the whole effort, MTC, CTC, we've had a lot of players involved with this, but it's really great that this is moving forward. The project used to be one project, the highway 101 corridor project, which was Tully road and capitol expressway and Yerba Buena. To see both of these projects moving forward is really exciting. So we can see the crane out there on 101 and a lot of us are frustrated with the traffic. It's actually probably increased as the construction starting but we know in the not too distance future the construction is going to be completed. Again our memo contemplate that we are acknowledging \$7 million short on finishing the capitol-Yerba Buena and we want to work with CalTrans arounds VTA, in a very well in the past to finish this. And if we need to make some changes in the scope of the project to get this over the goal line we want to make sure that we don't lose any time of moving this project forward and so with that I would like to move my memo and move this item.

>> Mayor Reed: All right we have a motion to approve. Councilmember Liccardo, speaking of MTC and VTA.

>> Councilmember Liccardo: Well I just want to congratulate Councilmember Herrera and everybody who I know Vice Mayor Nguyen and Councilmember Campos have all been pushing hard to make this happen. Want to congratulate them on making it happen but also to thank Carl Guardino. I know often it's the way the money moves throughout the state and the region is often a great mystery. I've had an opportunity to see, get a glimpse

through that window and Carl's leadership on the California transportation commission was essential for getting this funding for him. I would like to thank him and his great team and the Department of Transportation for getting this over the goal line.

>> Mayor Reed: I have no cards on this item, correct? On this item, I have a motion, all in favor uh, opposed, none opposed, that's approved. That was item 6.2. I skipped item 6.1 accidentally, we'll come back to item 6.1, long term parking agreement with Spieker for use of Market Street and San Pedro square garage. I have one request from David yamasaki to speak. Why don't we take that now.

>> Thank you, Mayor Reed, members of the city council, Ms. Figone and Mr. Doyle, thank you very much. I'm David yamasaki and I'm the executive officer for the superior court. I'm here to ask for your support of this item which is the long term parking agreement for our new family justice center. As many of you know we have been working on getting a new family justice center here for our court for quite some time. In that regard, we have been working very closely with your staffs in assembling a proposed agreement for a parking component which is very critical for us to move forward. The court hopes that you will agree with our assessment, that the proposed agreement is mutually satisfactory. And as a side note, let me just say that it was truly a pleasure to work with your staffs, in putting together a document that you see before you. I will tell you that the city was very well represented by your staffs, and we're very glad that -- well, let me say that you were in very good hands. So, you know, the way that we look at this agreement, it's more than an agreement but rather a partnership. A partnership that will bring to us a courthouse that is desperately needed. Currently, the space allocations that we currently have are not adequate for us to meet our needs and we believe this new facility will do just that. But also in helping us serve the members of our community much better. As services will be located in one central location. Which would include counseling, childcare and treatment which is something greatly distinguish in the operation we have now operating from multiple facilities. Know that we have been working diligently to build a courthouse that is both adequate in space, but also, something that will enrich the architecture that exists currently here in the city. And that is something that we are committed to doing. We want to be a presence that will accentuate what currently exists in Downtown San José. And hopefully in 2013 you will be available for us to have our groundbreaking ceremony. So we encourage your hopefully your support today. Thank you.

>> Mayor Reed: Thank you. Councilmember Liccardo.

>> Councilmember Liccardo: Thank you mayor. I'd like to make a motion to approve.

>> Second.

>> Councilmember Liccardo: Thank you.

>> Mayor Reed: Motion to approve.

>> Councilmember Liccardo: I'd like to thank David for your leadership in this difficult budgetary climate. I know the courts are trying to get this project moving with everything going on in Sacramento. So if we break ground in 2013 I'll be the person who's hopping up and down the highest. So we really look forward to this and I know it's going to be great for the downtown. I really want to thank Jim Ortbal for all of his hard work in negotiating this hard work. No lawyer would be envee us trying to negotiate with a couple of dozen judges and certainly Jim has been an initial job with a contract that is really going to serve the city well in terms of protecting our interest but also encouraging this very important use to happen in the downtown.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: I just wanted to point out the fact that without this piece for the parking spaces they can't go ahead and build the facility. So it is extremely critical that we move this along. And we still can do something after 32 years, if it's problem take. So I think it's a really good deal and based on the conditions of the some of the courtrooms and some of the places they have to perform their duties this is so long overdue. So I'm very much in favor of it.

>> Mayor Reed: Councilmember Kalra.

>> Councilmember Kalra: Thank you. I just also wanted to thank Jim and the staff for negotiating what I think is a fair deal. You know this is a valuable commodity the city has and I think at least with the CPI adjustments it allows us to get fair value for the partnership that we have with the county. So I want to thank the county. I know it's been really challenging where you have these courthouses for different functions scattered around. If you consolidate it can be beneficial to all of us not just the council administration, it's going to be an all in all win to allow us some stability in the parking lot and all vibrancy multiple benefits to make this deal happen so thank you all.

>> Mayor Reed: I'd like to add that I've been talking with presiding judges and other judges about this since I first became mayor. This is a difficult project but an important project and I'm happy that we're able to help. I know there are other hurdles that have to be jumped but we'll deal with those as they come. Working together I think we can deliver something that's really going to be an asset to the downtown. We'll vastly improve the experiences of the people who are going through the judicial system and the courts as well as the working conditions for all the people not just the judges but everybody. It's a great project and we're looking forward to seeing it although 2013 seems quite a ways out there but I know there's a lot of work yet to be done. Councilmember Herrera.

>> Councilmember Herrera: And I also think it's great for economic development so we'll see more folks downtown who can eat at restaurants, park and use all kinds of things in the City of San José.

>> Mayor Reed: We have a motion to approve. On the motion, all in favor, opposed, none opposed, that's approved. Congratulations and thank you. That concludes the work on everything except item 3.4. Which is the staff work plan for 2011-12 priority ordinances. Which we're going to spend some time here on. Had a couple of comments just to remind the council, started with the ordinance priority setting back in February, when we had our joint council and staff meeting and we voted by dots. Since then, some things have been done. And that's good. Some things are still in process. But our capacity to do some of these projects continues to shrink as our workforce shrinks. And that's making it of course more difficult to get things done as quickly as we would like and so we are still in a mode where we have to prioritize the work so that we can get the things that the council determines to be the highest priority done. That doesn't mean that we won't work on other ordinances, as we

concluded in February there often are opportunities for other things to move forward, so we're not saying stop working on everything else, but these are the council's top priorities and we expect progress to be made. But today we have an opportunity to add to the priorities. I think everybody has the latest revised sheet which we may end up using for voting, when we get around to talking about that Dennis will explain this. There are a couple of comments I wanted to make on the sheet. You'll note on the sheet item number 4, item number 8 and item number 10 are gray. Bail bonds ordinance analysis, you may recall we just did that. All the work's not completely done but we're going to consider that one completed. So item number 8, amendments to gaming control licenses and permits, we're committed to doing that part of the settlement agreement, as well as commitments to senator Corbett and others in the state legislature. That work has to get done whether we like it or not, no need to vote on that. The communications lobbyist, work has been done on that, not exactly when, no need to vote on that one as well. That leaves 21 matters, still on the list. And it's really here, where we'll discuss those. Try to figure out which one is most clerk will do the tallies so that we'll in real time highettes priorities are. So I've recommended in rules committee has approved that we select there to add to the list to fill in the holes. There were two that were in the list that could go back on the list, it's really up to the council to make the decision. At that point I would turn it over I think Ed Shikada is going to lead the discussion on this.

>> Ed Shikada: Thank you, Mr. Mayor, members of the council, actually with that introduction I may be able to say any questions? No, I think it would be helpful to provide a little bit of context for the council. As the mayor noted, this really started in the February 14th study session where there was a discussion and establish the existing top 10. With that said we also thought it would be helpful to take you one step further back, which was actually back in November of last year. When, in part of your budget preparation session for the budget cycle just completed, City Manager presented, among a number of contextual items the framework for aligning expectations. So I wanted to simply make a reference back to that point in time. Since as the mayor noted, the decisions that the council's had to make in adopting the current budget have unfortunately reflected a continuing diminishment of our resources. So without dwelling on that I appreciate the mayor and council's sensitivity to that fact. In addition, an experience that we are seeing practically on a daily basis is the focus and the priority that needs to be given within the organization to managing staff transition, staffs that are in new seats and working through the day-to-day activities that are required in order to provide services to the community on an ongoing

basis. And then finally the last bullet I'd note for this slide is the frequent reminders that we have of our own high expectations, high standards that we have for the staff work, behind policy decisions, policy items that are brought forward to the council. Both staff ourselves the council and the community have clearly communicated and maintained a high standard in the quality and quite frankly the quantity of work that is necessary for staff to do when bringing forward any policy initiative, policy for discussion. I think it's fair to say, based on experience with other agencies, that we really do set the bar very high for ourselves, in terms of the level of work that is necessary to support policy discussion. So that said you have this in your packet. Don't expect this to be something that we read. But it is something to refer to. It is attachment C to your staff report that presents even at the highest level at the city service area level, many of the priorities that are currently being undertaken by departments, and staff throughout the organization. Again, this reflects, to use the iceberg analogy, the 90 plus percent of the work that's ongoing every day that's not really brought forward as part of the top 10 discussion but is nonetheless an important context for which your discussion will proceed. That said, just to drill down a little bit on the mayor's comment with respect to what you have in the packet. You have the existing top 10 as attachment A. The attachment B which reflects ordinances and other major policy initiatives that are three categories, either in progress that work has already proceeding, where it's on hold where there are no current staff allocated or staff resources that are ongoing, and finally, the potential new ordinances that have come up over the course of the last six months. Then simply we can use it as it may be useful in your discussion, the top 10 the first five I won't go through these individually. We do have staff here from each of the departments that's available, as unfortunately what you can see for Planning, Building, and Code Enforcement much of it troalts their work as well as obviously the work by the city attorney's office as well as the work from our office and City Manager's office in order to bring these policy issues forward for decisions as they progress. And so with that, and pending the council's discussion, and direction this afternoon, our follow-up would include the -- any potential changes to completion dates as the work proceeds, that would ultimately be brought back to the rules committee through the standing item under the rules committee agenda where staff would identify any conflicting priorities or changes in schedules that might be necessary. So with that we thought we'd just note the process that the mayor had proposed in terms and in fact some of these numbers will change now based upon the information that the mayor just described in terms of screening out existing commitments. And so with that Mr. Mayor, we'll stand by to provide any additional information that might be helpful to the council in discussion of priorities.

