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>>> Any changes to the printed agenda?

>> Mr. Mayor, we have a request to defer item H 2 and H 3 for one week.

>> H 2 is a memorandum regarding workforce hiring practices and what was the other one?

>> H 3.

>> H 3 is for the program memorandum. Okay. The committee refer those for just a week. All right. We will take up the rest of the agenda. Council meeting, page with one noting the 9 a.m. start which has become, I guess, the routine. Anything else on page one, page two or three? Page four or five on page five, update by assemblyman allay hoe at his request, do that before the ceremonial items before we take up even anything else. Give him a few minutes to talk about them. What is going on in the state legislature. The general plan update, we have talked in the past about how long that might take it doesn't look like we have any realtime issues on this agenda so we should have ample time for the update in the afternoon and the plan is still to continue it to 7 p.m. for discussion, additional public testimony, if somebody didn't talk in the afternoon, et cetera.

>> Mayor?

>> Yes.

>> Would you just do wish we can do testimony twice or just continue the item or -- I guess you are doing 4.1 in the afternoon and 1027 in the evening? If I may, Mr. Mare, council member, the thought from staff is this would be an opportunity to talk with the council about what happens after the adoption and moving into implementation, basically a context for the council that is acceptable from the adoption of the general plan itself.

>> What I would do somebody is there in the afternoon and wants to talk, we have the time on the agenda, they can testify but they can't -- it is one hearing, not two.

>> So not speaking again in the evening?

>> Right.

>> That's fine.

>> I suspect that the hearing has been noticed for 7:00 that night, but I think if somebody shows up earlier for the "hearing," lower case it suffices.

>> Yes. Yes. Anything else on page four or five? We will take up -- evening agenda is on page six and it is just the general plan update that is the only item, correct? All I see. Some "for additions, ceremonial items, reclamation of gifts from Dublin, Ireland, part of the sister city trip, the turkey trot, applied materials. Council member travel to San Diego, councilman travels to Phoenix for -- those are both league of cities things. As a additions. Any other additions or changes? Vice mayor?

>> I think a typo on 2 B. I think it should say councilman -- yeah, 2 XB.

>> Those are both for council member, not each council member he is.

>> We will correct that.

>> Okay. These are the first references drawn or second -- [ inaudible ] so, work that out. Any other changes or additions?

>> Just to note, Mr. Mayor, on the presentation of the applied commendation to -- on the applied materials item, I believe we had a request from the leadership group if we could take that commendation first CARG or Dina will be here and I understand he has a conflict.

>> Let's see --

>> Is on the add sheet today.

>> On the add sheet, we have we will have four or five ceremonies, looks like if we add both of those, bring it to five. And then we have assembly member allay hoe after the items, not a factor. We will take that one first. Are all of these for the afternoon, all of the ceremonies? We usually try to limit it to four. Any of these things that could be punted or dropped or --

>> The gift presentation would be short and then another one, you will be presenting so we can shorten that as well.

>> The gift presentation will be what came back our -- so we don't need to have the whole sister city speech stuff, it will be the presentation?

>> It should just be Nancy pile.

>> Okay.

>> Her trip report. Also on the agenda. Either way, we get the story, I think. Any other change?

>> Motion to approve with addition.

>> Motion is to approve with the additions. All in favor. Opposed. None opposed. That's approved.

November 8th. Draft agenda. Anything on page one? Page two or three? Page four or five.

>> We are still gathering information on 374, the civil service commission interviews and we may need to defer that to November 15th. I understand that at least two of the applicants may not be available on the 8th.

>> We don't know how many we have to interview?

>> That's correct.

>> That San important factor putting us in a spot as to how long it's gonna take. So we will evaluate that over the next week and figure that out.

>> Correct.

>> Anything else on page four or five? Or page six? We do have one memorandum to take up later in regard to an addition to this agenda for the optioning on the ballpark site. And page eight and nine are items related to that, that would be part of the joint city council deer done development authority agenda. And gift of a note here we should talk about the sunshine waiver on this, if it's necessary or not. On a couple of items. So we have several pieces of paper related to this. We have the memorandum that I put out last week to agendize it for the 8th. We have a report under California redevelopment law, which is out yesterday and we have a staff memorandum and a document of some kind? What other pieces do we have?