>> Mayor Reed: Okay, let me first make sure that all the councilmembers have this sheet and staff's got this sheet.

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

>> Mayor Reed: So the numbers may have changed from staff report. We had the first draft of exhibit B and second draft and things like that. If we can all -- if we are referring to something by number use this sheet because that's the latest version or just refer to it by name. So what we want to do is give the council an opportunity to ask questions about the status of these reasons for or against or whatever the council wants to do. I do have some requests from the public to speak. And we want to work that into the conversation. I'm inclined to take that first so the councilmembers can hear from the public on these issues and then we can ask staff whatever questions we want. So let's start with the public testimony on any and all of these items. Please come on down when I call your name. Looks like we'll have enough time to allow everybody to have two minutes. You're not required to take it. Shorter is always better in my book but Rich de la Rosa. Maria Francis or Francois and Emily prior.

>> Mr. Mayor, councilmembers, want to continue to thank you for your support regarding the title 16 revisions. Also want to personally thank City Manager Deb Figone for her assistance in trying to move these issues forward. As well as assistant City Manager Ed Shikada. We've had some very meaningful meetings in which we believe that we can move forward on that. So thank you very much.

>> Mayor Reed: Maria Francisco or Francois. Ellen Pryor. Gabriel antollovich.

>> Hello, I'm Ellen Pryor. Excuse me I still don't have my voice today. I would like to make smoking in multiunit housing a top priority for you. For a year, I experienced people next to me smoking. And I never would have thought it would have been such a problem if I hadn't experienced it myself. I think a lot of people suffer in silence with this problem when I have spoke to a lot of people at my doctors and people on the street at my apartment

complex. I think they think there are no laws that can protect them. I spoke to my apartment complex manager about this, and they said sorry there's nothing we can do for you, no laws to protect you. They came in my apartment, they seemed compassionate, they did whatever they could to cover pipes and so on, so forth. Still the smoke came through and this was a fairly new apartment complex. Okay, so people are smoking outside. I have people who just moved in above me, they're smoking outside on their patio. It's summertime we've got the door open. It's coming down. We're smelling it. So what are we to do. So again I think there's a lot of people who experience it. It's not just me. Everybody can't move to a house where they're not next to smoke. So this -- we don't want San José to be the last people to do something like this. Let's see San José be a city that does something right away. Thank you.

>> Mayor Reed: Maria Francisco, Ukime Arata, Gabriella antonovich. Come on down, Maria, Ukime Arata, if it sounds like you it probably is.

>> My name is Gabriella Antolovich. Priority is for December 2012. And we can't wait. Because not only is the community becoming more ready, we've had two major community forums where adults and teenagers have started talking about it. Governor swars passed two laws that came into this January, one is that if you are drunk, if you're a teenager and you are drunk and calling 911 and if you are cooperating, helping other young people with their problems, then you will not get into trouble which is one of the reasons why a lot of teenagers don't call for help. They're afraid of getting into trouble. He's taken that away. And also, if you are an adult, and you provide alcohol to somebody's teenager and they go out and hurt themselves or somebody else, then that person's guardian or parent can sue you. And that is also a law that the state now has, which is kind of like a social host ordinance but not quite. And there are many cities in Santa Clara County, including the county itself that has a social host ordinance. And it is time for San José city to actually pass theirs. And the county has already done all the research. And has hoped that all cities will follow their suit, because theirs is a model ordinance and it won't take that much to make any of the changes to the county social host ordinance. So what we're looking at is --

>> Mayor Reed: Sorry your time is up. Maria Francisco, Uka Marada, Kim bravo.

>> I'm reading this for Maria. Palm court senior homes or apartments for the seniors 55 years of age and older. For most of the residents the conditions there are very harsh with the many toxic area sources that pollute the air and that the residents breathe. She finds it difficult to understand why smoking is permitted in the senior apartment building. The residents that live here are mainly-are primarily frail with health problems herself included which is why she's not speaking. Some of the health problems are respiratory, heart disease, asthma, cancer, strokes, diabetes and other diseases. The residents who smoke and their invited guest who smoke are creating a second hands tobacco problem, smoke problem which is a health hazard to the other residents. The smoke seeps and drips through open doors, windows, walls, ventilation deducts and so forth. The residents who don't smoke, especially those who are weak or frail, are in great danger. There is no safe level of secondhand smoke. And even breathe exposure can cause harm especially for people suffering from heart or respiratory diseases. I'm going to skip down here. There is the need to set more protective air quality standards for these apartments, and for the and for the smoking conditions. They should be smoke-free. Thank you. P Uka Mirada,.

>> I'm Uka Misada, I'm building. I am here to talk to you about putting the secondhand smoke on a highest priority of all. If there's a health hazard we all know it. Destroys lives, we all know it. It's number one killer. It has destroyed my life like anybody could. You will see the details in a court of law. Which I'm waiting for it soon. I'm not here to talk about that. I'm here to talk to you about putting that secondhand smoke and third hand smoke on a first priority list. And be taken care of as soon as possible. Our lives are taken away by second hands smokers. We have a right to live. We have a right to breathe. And we have the right to exist. This is not a something that anybody can make it up. Or anybody can get away with it. These are people's lives. I'm talking about that are taken away every day. But people are afraid to speak. They don't know where to go to, they don't know what to do about it. Here I am standing, not just for myself, my life is totally destroyed but for all of people who cannot speak and are afraid to speak about the damage they have gone through because of secondhand smoke. I want, again, I'm asking you all, please put that secondhand smoke in multiunits, open spaces, common areas, you name it. It's deadly and we should be responsible, for putting it in front -- number one, in a list of priorities and taken care of before more lives are taken away. And I wait for you and I hope that you vote to put that on a first priority of your list.

>> Mayor Reed: Your time is up.

>> Yes.

>> Mayor Reed: Kim bravo, Carla holtsclaw. .

>> My name is Kim bravo I'm with the urban coalition, on July 20th Jordan West told her father she was going out that night. This is something Jordan often did with her friends. She was a junior at Santa Teresa high school district 2. Just another night out with her friends. She was cheering for a football game which she was a cheerleader at and neither of them thought anything of it. After drinking alcohol in a part out Saturday night, Jordan got into a Rav 4 all under the influence of alcohol. The CHP said they were coming home 42 private party everybody had been drinking. Officer Jamie Reed, stated on blossom Hill boulevard that the driver of the Toyota tried to merge onto another lane, hit a car and propelled into a tree. Investigators said they found open bottles of brandy and vodka in the wreckage. The CHP presented Jordan dead at the scene. Unfortunately many teens are unaware of the consequences with their decisions to drink alcohol. It is important to acknowledge that alcohol is the common denominator to injury death and criminal behavior during youth. Tragedies such as Jordan's reminds us of this. It is up to adults to be responsible. The social host ordinance makes it liable for underage drinking in their home. This pushes adults to have open dialogue with their teens about needless injuries and other deaths so thank you.

>> Mayor Reed: Carla holtsclieb, Rojeli oarvetion, Marty Fenstercheib.

>> Sat on the mayor's gang task force for now have my own company with schools trainings for emergency and safety teenagers jobs are to figure out who they are. They make a lot of decisions. Some are good, some are foolish, some are actually very, very dangerous. We've all seen and we've just heard, what the results of some of those dangerous decisions are. This ordinance would go far in creating an accountability for those, the social host ordinance for the teenagers. Santa Clara County mental health commissioned my group to do a study on all the kids, K-12, in the county. Part of that included parenting. Parenting now is a whole different culture the than

parenting of a couple generations ago. Parents want to be buddies. They want to be friends. They have a lot of access to excess. They want their kids to have a whole lot of freedom but no consequences. This ordinance would provide a crutch or a tool for parents in creating an accountability for themselves and for their students for their children. It would go a long way in keeping the kids safe and the community safe. And I urge you to move it up on the priority list. Thank you. Under two minutes.

>> Mayor Reed: Thank you. We appreciate that. Rogelio, Marty Fienstschib,.

>> My name is Rogelio Balderas and I'm a prevention analyst and we are in a business of coming up with ways of reducing the incidence of throughout the county and as such a number of years ago we initiated some processes in south county, Morgan hill and Gilroy and they started looking at coming up with ways around reducing that through the passage of a social host ordinance. And they did and as a result of that the county of Santa Clara, the Board of Supervisors, county council, county executive's office just initiated a process of taking it out to the county and coming up with a template for other municipalities to -- they did a model. They came up with a model, it's been done, it went through a community review process, it's solid, it's in place. It's additional tools for municipalities, for law enforcement, for parents, to kind of really get some -- get a handle on youth drinking, at these types of situations that can produce some serious results and Gabrielle and some of the other people were talking about them. And they do happen. They're not isolated incidences, they happen quite frequently. And you know, it's just -- the template's in place. You can use it. There's people that are really willing to assist like voices United and we hope that you will avail yourself to things that are available to you. Thank you.

>> Mayor Reed: Marty Fensterscheib,.

>> Thank you, gasp rks the Public Health officer for the county of Santa Clara Public Health department. First of all, thank you for all of your past work in looking at ordinances that affect the health of the public. Especially your recent passage of the tobacco retail license ordinances and thank you very much for partnering with the county. I'm here today to request that you move up to a priority status the secondhand smoke ordinance. That's the what. The why is, it makes good Public Health sense. Not only is smoking by an individual is dangerous but

the secondhand smoke effects are just as dangerous if not more so. People exposed to secondhand smoke often don't know they're being exposed. People sitting in outdoor dining situations may have an increase of 25 to 30% cancer so that's the why it makes good Public Health sense. The how, is through this ordinance, which is a very good ordinance that would limit again exposure in outdoor dining situations and service lines. The bottom line is the county through its CPPW grants has \$196,000 that's available to you but only through March of 2012. So you need to act now in order to access these funds. It won't take very much staff time. We also have additional staff and technical assistance for you to assist in doing this. So we're here as your partners to help you pass this. The enforcement is self-enforcing just like nonsmoking in restaurants just like outdoor dining. I think we know the what, the why and the how and we hope that you will see fit to put this on a priority list. Thank you very much.

>> Mayor Reed: Richard Conda,.

>> My name is ripped Conda I'm the executive director of the Asian law alliance. The Asian law alliance is payday predators. I'm here today to support the memo which was forwarded to you by councilmembers Kalra, Rocha, Liccardo and Campos. We think the time is now for the city to move forward on this issue. There will be more speakers that will be speaking to the specifics. I think timing is of refnls. It is there is a lot of support from different organizations that will also help in this process. So we urge you to move the payday memo or the payday issue up on a priority. Thank you.

>> Mayor Reed: Lee Anna Molina.

>> I'm Lee Anna M orveghtslina with the California reinvestment coalition, we are statewide fair lending particularly for low and moderate income and communities of color in California. I was liccardo, Rocha and Campos regarding the payday loan study. We strongly support the city moving forward with an examination of the local impacts of payday lending as well as stakeholder input and some recommendations for how the city might proceed and we also want to highlight the additional research that's available to the city to make this happen. I want to offer the support of our organization, over the last several years we have worked with a number of other

cities who have already conducted their own reports, as well as implemented ordinances and interim moratoria and the like. So we're available to assist in any way possible. Thank you so much.

>> Mayor Reed: Steve Preminger.

>> My name is Steve Preminger, representing the South Bay labor council. In my day job I'm a social worker for working partnerships. I see people many of them unemployed and having financial difficulties, a number of them that have availed themselves of payday loan opportunities. They thought it would be an easy thing for them to make good on their initial loan. They find that that wasn't the case. They've essentially gone over a water fall and crashed as a result of that. So we're here to add our voices to ask you to take a serious look at this problem in San José, so we can see if there's some potential remedies to the problem. Thank you.

>> Mayor Reed: Carol Baker, Rickey Alexander, Mark Trout.

>> Thank you, Mr. Mayor, members of the council. My name is Carol Baker, I'm a volunteer with the American Cancer Society. And I'm a secondhand smoker. Gabriella Antolovich I think you need to consider this a priority. How can 100% of your citizens that are affected by secondhand smoke not be a priority? Thank you.

>> Mayor Reed: Rickey Alexander, Mark Trout, Margot Siden Reservation.

>> Hi my name is Rickey Alexander, I'm here representing Sacred Heart 50,000 low income people every year. We have essential services provide tools for receive sufficiency offer educational programs and engage in advocacy and community organizing in our neighborhood. We're here today standing in solidarity with our coalition partners in calling for Councilmember Kalra, Liccardo, Rocha Campos' stale hoards evolve including the industry as well as consumers who use payday loans. We believe it is a critical step in researching the impacts of the broad product upon our communities. Preyed upon by payday lenders who charge them exorbitant already in dire straits due to these difficult economic times. We simply ask that the city commence a study to survey the impacts of this industry upon our community so that the full city council can be advised at their policy

representation recommends that are deemed appropriate. Thank you for your time and please vote for the four councilmembers' memo to include the payday loan study as one of the City's priorities this year. Thank you.

>> Mayor Reed: Mark Trout,.

>> All right this priority is not on the list here but I think it ought to be a major priority. As you know I've gone down to the rules committee for years and probably the most consistent you know ordinary citizen that's come down to the city council starting with Susan hammer. I'm sure I am the most consistent because I don't see the regular people that on occasion do come down here. I think number 1 of the priorities that be definitely -- two actually, two priorities really. We have to look into this thing that I mentioned about a week ago on the vaccines, really, seriously. If you google Dr. Sherry tenpenny, she's a real doctor. I'm just a carpet cleaner, what do I know right? I'm echoing these people gone past high school, college, graduated some of them became doctors. She wrote a book on this saying hey no vaccination should be given to any, we don't know which ones are tainted. Here we are in San José I was talking to this ten-year-old kid, I clean carpets. She now says the schools are saying if you're sixth to 12th grade it's mandatory. You have got to take these vaccinations. That's bull, that's law go to Alex Jones info wars.com and Stan Monteith who have overwhelming, strange reason how much time do I have?

>> Mayor Reed: 25 seconds.

>> 25 seconds you know really I could go an hour on this okay because I've looked into this. This makes me mad I mean somebody's putting poison in the vaccines. Okay? It's not that there isn't good stuff in vaccines, okay? But somebody's putting poison in the vaccines. Who that is, I don't know but on the insert you know if you read the insert the farms -- let me put it this way --

>> Mayor Reed: Your time is up. (saying names).

>> Mayor Reed and councilmembers, good afternoon. I'm Margot side near, I'm president and CEO of breathe California the Bay Area. And I'm here today to support the actions of Councilmember Kalra, Liccardo, Rocha and Campos to America a priority to secondhand smoke in our community. I'm hire to say surely now is the time. In 2005 the city commissioned our agency and after an exhaustive community input and assessment process that involved six focus groups delivered and diverse underrepresented communities, three online tobacco issue assessments, an intercept survey at a San José Giants game that surveyed 280 families. Four mail surveys, two business social services agencies and faith-based groups and monthly meetings with the tobacco free San José collaborative, that included over 40 agencies here in our community, we came up with a short list of what we need to do here in the City of San José related to tobacco control. All of those items that are identified in the memo that was detailed by the councilmembers I mentioned were included in this short list. Along with parks and recreation protections. Thanks to the leadership of Councilmember Nguyen and also former councilmember Dave Cortese we were able to pass the parks ordinance and that has been a success by all accounts. So we're asking you here today to revisit this plan that was developed in 2005, and of which many of you have heard many sometimes from you, and please, make this the time, surely, with 196,000 on the table to assist you, and the commitment of all of us who were members of the collaborative this time --

>> Mayor Reed: Sorry your time is up.

>> Mayor Reed: Kara Kazanskus and then Gary Kepferle.

>> Lowell, my name is Kira Kazanskus i'm my-o and I myself personally have many years of experience in representing folks who are low-income and minority communities in San José and the greater Santa Clara County account area. We are part of the coalition against payday predators and I too speak in support of the memorandum asking the council to put payday lending ordinance study as a priority for this year. And I won't repeat what my partners have said before me, but I did want to make sure that you all know that there are a great deal of resources outside the city for the city to take advantage of to make this kind of study work. My agency is happy to produce a legal memorandum that would outline all the possible ordinances and also the other cities that these ordinance or types of ordinances are available for review by the city attorney's office, and we're really at the

city's disposal in terms of helping what I know is a very short staffed Planning Department do its job. This is a grant that's available only to the end of February and we'd very much like to see the city take advantage of it. Look at the possibilities for a payday lending ordinance and of course ultimately we'd hope to see one passed but we're looking at just taking this one step and encouraging you to do so. Thank you very much for your time.

>> Mayor Reed: Greg Kepferle.

>> Mayor Reed, members of council, I'm Greg Kepferlee coalition against predatory payday lenders so while it would be easy for me to condemn predatory payday lending I'm not here today to do that. I simply request the council to direct staff to use the 50,000 that the city requested of the Silicon Valley community foundation, and to use those funds to conduct the study of payday lenders in a timely manner. Once we have solid information about the impact of payday lending on city residents, neighborhoods and economic development, then the city can decide what, if any, regulations are needed. At the same time it would be helpful to analyze what alternatives to payday lenders could be developed in order to provide our residents with an expanded choice of access to loans at reasonable rates. Thank you.

>> Mayor Reed: Thank you, that concludes the public testimony. Councilmember Pyle had a letter from a constituent that couldn't be here.

>> Councilmember Pyle: Thank you, mayor. sorry I couldn't be here today as an employee of Leland high school I've coordinated the every 15 minute program for the last six years. I've talked with both parents and students about underage drinking. I have a Facebook with most of the students and parents as my friends. I see the activity and hear about the parties taking place in homes where parents are aware or even present. The entitlement that is felt by these individuals is what scares me. The feeling of it is my home, these are my children, what's wrong with a drink or two? But they aren't only their children. There are children, not children but adults but children whose parents don't know there is drinking going on and don't know that the adults of the house are allowing this behavior. The behavior of these adults and how it transfers to our children needs to be stopped now. We can't wait for any more tragedies to happen. We need the social host ordinance now to save others from

feeling the way, that Rochan Robari's families and parents and friends host parties that serve alcohol to children. And I'll add to that later when I get it.

>> Mayor Reed: Okay, that concludes the public testimony. We now have some councilmembers comments and questions and eventually we'll get around to voting. Councilmember Oliverio.

>> Councilmember Oliverio: Thank you mayor. Question to you as we approach and are currently going through discussions on pension reform, some of there will be subsequent work on ordinances is it prudent to leave an open spot for that future workload?

>> Mayor Reed: Well that won't be the only area that we have future workload. What I anticipate doing is repeating this again in February. So we do it twice a year. And hoping that some thing will get done. We managed to get bail bonds behind us, with a little help we'll get the marijuana hind us, so there will be some openings, I anticipate there will be openings to fill in with other work items.

>> Councilmember Oliverio: Thank you mayor. Continuing on, I guess these questions will be for staff. Looking forward on the items that are on our list today which if any would bring immediate money and which would, revenue and which would foster the possibility of increased revenue? So I don't know if economic development, Joe, whoever -- or can I ask you on specific ones. Maybe that would be easier. Special events ordinance. Do you feel that would bring --

>> Joe Horwedel: I'm not -- Kim?

>> Councilmember Oliverio: I'm sorry it's number 5.

>> City Attorney Doyle: P-five. Actually number fives.

>> Councilmember Oliverio: I'm.

>> Mayor Reed: If we can everybody has this sheet and there's only one version of it. If you are referring to numbers that's the best source.

>> Councilmember Oliverio: Fair enough. That would be number 7 on the handout versus 5 on the packet.

>> Kim Walesh: Kim Walesh director of economic development. My understanding is that special events ordinance would not affect our ability to really hold events here and generate revenue from them. It's more internal. On the top ten I would say that development agreement ordinance number 10 and the sign code updates and the offsale alcohol and grocery stores would be -- have the tightest link to economic development. But maybe attorney Doyle would like to comment on that something that we're starting to work on.

>> City Attorney Doyle: I think the whole deal there is deciding whatever we do is constitution and we comport to the law. To the extent that you're adding to any events, I don't know if it's going to have a net increase in that respect.

>> Councilmember Oliverio: Okay.

>> City Attorney Doyle: Just make sure it's consistently applied and it comports with constitution standards.

>> Councilmember Oliverio: I'm good with that one scratch that one off. The development ordinance I heard you describe, I didn't hear a fair discrimination in there. Can you divine a little bit more?

>> Joe Horwedel: It's to amend our ordinance for development agreements that right now the findings for the city to approve a development agreement is -- has a very high bar to it and in some cases there are reasons to prove development agreements that a different set of findings are more appropriate as a way to entice a company to invest in San José.