>> The ACQUA resolution and perhaps the staff report will be following the -- the staff report I don't know, Nancy if it's today. So it should make the 14 days. The ACQUA resolution is -- we are in process of getting

that drafted it probably won't be until the end of the week. IT will be ten days before the meeting, but won't be within the 14 days of the meeting.

>> We have already done an environmental impact report. I have forgot ton mention that document, which is part of the operation here. But all of these will be out within the ten-day rule?

>> That's -- yeah.

>> So they would all have to be out by Friday?

>> Actually --

>> To get ten day?

>> I'm not sure that would be the case of the ACQUA resolution. But that's -- I believe we are on a timeline for Monday. Okay. Yes.All right.

>> So Monday is the resolution.

>> But the environmental impact report's been out for how long?

>> Right. A year, two years?

>> Right.

>> Anyway you want to look at it --

>> Certified mayor.

>> This is really a resolution that sort of memorializes everything you talked about when you took the -- when you took it up.

>> So not exactly a new item. Anything else on this agenda that was the -- all the written changes that I have, other requests on that?

>> Motion to approve with the sunshine waiver.

>> Second.

>> Motion is to approve with the sunshine waivers. All in favor? Opposed, none opposed. That's approved. Redevelopment agenda for November 8th.

>> No items.

>> Okay. We will just pass on redevelopment agency discussion then. Upcoming study session agendas. I understand there is a date were holding on November 3rd for study session but we don't have a topic for it is that right, we are still holding that date?

>> That's correct, Mr. Mayor.

>> So when do we need to decide if we are going to release that so council members can reschedule their time, wait until next week?

>> Next week.

>> Okay there's nothing to talk about today? Legislative update? Nothing to report. I will just report that I have heard the governor is coming out with some of his recommendations for pension reform tomorrow. Just a rumor. I don't know if it's anything official on that I did talk to the governor earlier in the week when he called to talk to me about what we are doing in San Jose. We will wait and see what he is doing there is a legislative -- joint legislative committee on pension reform that's having meetings as well but his recommendations are independent of that. Anything on federal? Any questions for Betsy? All right. Move on then to meeting schedules. We need to approve the joint meeting. We have all right already scheduled -- I think we approved it as part of the motion for the meeting on the 8th. Anything additional we need to do in terms of November 8th meeting of the authority? We looked at thing a, a sufficient, I think. Public record? Items from the public record the committee would like to pull for discussion? Mr. Wall, you wanted to speak on action -- oh -- option agreement, I presume? Okay. Yep.

>> There is an issue. Whenever I, for example, put something, a document to you in the council and it has addendums or copies of ordinances and whatnot it is treated differently than yourself in that your ordinances get attached to your memo, copies of them, previous documents already put on public record or whatever, whereas everyone that I do is -- gets a box around it that somebody can click and it may go to the document on the internet or in most cases, it doesn't go anywhere. And so that is an important distinction if there's some form of policy that says, well if a previously posted document, we just put a box around it and you go to the Internet, if that applies to have be or just specific that is I do not know. Just something I have noticed of late. Two, I would like some coupe sill member or yourself to put a rider into this agreement and this option that the redevelopment agency properties cannot be sold at a loss. No matter what the market sand what I mean by loss is that it should include any type of ongoing administrative cost to maintain the debt structure on those properties. And all costs to date to maintain those properties and no DIMINUTION of market values. The taxpayers shouldn't have burden of this debt in perpetuity or however this is structured at a loss it should be compensated and I don't see anything like that in this document. All I see is a loss of the properties taken as -- because of the property loss, put in an option agreement and I believe the taxpayers -- it will serve by this methodology. I'm very much concerned why people of higher financial knowledge than myself have allowed this to occur, because this is not in keeping --

>> Stop you on that one. We will take up the public record, you wanted to speak on that one as well?