>> Councilmember Oliverio: Can you give us some recent examples?

>> Joe Horwedel: Obviously Cisco largest landowner in San José, they have a entitlements in San José and the way the findings were set up it was really making it difficult for the city to amend their development agreement. It is one that they would not put the staff and those companies through a lot of contortions in order to make the findings the way they're structured today but recognize having that company like a Cisco has a tremendous amount of economic input to the city.

>> Councilmember Oliverio: And do we have many other developer agreements of that magnitude? Because that was sort of a one-off that I felt we had. We have about 12 development agreements today that are running in the city we try not do a lot of them because they are complicated time consuming and we give up things the developers give up things but there are times when it makes sense. We want to make sure that when those right opportunities come along that the findings really reflect with what the city is trying to achieve today in our growing employment.

>> Councilmember Oliverio: Can you name two of them in no specific order for my head here? Two of the ten.

>> Joe Horwedel: we have -- Cisco has about three of them. We have a development agreement with the in North San José.

>> Councilmember Oliverio: Okay, that works for me.

>> Mayor Reed: Before you move on.

>> City Attorney Doyle: I just want to note the reason this has some importance from our standpoint is that to Joe's point, the development community, it's very important to have development agreements because it provides certain vesting in development reasons why you have a large scale developers that have asked for that. One of the issues in San José, over the last 25 years, is we have been very reluctant to use development agreements

whereas other cities are very more generous about and more apt to use development agreements and I think that's a common comment we get from developers. Our that's the other part of it is we would put it into the law.

>> Councilmember Oliverio: And so Kim wearing your economic hat high priority for this one you feel there is a potentiality for strategic growth in San José?

>> Kim Walesh: Yes, absolutely. p.m.

>> Councilmember Oliverio: Okay and on to the gaming control licensing I perceive this to be more of a customer service taking care of the gaming industry as far as you know what they bring to San José, and sort of the opposite goals we've created in the identification and security clearances. I don't see any increased revenue here. Can someone --

>> Mayor Reed: Well they're the largest single source of rrn to the city.

>> Councilmember Oliverio: I want to point out largest single source but it's not increasing, sort of.

>> Ed Shikada: Protecting and preserving might be the way to describe that dimension.

>> Councilmember Oliverio: Okay the noise update there's no staff work on that but that's been asked for from time to time, noise, correct Joe?

>> Joe Horwedel: Correct, going through the permitting certain noise standards and we don't think those noise standards reflect an urban city in many cases as well as the question should we have a noise regulation in or single family neighborhoods because we do not have controls on that.

>> Councilmember Oliverio: Got it. On the multifamily district update, it says it would increase facilitate housing production. We already sort of have the general plan and we have a lot of housing and titles tell me how this is going to make that different.

>> Joe Horwedel: With this zoning district, work, it's to go and create a standard, multifamily zoning district that builds flexibility in it for mixed use, we do not have that in our zoning code. So we have to do them on a one-off basis. You see those as planned development but then everything negotiation serpt for our neighborhood and the real down side is 2030 years down the road that continues to live on it's very difficult to minister a permit center.

>> Councilmember Oliverio: But it doesn't prevent anyone else from bringing a quality mixed use project to San José?

>> Joe Horwedel: That's correct.

>> Councilmember Oliverio: North San José, again we already have a North San José plan improved, we have a zoning plan in place et cetera.

>> Joe Horwedel: We have a plan in place we don't have zoning in place. As we do each project in North San José we do similar to the mixed use project. Originally we do this project.

>> Councilmember Oliverio: But again doesn't present anyone from presenting a great project industrial whatever it might be. That's correct.

>> Councilmember Oliverio: Same I would presume for transit corridor same or similar to multiple family?

>> Joe Horwedel: That's correct.

>> Councilmember Oliverio: Tow car, does that bring us any additional revenue, it says tow car with state law?

>> City Attorney Doyle: I don't think that's going to -- we're just trying to make it consistent with the vehicle code.

>> Councilmember Oliverio: Okay, so that's off my list. Real Estate stream liege, outside of property where would this help us? That's on number 24 on the --

>> Kim Walesh: Right we have direction from council to look at the whole range of transactions including sales and acquisition of real estate where we need to do that by identifying the streamlining changes and some of them will need to be adopted in the municipal code. We'll be able to save process time and staff effort and client effort.

>> Councilmember Oliverio: So this would be a potential how do you rank it not as high as the development one you were talking about earlier?

>> Kim Walesh: We think it's critical now that real estate is part of development. We have a real emphasis in streamlining our transaction processes so we can generate more revenue from our real estate and look at it more strategically. We will take four months to identify the changes that need to be made but then we'll really want to move forward on this.

>> Councilmember Oliverio: And finally when it comes to smoking in outdoor areas the way I understand this this is all in the common areas whether it be a condo or apartment. It's not in the actual units and the other big thing is if I may call them out is if you're waiting in line at the movie theater, no smoking there as well as if you're on a patio dining room and a restaurant that's serving food no smoking would be allowed is that sort of the majority of it?

>> Ed Shikada: That's correct.

>> Councilmember Oliverio: Okay, thank you very much.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: Thank you, mayor. You had mentioned a few minutes ago that if we had other suggestions other than three we should mention them?

>> Mayor Reed: Well you can talk about as many as you want but you get to vote for three.

>> Councilmember Pyle: I understand that. But if there are some that could be completed rather quickly and others could be moved in would that be a solution that would --

>> Mayor Reed: Rather quickly would be between now and February. I anticipate another session like this in February like we did last year.

>> Councilmember Pyle: By February some would would be completed.

>> Mayor Reed: I'm sure we will be done with the marijuana thing right Joe? We're almost done. So yeah some of them will be done for sure. No promises I guess on which one.

>> Councilmember Pyle: I think my proposal which would be the social host ordinance could be completed by then. And I would like to ask a couple of questions if I may of Rick and Norberto since they would be the prime movers on this. I'm not surprising them I don't believe. Would you like to be first Rick?

>> City Attorney Doyle: Sure.

>> Councilmember Pyle: First of all, there is a partner. And how helpful do you think support from a partner is in moving a project forward?

>> City Attorney Doyle: Well I think you know this issue has been addressed before I think as mentioned by a number of the speakers. We're not reinventing the wheel. We don't need to reinvent the wheel. I think a lot of this deals with San José is a much larger area than smaller cities or the unincorporated areas of the county but the concept remains the same. And so it really gets on I think the drafting part is probably the easiest. Once we get the sufficient outreach and sort of an idea what it is we'd present. And I have spoken with Norberto and I want him to speak for himself but I think this is something working together we can work on without reaching moving it forward. The attorney that does this also does the medical marijuana ordinance and the smoking ordinance and other things as well so it's just one of those things that we can move forward by using a template such as a county ordinance or other city ordinance.

>> Councilmember Pyle: We began this about a year ago and Gabriella Antolovich has been very good at any rate there has been a tremendous amount of outreach in the communities. I believe that is pretty well towards completion. And let me see if there were any others for Rick. So Norberto, if we did use both the youth commission and the neighborhood commission, and our existing community groups, like NACs, strong neighborhoods or community outreach, how much additional time do you think it would take in addition to the outreach?

>> Norberto Duenas: Councilmember Pyle we would do an outreach working with voices United to supplement the input input needs take place from a community outreach perspective. But I would anticipate that it's something that we can do rather quickly. We do have the forums in place to do that. We would piggyback on existing meetings and not create new, new meetings, maybe go back again to the neighborhoods commission. So from a community outreach perspective we would continue to work with voices United to make sure that it meets the council's requirements.

>> Councilmember Pyle: And Rick I have one more question. You had estimated that it would take 15 to 20 hours to complete your part of the deal and then but it was listed as a major time commitment. What's minor?

>> City Attorney Doyle: I don't know what -- where you draw the line between major and minor. I think 15 to 20 hours is the number. And you know I think the one question was raised earlier of comparing that to the sign code which is far more significant. It takes hundreds of hours. So I would deem that to be major or very major. This is something that is doable within that time frame.

>> Councilmember Pyle: Great and I just wanted to underscore why this is so important to me. A little bit ago when we read from Patty Young's letter, and we have a lot of community support in regard to this. I mentioned Rashan Robari's parents. Rashan Robari away is with his lifelong friend. He was a passenger. They had been at a party and the fellow that was driving had consumed a tremendous amount of alcohol. Rashan was the one that was blown up when they hit a telephone pole. He was the only son, the only child of the Rabaris. It is absolutely tragic to that family. But he's not the only one. Santa Teresa, as witnessing the teenager beautiful talented smart had everything going for her and yet was hit with that tragedy. I can't watch any more tragedies and not want to push to get what we know to be some help for these people. So I do think that health and safety needs to be a consideration here for consideration. So I'm hoping that I can appeal to my colleagues to consider the social host ordinance, which was begun last fall. Here we are it's amazing how time flew, it will be fall in a number of weeks. And Gabriella you have your hand up, I'm not sure what that means. Two years? Three years. It's been forever. So whatever we can do to expedite this. And because I think it could be expedited, I get that assurance from you too, Rick and from Norberto. I think it would make way for another project. Also, with the other projects, I was hoping that we would give consideration to partners that those other projects have, the amount of money that's going to be left on the table if we don't get busy and use it. I came up with a figure of \$257,000 is available here for partnership money. So -- and mine is one of those. So I'm hoping that you will give this great consideration. Thank you.

>> Mayor Reed: Councilmember Kalra.

>> Councilmember Kalra: Thank you, mayor. You know, the -- I think one thing I want to start with and asking the staff some questions first of all on some of the priorities and I appreciate mayor that you indicated three off the bat that I think work is done or substantially done or in the case of title 15 has to be done whether we like it or not

and especially I think the flip side of the investment being made on the new gaming facility that you know if this is not done we may not reap any of the benefits that the ballot week and a half ago approximately there was a week ago the first memo came out and 50% done but now it indicates 100% done. Was that just an oversight or a follow-up of staff?

>> Ed Shikada: Yes, it was an oversight.

>> Councilmember Kalra: Thank you. One of the issues I've just expressed preeivel is methodology back in February I verbally objected to the process when it was happening, I thought you know the 10th largest city in the nation, the way we're approaching this by putting stickers on the board it's not scientific, I don't think it's the way we should show our leadership. I think there are choices we have to fully vet rather than having people vote for their pet projects data, even at the time it was happening I simply asked is it going to be used staff going forward it's been used very much projects aren't in the top ten. Doesn't mean staff doesn't care or doesn't try but it's just that's clearly been stated time and again and I'm afraid that's going to continue to be stated for any projects, even if there's a general statement that will continue to working on the projects that's not the case or at least it makes it much more of an uphill battle. With regards to the current ten that I'm looking at now, I notice the municipal water one shows completed. I know mayor per your suggestion the suggestion that we choose three after having taken Alum Rock and the development agreement ordinance off, so I think that leaves the three spaces in the top 10?

>> Mayor Reed: Well, there's that one that's been completed. Those two haven't, I think they were down at zero. So they don't have to stay on there if they're at zero.

>> Councilmember Kalra: But that's where you're getting the three from, though?

>> Mayor Reed: Yes.

>> Councilmember Kalra: I don't -- looking at this list of top 10, there's once that are completed and four others that are slated to be completed in October of this year. September is in a couple of days. Obviously we can't

always meet our deadlines. That's five items that will be before February, the next priority setting session that we expect to have completed. And so before I get into the couple of items which I want you to know that I'm supportive of, why can we not have everyone select five and the top 3 move in, the next two are next in line, assume those things are completed before February, staff can start working on them, understand those are council priorities. Mary, you put one option out there. I think that that is a better way of ensuring that we have the council priorities, beyond just the hard 10 other than looking at the completion dates we do have more spaces available very shortly and should have them available very shortly. In regards to -- in regards to how we look at these items, you know, all of us, in the audience and certainly all of us up here are aware of the budgetary and staffing problems. But I do think that we have to understand how we can maximize our resources when we partner with other agencies and take advantage of outside funding and I know Mr. Shikada mentioned a recent memo, quotas the city continues to grapple with diminishing resources to deliver services to the community staff is looking at ways to partnerships and compliance models that are not dependent on city resources and I absolutely agree with that. I've tried my best partnerships recent examples with the firefighters we got through federal grants and we've gotten roads paved through partnerships and I think that's equally important to protect health and financial well-being of our residents. I know Councilmember Oliverio was looking at items that looked at fiscal benefits but the reality is that you can't always day and Day to only look at that time fiscal benefits and fiscal responsibility without looking at social responsibility as well. Many of those do have fiscal aspects also. And I do want to talk about a couple of them. The memo I co-awe thoard payday lending as well as our smoke in outdoor areas also known as secondhand smoke type ordinances. In regards to payday lending there's always been plenty of information given as to why it's bad. I mean we do know that these are commonly issued with annual interest rates of 400% or more, some day payday loans can be as high as even for short term loans far exceeding even what a credit card would charge in many cases. And we do know that they target certain communities. You know in California alone blacks, Latinos and native Americans make up 56% of the borrowers. They also disproportionately, these institutions do prey on our communities and they prey on the communities that are most vulnerable and it does have a negative financial impact when we are not getting our families and our communities financial stability. They don't have money to spend on other items in other communities. There are ways to do it. These aren't companies that are offering a service that cannot be offered in a more responsible manner. There is *progreso Financiero* I believe is the name on how to handle their finances

responsibly even when they're in a low income status. So we do have education to do with the community. And here we have a unique opportunity to address this issue here in San José. We have significant funding, \$50,000 that's been awarded waiting for us to say yes. For a study that needs to be done by March. Now we do know that's enough time to do the study. Public interest law firm I believe did a study in approximately two months, a similar study. So the timing is perfect. And we do have a partnership with the law foundation, as well as PILF and the California reinvestment coalition. So it's ready to go, it's ready for prime time. It's affecting people today and it's damaging people right now in our communities. On the outdoor smoking, I don't need to go over any of the data. We all understand the data, some data referred to here. And I would wish that we can go even further and maybe this is something we can do in the future look at indoor and multifamily housing and that's something the county has been bold enough to do and that has to be the next step. I'm thinking of this in phasing service lines and restaurants. We do know that secondhand smoke causes about 3,000 lung cancer deaths and 35,000 heart disease deaths in adult nonsmoker in the U.S. every year. So right now, we have approximately \$200,000 available thanks to the county. And significant partnerships with the county, the tricounty apartment association and breathe California. And so the county has also stated that they could basically write the ordinance for us. Obviously we'd have to have our counsel look at it but this work has been done. That goes the same with payday lending as well. The work has been done for us. We need to do follow-up as to how it applies here to us in San José. Council, ordinances they would have to monitor compliance during routine inspections and put in 100 hours of county staff time which would go tremendously towards writing an ordinance as well as outreach to the community. The assist the drafting ordinance language with respect to common areas of apartment complexes. They're coming forward to regulation to the conduct of their apartment, their residents bro's they know residents don't like smoke. Particularly in the common areas, the laundry rooms, the walkways, the pool. Breathe California will set up a complaint hot line and I would like to thank breathe for the years of research on this issue specifically and the fact that it does not hurt the restaurant industry, policy the staffing estimates in terms of norms I think are overstated. No additional code enforcements resources are necessary. So in short I think we have a tremendous opportunity here to enact policies that significantly benefit the people of San José for pennies on the dollar. Quarter of a million dollars waiting for us right now on these two murtd are measures. And to take advantage of this opportunity we have to move now. I definitely want to thank councilmembers Joseph Papaku for doing a tremendous amount of work on this. And on the payday lending we couldn't do this without community

organization. Dr. Emmett public interest law firm for her tremendous RENA. Catholic charities, Xavier Campos my colleague for being an original signer, and Councilmember Rocha today for support and Vice Mayor Nguyen who is equally state bill that would raise the limit of payday loans. On secondhand smoke Dr. Fenstersheib and the county Department of Public Health. And the American cancer society. So with that I would urge my colleagues to add these two to the priority list and I think that given the fact that we have five items, one item completed and four others that are going to be complete October, 2011, they should five items we each select the last two of those five of which will be put on the wait-list and as soon as other items are completed would move up so the staff between now and February have other items besides those three.

>> Mayor Reed: Okay, we have a motion to change the process a little bit. Vote for five instead of vote for three, with the top three vote getters going on the top ten lists and the other two in waiting. Is that the motion?

>> Councilmember Kalra: That's what so when the others get completed the staff can move them into the top ten eventually.

>> Mayor Reed: Staff any comments on that?

>> Joe Horwedel: I think staff's only observation would be is these are not only apples. Whether it's 8, 10, 12 if staff were looking at how do we meet those all along as the priorities of the council. But speaking from my world and PBC where a large number of these are it's still that one person that's moving through and right now that position is vacant until the end of October. The piece that's missing in in is the face of the People doing the work in Rick's stop, what are your priorities.

>> City Attorney Doyle: If I could add before the meeting, Joe and I had a brief discussion. In light of our staffing challenges whether it's working with partnerships or other some trying to team up and get staff moving on with things, I think this represents about 20 to 25% of our total workload. I mean this isn't something sitting on the desk. It's not we're slow at getting to be these things, there are a ton of other things that happen and it seems to

take priority. That being said I think we're trying to work together to, call it streamline, more efficient in trying to move things along. That's the challenge we're going to try to meet.

>> Councilmember Kalra: I haven't heard anyone up here insensitive to staffing issues. When stand doesn't plead things in time, we try to be I hope that you realize that. We have 21 items here, I think listing five isn't -- you know, in some ways it's more helpful to use, at least you have a sense of what kind of priorities the council has, hopefully between now and October and so there's room to, not that we say five done in the next three no, sir but just so there is some sense of order, with these things to do,.

>> Mayor Reed: Let me just add that if we select ideas in waiting, we may not have to do a, I know that staff is always optimistic about how long it might take to get something done and sometimes things happen and we get interrupted and I would agree that we are very sensitive to staff's workload and we're not as sensitive when we're at committees or where we want to add another ordinance to the workload. And that's the reason we have this process is giving e-give the staff a fighting chance of actually doing the work that we ask them to do because we have a lot of things we all like to get done. If we can find a way to do it more quickly and more efficiently, we can run these things through the system and work our way down that list a lot further. What I would suggest is whether we vote by five or vote by three, we need to get at least six vote on the item, because we don't want to take the top ones if there's only three votes that spread across 21 items. So I don't have any problem with voting for five. The top ones are going to have to at least get six. Tase the things off the bottom and, any problem with handling 5 versus 3? .

>> Dennis Hawkins: No I think we can ham that.

>> Mayor Reed: Open the motion of five with two in waiting, all in favor some opposed, Oliverio. We were talking about 24 of these items, we're not done yet. Councilmember Kalra I assume those were your comments. Vice Mayor Nguyen.

>> Councilmember Nguyen: Thank you. I just have a couple of clarifications on a incumbent of items. In regards to the payday lending ordinance, so my understanding is that we have not accepted the \$50,000 from Silicon Valley community foundation, is that still pending council's direction?

>> Ed Shikada: That's correct.

>> Councilmember Nguyen: And if you know for some other reasons this does not make it on the priorities list then we would not accept that grant?

>> Ed Shikada: Yes.

>> Councilmember Nguyen: Okay. And then, just for the smoking in outdoor areas. The 196,700 and change, this is a grant from the county. Is this a pot of grants that any organizations including municipalities can apply for and they can share in or is this strictly for the City of San José and if we apply then this is just for the city?

>> Ed Shikada: I believe it's really and the county may want to elaborate but it was a pot of recovery act funds that was set aside specifically for smoking cessation initiatives and in consultation with them we came up with this figure as the amount that would be needed in order to take it to the next phase.

>> Councilmember Nguyen: Let me just get it straight again. So if another organization or another municipality within the county applied for this and let's say both organizations or two or three municipalities get approved we have to share this pot?

>> Ed Shikada: I don't know the answer to that.

>> Councilmember Kalra: My understanding if I could Vice Mayor, my understanding is there was an opportunity for a number of municipalities to apply and this is the number that San José would get now that -- because not

everyone applied for it and it was actually a number higher than 196, it was a number closer to 200 and this is a number that San José would get.

>> Councilmember Nguyen: That's good to know.

>> Mayor Reed: I'm sorry Vice Mayor, Ashwini do you want to give us some more precise number?

>> Yes, so Vice Mayor Nguyen, it was available for the city. I mean there is a larger pot of money. The total grant amount that they've received through the recovery act is \$6 million. And so the 196 is something that we've talked with the county as being available for the City of San José. But we haven't actually applied for the grant.