>> Yes, sir, I do. First and foremost, I want to point out to the letter thanking the San Jose police officers and I believe that is item number A, yes it is item number A, thank you to Martin Tracy and John Lovells for their activities concerning suppression the criminal element and how they went about it was very proficient, Mr. Mayor, very precise and I would like to thank them again. Also, item B, we have no notice about whether or not city manager is going to retire or not but that sick leave buyout policy that is looming, she is entitled to every penny, also an innovative way to deal with the retiree solution on item C. And item D deals with the camping business going out and whether or not city employees could actually camp out because they can no longer afford to live here because of how you Draconianly slashed their wages and benefits. They are looking at 30% or better the last couple of years, Mr. Mayor if these people can live on the roof and defecate and urinate in public. Now, city employees wouldn't do that but you're permitting it, so I thought I would see a creative way to alter their benefit structure. I would like to see that guy on the roof today, Mr. Mayor, arrested. Defecating and urinating in public. He is making a mess of city hall.

>> Is there anything anyone would like to discuss? Make a motion. All in favor. Any opposed? That is approved. Next item a series of things, Congressman Rocha is here, I assume you want to speak on the item regarding the people mothers already noted we are going to defer that to next week, city manager is not here today. Councilman Rocha, did you want to speak to that?

>> [ Inaudible ]. Category of Hs, workforce hiring memo, take that up next week, H 3 is chap lane program, we are taking that up next week. Then we have designation of district 6 film convenient, "radiant city" as a city -- motion is to approve that all in favor. Opposed, none. Then we have the revolving door ordinance matter which came to the committee -- came back to the committee for the council, sent it to the staff to draft up some recommended language. We have that in front of us now as item H 5. With the memorandum from the city attorney. Anything you want to add to the memo?

>> This is fairly consistent with the last request they have received for the exemption. I think we did look, it is a New York model. Let us know if there is anything more you want to add.

>> Nothing more in terms of background or what have you. On reflection, we thought it might be helpful to include a single word in the ordinance involuntary so that it reads who was -- employee who was terminated or involuntarily separated. There was some discussion in our office about an employee who might separate voluntarily because their position was eliminated. They were demoted. So for financial reasons they moved on. They potentially come within this and this is really trying to get at laid off employees. So the discussion is that we would just include that single word, involuntarily and try to really put the parameters around the definition that we are trying to get at for laid off employees.

>> We can't just say laid off?

>> We could. What does it mean to be laid off?

>> I looked at the New York provisions and I spoke also to people in our office who deal with employment and labor matters, much more than I do. We came up with this language, you know, the memo, obviously, I use laid off but it is a term of art, I put in the quotes when we were speaking about that this is the definition seemed to please the greatest number of people among my colleagues.

>> Okay. Another question about the timeframe for this. How do we know -- how do we determine somebody was terminated involuntarily separated from the city due to budget or economic conditions? Is there a window around the budget cycle that we would know or going to have to do some investigation to determine whether somebody's eligible for this? Is there a way to frame this so that when we adopt the budget, we are saying people involuntarily separate ready eligible for this?

>> I think the problem this ordinance would have an automatic exemption so, whether you're separating people in January or midyear because of some need or April or Jim it would apply. I think it works all any

you're laid off. And I think -- I think it is incumbent then on sort of the rest of us to know, you know, what employees would be covered. We thought about having some kind of certify bud didn't want -- that would become an administrative burden on department heads and city managers' offices and I felt that rather than -- these are only a handful anyway. See how this works and if it becomes a problem, we can come back and address it later.

>> There are also -- typically an employee gets some notice your position has been eliminated or you are being laid off for budgetary reasons. I understand every employee would get some written notice, whether it is the form of an you haves certification or not there would be some document that an employee could -- could have are -- would have and be able to bring -- be able to demonstrate they fit within the definition here.

>> I noticed in the New York one that they were handing out certificates. Of course, New York is a much bigger organization than ours and I don't know how to handled the notifications so if I got the sequence right, ultimately, the council approves a budget or budget action somewhere, whether it's midyear or regular budget cycle that eliminates positions. That is part of our budgeting process where we eliminate position he is and somewhere in there before it actually gets put into place, manager gives people notice that your job's being eliminated because I know we have a notice period. So oh would there be another category of people that might be laid off that didn't get to -- a written document? Alex is here, maybe he can describe, if some people don't get as in notice and there's some reason for that so what -- for an employee, six months later, to have done something thinking that they are covered by this and they are not if they have got that notice paper that certainly helps.

>> Good afternoon. Deputy city manager. [ Inaudible ] employee does receive a notice and they receive a layoff notice. I think the question that would need to be clear, not sure if that is the reason of the additional word, some employees get notices and if in advance that your position maybe cut. Normally, it is because it is an advance of the city council adopting the budget. At the end of the day, they may not actually end up being laid off, their motion may be saved for a variety of reasons but some people choose to separate from the city because they may think, well, I have another job now, I may not want to risk it the question is

whether you're intending to -- the people to get a notice who haven't actually been laid off and choose voluntarily to separate which I think what you're trying to get at --

>> Dealing with the word layoff.

>> Only if somebody has actually been laid off.

>> As opposed to being worried about laid off.

>> That is important to be clear. Because some people leave the city in -- thinking they might actually be laid off, my understanding the intent here is people who are actually laid off.

>> Right.

>> And then they would have a notice and action would be taken by the council and so there would be way to be clear on who that is.

>> Okay. And one other word change in section two we have used city agency, city agency I think throughout here yet whether or not we need to add or agency in the first line of section two where it says represent before city commissions or city staff new business or person do we need to run agency in there as well?

>> That's good suggestion. Thank you.

>> Questions? Councilman Rocha, did you want to speak on this item?

>> As far as direction, this is returning to staff for instruction?

>> Probably placed on an agenda two weeks out.

>> I do have one question. In terms of the direction from the most recent action was from -- council action from a memo from council members, how is this consistent with that direction or is there any subtle differences?

>> [ Inaudible ] as I understand, that memo then directed -- the council action then set this back to rules on October 2nd and then as of October 2nd, there was discussion about structure -- I'm sorry, October 5th rather, structuring the -- the actual -- the breadth of the waiver. Waiver is not the right word. What an employee could do or not the do to have that mere what the last waiver was from Ms. Ramirez. So that's how we really pulled that language in to identify. It was really two parts then. Who is going to be subject to - - who will fit within this category of laid off employees and defining that and what can they do and not the do? And so, that was -- we had some direction from the rules committee on October 5th and that -- be this is coming back as a result of that.

>> So the direction from the rules on the 5th was different than the direction within this memo, which was more to just eliminate the revolving door for laid off employees?

>> I think it was that if we had a conversation here, we proposed to come back with a survey exemption modeled after what we had applied for Ramirez, because that seemed to be something that was -- was workable and agreeable and that is what we are proposing. Into the question of whether that is different or not, that is a question we had come back with and what we are presenting.

>> The nature of the discussion of the council meeting to me, seemed more in line with this than the direction that was being presented that day, which is the reference to the Ramirez exemption, as far as I see it.

>> But I think that the council direct are ready the matter to go back to rules and we will bring it back. And so this is what we are proposing. The rules committee and/or the council can always tweak it.

>> We can go right back.

>> I don't want to -- I don't think you want to keep going back either but --

>> Clarification questions. Thank you.

>> So staff has drafted this after the rules committee discussion and hearing last time with direction from the committee. Any other comments on this or wordSmithing changes? Committee? When do you want to get it on the council agenda?

>> I was thinking November 8th, but -- would that work?

>> Yes.

>> We will put it on or the 8th. Next week on the agenda.

>> A couple of word changes.

>> Yeah.

>> Okay. Just need a motion on that then.

>> Motion to approve.

>> Second.

>> Motion is to approve the modification of the ordinance as modified here. Set it on for the council for November 8th. I have one request to speak on that, that would be Mr. Wall.

>> Just maybe a word change solely own economic or budgetary conditions. The economic, Mr. Mayor, in your own testimony, either jokingly or intentionally, you have made comments like, for example, PR may look at 85% of their budget being gone. Now, that for the unlearned person who works in PR&S may be a definitive statement of fact. And might influence somebody in PR&S to voluntarily separate. So that clarification has to be made. But above all, economic can be made for other things. Let's say a city employees wants to separate, forced to be retired because of the sick leave buyout policy, where they wouldn't separate in the first place, then are they eligible to be fired in they separate, cash out their sick leave and then could be rehired back? So and then you have people whose benefit structure is such that they do get laid off, for whatever reason in accordance to the intent of this memorandum. If they do get rehired, are their benefit Reese stored to them as if they never left or better yet do their benefits flow as if they were maintained just because of some glitch in hiring or rehiring? So, there's a lot of money -- hidden money here that affects city employees that is not taken into account. And this would have interesting application to the office of city manager if the city manager wanted to retire 'cause of economic conditions, cash out the sick leave and then be hired back one second past midnight on January 1st. That.