>> Councilmember Nguyen: Right, thank you. And then just final question on classification. In regards to the enforcement on the smoking ban in public parks, how many money have we spent on enforcement since it was enacted in 2007?

>> Joe Horwedel: That I don't know. Code enforcement doesn't enforce in the parks. It would be the rangers through the police.

>> Councilmember Nguyen: Right, okay. I'm looking at this and it's looking at the possible enforcement for smoking in outdoor areas range from 30,000 to 180. I just wanted to know the figure.

>> Joe Horwedel: That is one of the things that code enforcement staff has been looking at for this part of it is what level of enforcement we would do. Part of it is would we actually dedicate a full time person to education enforcement. Would it -- or would we just roll it in with all the other complaints and prioritize it like we do all other complaints we get and you know, scale up that way. So that would be one of the things that we would work through, if we were to move forward on this what would be a reasonable level of enforcement on a sustained basis.

>> Councilmember Nguyen: Thank you Joe. I just wanted to speak briefly on a couple of items. Councilmember Kalra spoke very eloquently in regards to the importance of payday lending and outdoor smoking in outdoor areas. I feel the same way. I think that these issues really bring a quality of life to residents in our city. A lot of our priorities try to focus on generating income for the City of San José. But one of our missions is to provide a quality of life for our constituents. And I think these issues really pay tribute to that. There's really no way we can figure out whether or not the smoking ban in public parks really did a service to the community. I believe it did, because I have people coming up to me on a daily basis saying, thank you for that effort. We live in a more healthy environment now because of that prohibition and I think by supporting no okay smoking in outdoor areas we will really help to ordinances that I will wholeheartedly support. In regards to the social ordinance, I think that's something that this council should also consider. I think that adults should be held accountable for the things they do. Especially when it affects teenagers and so Councilmember Pyle spoke again eloquently about that. I'm not going to go too much into those but those are the three items that would I like to see on the priority list, thank you.

>> Mayor Reed: Councilmember Campos.

>> Councilmember Campos: Thank you mayor. Regarding the main street/Alum Rock zoning, staff is it being taken off the priority because it's included in the 2040 update? I would imagine at the 2040 update is being crafted that we would be looking at these types of business districts with what I remember as form based zoning standards in mind, is that correct?

>> Joe Horwedel: No, as staff still has this on our priority list. The mayor I think has suggested that because we have not started this piece of the work it is something that maybe we would take out and you know put in a different type project. The work of all of the new zoning related to the general plan are showing up in here as potential projects but we do not have resources lined up behind that.

>> Councilmember Campos: Okay. So one of the reasons why I'm asking is I've had a couple of projects that have come before, that I know we sat regarding this potential remodeling of a Carl's Jr. When we talked about it

you brought up these new development standards that you actually you would want to apply them. So as projects come on these main streets in San José, would you be using that stashed standards? Or would you be going by the old existing one?

>> Joe Horwedel: We would be using the existing zoning standards that are in place today and then the relevant general plan policies that go along with that. So a little bit of a hybrid. Until we actually zone property and that's what this item is to actually put the zoning we've already created on Alum Rock avenue using the money from VTA. So it's one that in the meantime until that's done we use the conventional zoning that's out there today.

>> Councilmember Campos: And so you will -- I guess where I'm getting at is Alum, all the way from the Diridon station all the way to capitol avenue, BRT's a year and a half away from the start of construction. Because BRT is coming I'm sure a number of about property owners are just waiting for that to finish so that they can move on with whatever plans they might bring forward. And I would hate for us to be short-sighted and not use more relevant zoning standards. Especially if we already put in a lot of the work with form based zoning, you know, using the overlay, so that again, I like to look at it as, you know, you'll have developers that will want to fit a square in a circle, so that you know, well ahead of time, this is what you can do, on our main streets in San José and if it doesn't fit then you know, don't try to make it fit. You know we have a standard that we're looking at. And we should own up to it. And so that would be my expectation, I know in district 5 I'm going to pay attention to that as you know I am. I would just -- I mean if this doesn't land on the priority list I would encourage my colleagues that have main street type business districts in their council district to really pay attention to that. Because if not then you're going to get stuck with something you may not want. And something that might not be good for our city as we grow and especially as we're developed in transit centers and transit villages throughout the city. So coming over to the memo, Ash said practically everything I wanted to say. But I do want to remind my colleagues, is you know, we don't often get money to back up a priority. And to leave money on the tabling that will, one, go a very long way to improve quality of life and I think most importantly, will go even further to save lives, we're being irresponsible. And so I would again to repeat Ash, that this -- that thee two, the smoking ordinance and payday lending, really deserves their priority and should be put high on the priority list. I have several constituents they're in a big hole because of predatory practices that were used against them and you know, during these tough

economic times people will look at the easy way out. And unfortunately, it's there, predators will, you know, will prey on people to find you know to find a quick buck. Something that we didn't spend a whole lot of talking about is that what this will also do is create standards, development standards and zoning standards and expectations on payday lenders, if this become a priority and we accept the grant, just a reminder to staff that it's not only payday lenders but it's the check cashing industry that you know when you're in district 5, 7, 3 you know et cetera, a number of districts where you are driving down a street and see payday lending liquor store et cetera that has to stop. Contributing to blight is not helping our neighborhoods in terms of their quality of life. Because you can drive down the street or walk down the street and have pride in the architect and the facades and just the cleanliness and friendliness of businesses then you're improving quality of life. Last one I know we can pick five but I'm going to speak on the social host ordinance, and that is, I spent my entire career working with youth. And unfortunately, you know, I've lost youth, not just to alcohol, but to a number of other things and it's heart breaking to have to sit with a parent or talk with a parent and just talk about the memory of their child, when you know that they could have been you know contributed to our society and just be the loving son or daughter that they were with their parents. So this is something I don't think we can afford to push off. People do need to be responsible when they have other youth over their homes and I think this will go a long way to let folks know that we're serious about, you know, hosting other people's children in your home. It is a responsibility that we take care of our children and our future. So those are the three I will talk about. I am actually even -- since we have five, I might be the only one keeping Alum Rock and main street on my ballot because I think it's important. It's important that as we look at developing, that we not lose sight of creating vibrant business districts and maintaining them. Thank you.

>> Councilmember Nguyen: Councilmember Chu.

>> Councilmember Chu: Thank you. A lot has been said about payday lending and as well as the smoking outdoor. To me, I felt that those two items already have some money attached to it, and it shouldn't be too, too much effort on the city staff part. But I respected the comment from our City Attorney, Richard Doyle. I have a memo regarding to the title 16 regarding the gaming control licensing and work permit and also the parking requirement for parking garage. So let me touch that just a little bit. I believe, first of all, I'm not -- I'm actually a strong opponent to the gambling in the City of San José. But I felt that we -- they have already passed the ballot

measure, the zonings, the requirement, the licensing and they have invested a lot of money and the building is coming to shape. I felt that this is a time that we need to do something for putting people to work, and we need to streamline -- lining the control licensing and control process so we can put more people to work. And also on the plug in requirement for parking garage I did issue a memo in April, earlier this year, after I know that how energy consuming, electricity consuming of the plug-in vehicles. A lot of people, I also know a lot of people putting off buying a plug-in vehicle because they don't have the -- a way to charge their cars if they live in the high rise building or an pardon me buildings and so on, so forth. And those people that live in the single family houses, wins they learn that one electrical vehicle will consume about three households of energy, they have second thought about buying the plug-in vehicles. So PG&E also encourage people that purchased a plug-in vehicle to have a separate meter and they can charge their vehicle overnight with a lower rate. So you know plug-in requirement for parking garage, again, we're not inventing something new here. There are cities I believe Lang, and some smaller city down South already have the ordinance, so I felt that it could be easily, you know, lump into the smoking and the payday lending ordinance. Because we have to reinvent the wheel, we just need to maybe you know borrow some other people's efforts. So that not only promote the car sales in the city and also they will, along with Mayor's green vision goals. So there's my plug on number 23. And number 8. Question, is for Joe, is where are we on the HCP, as far as the ban on -- I just can't find it so I don't know, is this the appropriate time for you to give a quick update? Why is HCP not on the list that I can find anywhere under 3.5? And also, the other one, since we're on the subject, is the ban on police carry outfood container?

>> Joe Horwedel: I do not know the ban on polystyrene. The HCP it's not on here so that's not an ordinance. When I talk about there are a lot of other things that people are working on, that's one of those, that that is continued one and was reading the HCP while the interviews were going on about all the updates we've done since the last time we were back to council. My goal is to be to council ends of September on the HCP because it is moving forward with the rest of the ordinances on the city.

>> Councilmember Chu: It was on the priority list and you and I were the only ones that put the dot on that item. I'm stuck here.

>> Joe Horwedel: I am the staff person here .

>> Councilmember Chu: Okay, great. I know that the Santa Clara zero waste has unanimously passed the recommendation by counties and cities to look at the issue, I think they even have a deadline, like January 2012. Few months from now.

>> Good afternoon, Kerrie Romanow, act director of public service taking certain actions by January 1st. We're still exploring that. We have a lot open our plate right now and we're trying to figure out the best way to have the cities within the county move together rather than have San José move out on our own. I thidz that will happen eventually. I know it won't happen since January 1st. I think since then as we explore what's on our plate, and how to get the best environmental impact, it will certainly be in that discussions.

>> Councilmember Chu: Thank you very much. I will tell them at the next meeting that we will not follow their.

>> We'll actually issue a letter to them. We're waiting for Skip our expert to come back and put his response to that and then we'll respond.

>> City Manager Figone: If I might respond, councilmember, I do remember that letter go through rules and the Rules Committee did note and file it so we do have it in public record.

>> Councilmember Chu: Joe, I have one more question regarding the North San José form based code you dreached a little bit. My question is, do that ordinance have any impact in our phase 1 development or does this pretty much looking for looking into phase 2?

>> Joe Horwedel: I do not think it has a real impact on phase 1 development. Part of the goal would have been for residential development, we have worked our way through the majority of phase 1 development. The I don't see that it's this is not an obstacle for finishing out the industrial in phase 1.

>> Councilmember Nguyen: Councilmember Herrera.