>>> Just an idea. Thank you.

>> That concludes public testimony on this item. We have a motion to approve and move it on to the council agenda, all in favor. Opposed. None opposed. That's approved. Next item is a request to add status report on the San Jose parks foundation to December 8th.

>> Motion to approval.

>> Agenda. Question? Yes.

>> Why is this coming to us here versus just being on the agendas as it would come normally, any other item?

>> Well, I would like to know why this needs to go on the December 8th agenda, good reason to have it come here, the December 8th agenda is going lengthy, as will December 15th, those reflect the two worst of the year. Could we do had this on November 29th or the first meeting in January, which are typically lighting a, a 'cause if you want attention of the coupe sill for anything, it's tough to get more than a few minutes on any item on that -- on that day.

>> One point of clarification, Mr. Mayor, members of the committee, I believe this is addition to the work plan for the neighborhood services committee, so it wouldn't be for the full council, just for the committee.

>> I misunderstood this I thought that was referral from the committee to the council.

>> Motion approve.

>> Okay. We have a motion to approve. Sorry for the confusion. I will learn, read -- learn how to read these agendas someday. Motion. All in favor. To opposed? None. The last item we have is the open forum. Mr. Wall?

>> There is a request I have of you, Mr. Mare. You are a good and decent guy, I tell that to people all the time kind it honestly, it is truthful there is something that bugs the heck out of me, when you make, like yesterday, mathematical calculation, which are correct and truthful, let's say the paving, the street paving, and then start linking it in no the retirement costs, which are truthful and are burdensome and oppressive, I would personally like you to have a study done, say 13 years ago when you got on -- salt in the saddle as a council member that date to present if you could have calculated what the city should have been paying for their unfunded liabilities to the retirement system -- in comparison to what they paid to where we are at today

being in this horrible mess, I think that that would be very honest way to present the argument by saying, hey, you know, 13 years ago we just scratched our head and gave money away to this community-based organization or this cause or the other and we deferred it 'cause our tax increments were estimated to go to the moon versus reality is that more than likely, you didn't -- not you, but everybody else in the council, didn't do their fiduciary responsibility and pay their obligation and that would negate this misrepresentation of comparisons because a lot of taxpayers don't realize what happened. And it is true, it's the taxpayers' fault, they are actually some of the dumbest people on the planet because they don't pay attention to what goes on with their own municipal affairs but I think you need to think about doing that. Thank you.

>> Julie Vargas.

>> [ Inaudible ].

>> If you squeeze the handle that will come down a little bit and we will pick it up on the microphone.

>> [ Inaudible ] I heard on the radio that the transportation department was without funds, well, not necessarily out of funds but only had 15% amount of money to fix the roads in San Jose and the streets. So, what they are planning on doing is raising the taxes on property owners they want to raise the taxes and I believe it would be probably around \$400 they estimated to be per year. And I feel that is unfair because everyone uses these roads and the roads in San Jose, I feel everyone should be able to pay a certain amount of tax on this on the roads. And for the roads and free ways and whatever else is involved in infrastructure of the transportation department. And I also feel that, as I said, everyone should pay a fair tax besides the property owners and I think the property owners are constantly being taxed, every time there's an issue with something in San Jose, pensions, for one thing, raises, it automatically increases the property taxes. The sewer department ten years ago was \$45. Today it is \$450. IT has got to level off. What I would like to see or hear from the council members because that's why we voted for you, you are all intelligent people. Find out why, why there is only 15% amount of money for these roads. Why is it -- what happened to the rest of the money? And how long will this be for? How long will we pay the extra amount of tax it is

they want property owners to pay for it. Also why just property owners why not everyone? Everyone is using the roads. This is what I'm hoping that the council members and mare and everyone here should do, do your part -- do your part and try to help city here keep levels -- cost levels at a minimum.

>> Okay. Thank you for your comment that concludes the open forum. Concludes our meeting. We are adjourned.