>> Councilmember Herrera: Thank you, vice mayor. I have really appreciated all the discussion today. I just want to say thank you to my colleagues for their leadership on all of these important policy initiatives. As I was preparing for this meeting I started to think about how to make a decision on prioritizing this. And so I just put out a memo today, very short memo, just summarizing some of the criteria I felt were important in making these decisions. And I did leave one off that I think I should add, and that's health and safety. Because I think that is very important. But I do want to say, though, in terms of creating revenue. Looking at the ordinances that would create revenue, is a very important quality of life issue. Because as we can increase revenue to the city, we can deliver services. So I look at that very, very as a very important and fundamental responsibility that we have as councilmembers, to make sure that we can deliver services to our residents. Because folks that can't get to libraries can't get to community centers. It is really diminishes quality of life. Folks who can't have police services in their communities. So generating revenue, continuing to generate revenue and making that a priority is very important and so I always look at that and it is in no way you know a lens that does not take into the benefits of health and safety but I think we always have to look at how we going to pay for things. Along with that reducing service delivery cost. It's the twin side of that, is trying to find a way to make things more efficient. I was really glad to hear Rick talk about this process of trying to make this move along more efficiently. But I really want to commend Joe Horwedel and his staff of handling multiple things in a very trying times and getting things done. Because there is so much work they have to do. That is the other hat I was wearing as I was looking at this. We can have lots of wonderful goals but do we have the staff and resources to get it done? And are we going to get done what we think we're going to get done? I've seen things go in a different direction than what we were planning them to go. Additionally, the work completed, I'm looking at that, how much have we already completed on these things? And the specific staffing requirements for each of these ordinances and that's the part that I kind of want Joe to elaborate on earlier. He mentioned that, thigs things are not apples to apples some of these things we're asking staff to do we're asking the same staff to work on multiple things. So it may not change how we prioritize things but I think we should be aware of that. So Joe could you comment on the ones where memos had been written and what staff, what are they already working on and how would that workload?

>> Joe Horwedel: Staffing aside I think it's important to say what your priorities are and then we can figure out as an organization how to do it. As I noted before, we have a senior planner position and a planner that works on ordinances and that funnels through to Renee my attorney that handles planning. I have five of those that that group would work on, both of those positions were vacant to date because I'm going to be laying off people the end of October so it's kind of silly so we didn't want to bring somebody in and push them back out, ergo it's vacant at this point. It fits into it like the quarterly zoning update I have my person who does streamlining expediting because they see those customers who are running into those kind of headaches, he's the logical one to bring those ordinances forward dealing with some of these other issues, you know that are outdoor smoking or payday lending those probably don't affect that direct person in my staff but they have big ripples elsewhere in the organization that I'm at least fortunate that not all parts of the organization are able to do that as we see with medical marijuana. It just kind of -- becomes duty to design something on the top. That's our biggest challenge in the organization, we're really running on that. Bail bonds was Laurel and I doing the bail bonds ordinance. We knew it needed to get done so we did it. There's a lot of that going on in this organization now. We want to make sure that what the administration and what Rick are looking for osh had said has been very deferential, with staff how fast we can really get to those. And you know trying to jockey things around the best we can.

>> Councilmember Herrera: Thank you. And then I also think outside funding is really critical. I mean the two -- we have close to \$250,000 for some of this work and I think that's significant and we need to look at that. And so I just want to address some of the ordinances that we're looking at. So payday lending has a time limit on being able to utilize the money so that's certainly consideration for me. And I probably would not be supporting this if we were doing an ordinance today because I don't think we know exactly how to do this. But the fact that we're looking at a study to see the impacts on the community and also, I would say that again, looking at my own criteria and I'm not saying they're any better than what staff did, it's just how I was looking at this. It certainly could have an impact on economic development. I mean it could diminish it if we don't deal with it. It does line up with a lot of this criteria in terms of what the impacts might be. My concern on payday lending, I have a couple of concerns. This is more future in terms of ordinance. I hope that by simply making land use decision we can affect it in terms of -- it kind of reminds me of bail bonds, looking at not having too many in one area. We certainly can't have a regulation with regard to their interest rate. I certainly wish we could. Government has the right to regulate

no problem at all. I think the idea of regulating, I just want to make sure we're going to be able to do what we think we're going to be doing. I'm going to support the study and the money will go away if we don't do it. So I'm going to support that. I just want to hear from Joe though, how do you see resources in terms of well I have \$50,000 to do the study, how will that work out, the staffing?

>> Joe Horwedel: Part of it is we're trying to operations issue. so that's I think the question of trying to understand the true issue because I couldn't tell you what that is, other than it's people are suffering from participating and using that service. So that, I think, is the first question that if this is going to be a priority the administration is going to have to figure out, and then, you know, it's going to be working with the attorney's office obviously a lot of that and out into the community. But I don't know at the end of the day what my department's role is going to be in that but it may be it's in some other part of the organization. So right now I think we have to do some understanding the issue as the organization.

>> Councilmember Herrera: It is my understanding that's what the study is going to do, help the center how to -- how it would be run?

>> Joe Horwedel: That's my understanding, looking at research how other cities have dealt with the issue and helping to find really what is the true issue.

>> Councilmember Herrera: Yes, I have one other issue, I'm probably not asking for a friendly amendment, but a suggestion, because we're probably not going to get rid of all payday lenders in this town. But I would want to see payday lenders have financial literacy training or have some way of offering that to their customers, that at least, somebody who is using it would know about here's an alternative so they can have a sign where they could sign up to or organization where they would have help in doing that. That may already be contemplated but if it isn't I would like to suggest that it be part of the work on this. And I want to turn now to smoking. I really support anything to reduce smoking that causes second hands smoke impact on people. I thought this had -- I wish this had the multifamily unit though. I'm kind of -- I guess we're not able to do that initially, we're looking at outdoor first. I don't totally understand why that is. Because I think we really need to get to that because smoke doesn't

know how to stay inside walls and apartments in multifamily units and it does have an impact on those fm and that certainly hits all the criteria I'm looking at. It costs us an enormous amount of money to deal with the side effects of secondhand smoke I really appreciate Councilmember Pyle's leadership on this. It's really important that parents up they're responsible if they have young people drinking in their home. Again, I will need to understand how we're going to actually enforce this and that sort of things. But it is my understanding and the reason I would support this is of course, because there's only 15 or 20 hours of staff time left on this and it is something we could move quickly.

>> City Attorney Doyle: If parents know that they're potentially liable for the activities that go on in their house, aside from potential criminal pents, the there's a-it's a reel dirs incentive.

>> Councilmember Herrera: That's really all I have to say. I'll be supporting those and the two other development, the development -- the two that impact economic development.

>> Mayor Reed: Councilmember Rocha.

>> Councilmember Rocha: Thank you. Let me thank my colleagues for their leadership on the memo I was asked to cosign, thank you for including me. The last time we went through this exercise there was a direction, I don't think it was an order, the direction you can't vote for something twice? Is that still? Because if I don't have five --

>> Mayor Reed: You're not required to vote for five.

>> Councilmember Rocha: Looking at me mayor, I'm not sure if I should be asking staff.

>> Mayor Reed: The you vote for five but not five votes for one.

>> Councilmember Rocha: All right, fair enough. Okay. To the point about the five. My -- I supported it but I had some reluctance and that for me is a little bit of a staff workload not in the sense that we have too much which I

know we do is more of finishing some things. My concern is I'd rather see some of these drop off and have resources move to some of those other ones and get them off. Because in the next time around I was going to ask if we could include how long or when these originated. Because I saw the completion date and maybe I didn't see that but when did we start these efforts? Because I think wrapping these things up would be better for people's psyche. I know what having something on my desk for a long time does. I'll ask about a specific one. Development agreement ordinance, who tracks this? My experience is City Attorney, OED, Department of Of planning and building. Who is the --

>> Kim Walesh: City Attorney with office of economic development is working on the development agreement ordinance and believes it is a priority. So the actual agreements that we have today is that my staff is required by law to track those on a yearly basis. We don't.

>> Councilmember Rocha: Our own law?

>> Joe Horwedel: State law. And that's part of the consequence of development agreements. There is a requirement for the full term of it, you're required to report on it to the public, there's no staffing resources behind it. So it is one of those things that as we work on other priorities it is one of the things that slides off the side.

>> Councilmember Rocha: You're publicly admitting you break the law.

>> Joe Horwedel: I -- be.

>> Councilmember Rocha: I have a question about process.

>> City Attorney Doyle: Let me just qualify. We're not breaking the law. We may not be in full compliance but we're not breaking the law.

>> Councilmember Rocha: On the second tier attachment B, yet we completed that work and there are items that aren't completed and haven't been started. How do we get there? That's not a question of where we're voting, I'm trying to understand how if that is the case what does my vote mean?

>> Joe Horwedel: The reality is there's stuff or ordinances policies that are moving through. In this case we had a moratorium that was sunseting and sitting looking at.

>> Councilmember Rocha: That's what drove the work.

>> Joe Horwedel: Do we go through and essentially walk away from all the work that was done or do we kind of as you noted, push through get it done. In this case we hungerrered down and got it done.

>> Councilmember Rocha: On title 16 I understand what the mayor said having that not be there we're assuming it is going to be complete. My question is more to staff if that is on the top 10 still, would that drive completion sooner or is -- I'm you assuming you're suggesting this because this is just going to be completed no matter what we put on the top 10.

>> City Attorney Doyle: Right. We're committed to bring this back in September. So-and-so I think at this point it's just going through the process. We're going to do some outreach with the card rooms but that's when we want to bring this back. So in my mind it's -- I can't say it's done but it's being done.

>> Councilmember Rocha: Okay that's enough I guess for me to really -- because it's significant I think and I think folks have spoken to this and I'm not going to belabor the point. The zoning ordinances can you compare that to, what, the North San José --

>> Joe Horwedel: Compared to putting together the North San José form based --

>> Councilmember Rocha: Yes, code.

>> Joe Horwedel: The North San José form based code that Councilmember Campos was talking about, the zero percent -- we did the 90% this is to get it on the ground and zone it so it's one of those that in some ways it's almost like title 16 that I've got money I've got a different staff person that's not doing the other ordinances, it's not an obstacle, it will probably happen sometime in the next year just to get it done.

>> Councilmember Rocha: The reason I was asking is when I was on the agency side, I was kind of curious when I saw zero.

>> Joe Horwedel: As opposed to North San José we've done the policy work, none of the ordinance structuring. The work we've done in Alum Rock, we did the work thinking about other parts of the city but we haven't spent the time to make sure it works there yes.

>> Councilmember Rocha: That's all. Let me thank Councilmember Pyle for her work on the social ordinance.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: I never thought I'd be wishing for green dots on a dart board. But most of the comments have been said. I'll just keep mine very brief. I agree a lot with the sentiments that were expressed by Pierluigi. And I'm ready just to vote. I've heard enough.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: I don't remember.

>> Councilmember Rocha: I don't remember what Pierluigi said can you repeat that?

>> Mayor Reed: No, there's a tape.

>> Councilmember Liccardo: I just hit the comment button when Pete said he wanted to vote.

>> Mayor Reed: You got in under the wire.

>> Councilmember Liccardo: I had a quick question getting under the staff memo I know we've attachment A. To this original staff memo. From August 19th. One thing I was scratching my head about, when we look at attachment A, offsale of alcohol, we why process streamlining. And I had understood that also to relate to grocery stores but in which case it won redundant. Am I mistaken, is that to apply to something else?

>> Joe Horwedel: They were originally two different items. One was to go through and deal with the mandatory denial process when you had a public convenience necessity when there was a grocery store convenience market that we would restructure that so it was a little bit more customer friendly and how that would come to council. The first item number 4 on here is to actually create a definition of what is a full service market, look at different options about how we hoof that through the process so from the process part of it I think there is some overlap. But there is a lot of different work about what is a full service market defining fresh foods and produce market, those types of things. I think our goal is to bring them to council A B because they are interrelated but they started separately which is why they showed up here this way.

>> Councilmember Liccardo: You anticipated my effort to smoosh them together to be able to create a great spot for one more. I'm guessing you're resisting that effort at this moment.

>> Joe Horwedel: I just remember a former councilmember that was using that to create lots of space the first time we ever tried this about four years ago. And 20 items became three.

>> Councilmember Liccardo: Sure. Well I'll keep working on it. Then with regard to, you know, away has a positive impact on General Fund. I recall discussion on several of these items, certainly development agreement ordinance. The public entertainment business permit fees, I don't recall that being mentioned. You may have

mentioned it Joe. But that is something we expect to create a positive benefit for the General Fund, right? I mean that's supposed to be helping to pay for police officers.

>> Kim Walesh: This is direction from the Mayor's Budget Message to pick this up again. And it could have positive benefit on covering policing cost downtown. But we think we need to look at this original idea in context of where downtown is now.

>> Councilmember Liccardo: Right.

>> Kim Walesh: And we're going with public entertainment and that's what we're doing now.

>> Councilmember Liccardo: I see it's 90% done on the staff work plan. I just offered that because A, it's very close and B, boy do we need some money for cops. But you know the reason why I supported the memorandum and I thank Councilmember Kalra for his support and work on this. We have very limited opportunities in these scarce budgetary times to have a significant impact on the quality of people's lives and to be able to leverage impact in proofing or reducing the risk of somebody being subjected to predatory lending in one case or somebody working at a restaurant being subjected to secondhand smoke for a significant amount of their careers, those are potentially very significant impacts and we ought to take advantage of those opportunities. I would support my colleague Councilmember Campos, in his effort to see alarm move forward. Because I would point out that these neighborhood business districts are throughout the city and this is an important sort of ground zero testing ground for us to see how this could work and we recognize this could be an important stimulus for the development of many of our business districts in our world without a Redevelopment Agency. I would encourage support for those five items well four items plus the development agreement ordinance. Thank you.

>> Mayor Reed: I think we're almost done unless we go through the entire council again. Let me just say that I know that all of you are here today will be back in May and June when we're cutting services because we don't have enough money. So to get ahead of that I'm going to be supporting the real estate streamlining transactions so we can sell some real estate to avoid cutting services to get that done in this budget cycle and we're talking

about millions of dollars potentially and then the public entertainment business permit fee methodology which is a long waive saying we're going to get money out of the night clubs downtown to pay for cops is hundreds of thousands of dollars a year. And certainly vitally important to our police department. But since we're going to be voting for five I am going to support the social host ordinance, the payday lending and the smoking in the outdoors areas as priorities. So with that I have a couple of more requests to go through the line again so Councilmember Campos.

>> Councilmember Campos: It's just to disclose I did meet with representatives of California reinvestment coalition, and the community law foundation, as well as a representative of Garden City matrix.

>> Mayor Reed: Thank you. I think we are done. Dennis you want to explain how we're going to use the sheets and how you'd like to have us do this so you can tally?

>> Dennis Hawkins: Thank you, Mr. Mayor. We'd ask that each councilmember vote for five items on the list. My staff will collect the ballots, we'll tabulate them, John will be able to display the votes up above and then we'll see where we are. If we need to do another vote, then we'll print new ballots, with the -- those items that receive at least six votes, and we'll go through a second iteration. But that's how we'll work it today.

>> Mayor Reed: So vote for five on the hard are copies. You're going to collect the hard copies.

>> Dennis Hawkins: Correct.

>> Mayor Reed: Tally them and hopefully get some answers.

>> Councilmember Rocha: Can we do write-ins?

>> Mayor Reed: You have to go to Rules Committee if you want to do a write-in. Yeah we do need your names on those so we can make sure we got all 11 in hand. Councilmember Chu spoiled his ballot. Make sure the registrar approves the substitution.

>> Kim Walesh: So let me start off with Vice Mayor Nguyen. John, are you ready? Okay. Vice Mayor Nguyen votes for number 1, zoning standards, number 11, social host ordinance, number sustain, eight day lending, number 21, smoking in outdoor areas, and number 24, real estate streamlining transactions. John, Councilmember Oliverio. Votes for number 2, development agreement ordinance, number 12, conservation area ordinance, number 15, noise performance standards update, number 21, smoking in outdoor areas, full 24, real estate streamlining transactions. John, Councilmember Rocha. Number 1, zoning standards, number 2, development agreement. Number 11, social host ordinance. Number 17 payday lending. Number 21, smoking in outdoor areas. John, Councilmember Liccardo. Number 1, zoning standards, number 2, development agreement ordinance. Number 17, payday lending. Number 21, smoking in outdoor areas. Number 22, public entertainment business permit. Councilmember Constant next. Number 1, zoning standards. Number 2 development agreement ordinance. Number 11, social host ordinance. Number 22, public entertainment business permit, and number 24, real estate streamlining. Councilmember Kalra next. Number 1, real estate, number social host ordinance number 17, payday lending. Number 21, smoking in outdoor areas. Number 23, plug-in requirements for park garages. John, next is Mayor Reed. Number 11, social host ordinance. Number 17, payday lending. Number 21, smoking in outdoor areas. Number 22, public entertainment business permit. And number 24, real estate streamlining. Councilmember Campos is next. Number 1 zoning standards, number 2 development agreement number 11 social host, number 17, payday lending. Number 21, smoking in outdoor areas. Councilmember Herrera, social host ordinance number 11, I'm sorry, got ahead of you. Number 17, payday lending, number 21, smoking in outdoor areas. Only has 3. Okay. I'm trying to was it number there is a note multiunit housing, is that number 14?

>> Mayor Reed: You want to hand the blood back and she can add Xs instead of notes?

>> Dennis Hawkins: That would be fine.

>> Mayor Reed: You don't want to do the voting over right?

>> Dennis Hawkins: John let's start with Councilmember Chu. Before we go to Councilmember Herrera.

>> Mayor Reed: You got Councilmember Chu back.

>> Dennis Hawkins: John, can you clear our column for a second? Thank you. Okay. So Councilmember Herrera, number 1, zoning standards. Number 2, development agreement ordinance. I'm sorry, let's go -- John, can you clear this one more time? I see what I'm catching on now, I understand. Okay. It's number 2, development agreement ordinance. Number 11, social host ordinance. Number 17, payday lending. Number 21, smoking in outdoor areas, and number 24, real estate streamlining. Sorry for the confusion. We get that? Okay. Where are we on this thing? I think this is -- I think Councilmember Pyle, social host ordinance number 11, payday lending number 17. Smoking in outdoor areas number 21. Number 22, public entertainment business permit. And number 24, real estate streamlining. And then Councilmember Chu, number 5, lighting on private property. Number 11, social host ordinance. Number 17, payday lending. Number 21, smoking in outdoor areas. And number 23, plug-in requirements. Reading off votes, number 1, zoning starts have six votes. Number 2, development agreement ordinance has six votes. Number 11, social host ordinance, has nine votes. Number 17, payday lending has nine votes. Number 21, smoking in outdoor areas has ten votes. And number 24, real estate streamlining has six votes. So actually have six items that received six or more votes.

>> Mayor Reed: Okay, based open that we clearly have the top 3, that would be the social host ordinance payday lending and the smoking, that's 9, 9 and 10. And then we have three tied at 6 votes each.

>> Dennis Hawkins: Correct.

>> Mayor Reed: So we need one for vote, I guess. Let me suggest we put all of these on three, as the next three in order. That's pretty good expression of the council's priorities and we set the priorities. Is that acceptable to the

council so we'll have those three as the trailing three or the stand by three or whatever we're going to call them? It's a trio, so somebody will come up with a musical metaphor on that. We don't need to revote. That's a clear agreement of the council those would be the three, and there's nothing else that got six so I think we are completed on this. For today. We do have the last item on the agenda is open forum. I have a card or two. That would be one card, Mark Trout.

>> I'm torn in what just took place and vaccinations. Let's heads it's vaccinations, if it's tails, it's the other. You're interrupting me. Mayor would you please do something about this out of control officer?

>> Mayor Reed: If you would like to speak Mr. Trout this is your time.

>> For the first time in San José's history, we have been unable to bring the word of God to this podium. The first time in all of history. And nobody's said anything. Now, I tried to take the Josiah belldon, mayor Josiah belldon's picture up to you and just try to use that as an illustration of how far we've gone away from the word of God. He was named after a guy that wept when the word of God was brought to him. We now I guess ousts outlawed. I box with a gun in it that's why I flipped it open. Now word of God is like a sword, a two edged sword it's the most powerful weapon, as a matter of fact. But that is a terrible thing that we should not be able to talk about the word of God and bring the Bible when we pledge allegiance to the flag of the United States of America and we acknowledge that we are one nation under God, thee that rules must be just in ruling. what does God think about this and that and the other thing? God is our ruler, God is going to be the one that's going to raise the dead one day and God, right here this is family radio reading circle's tee shirt. Harold camping isn't perfect but he believes this year in October 21st is going to be the judgment day. In his defense, not that I believe in instant aNilism,.

>> Mayor Reed: Sorry your time is up, that concludes the open forum, that concludes our meeting, we're adjourned.