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>> Mayor Reed: Good afternoon I'd like to call the meeting to order. This is Rules and Open Government Committee meeting for April 6th, 2011. Any changes in agenda order that we need to take up or discuss? April 12th city council agenda. Anything on page 1 we should talk about? Page 2 or 3? Page 4 or 5? Item 3.3, actions related to medical marijuana. Just a note I've seen a couple of stories recently about the Los Angeles, San Diego and someplace else that have passed ordinances that are now in the litigation threatening phase. I don't know what they've done. But they're all sort of going through the same process. But at least they have adopted ordinances. And then there's another story I just saw about some place that's had a ban in place and they're still having to chase illegal operators out of the city over the objections of some folks. Anything else on 4 or 5? I have some requests for additions. We have a request for a commendation to hands across America, and then we also have a commendation that got deferred from the last meeting, the month of the child. Item -- that give us five commendations. Which will be impossible to do unless people actually follow the time guidelines set by the committee. So I'd like to make sure the staff as well as those guidelines to the councilmembers who have the commendations on. Including the mayor's office. Just one of those came out of my office, so let's just make sure that they're as short as they should be and we can get them all in. Couple of requests for excused absence due to illness for Councilmember Nguyen and Pyle. And then, in addition to add to the consent calendar, beautiful day project restoration approval as the city council special event.

>> Sorry marry I think you need a sunshine waiver on that item.

>> Mayor Reed: Okay. Any other changes or additions?

>> Councilmember Constant: Motion to approve, with the adds and the sunshine waiver.

>> Councilmember Oliverio: Second.

>> Mayor Reed: Motion to approve with the additions and the sunshine waiver. All in favor, opposed, none opposed, that's approved. April 19th, council agenda. Anything on page 1? Page 2? The comment on item 1.1 a ceremonial item from environmental services to present commendations to people who served on a committee, I

think we do that in April when the City Clerk recognizes all the committees, task forces, commissions members and outgoing.

>> I don't know. I don't know if Sarah you wanted to capital, what I heard from staff is this was a temporary advisory group and they weren't recognized at that time.

>> Mayor Reed: They could be. Though. They should be along with the others rather than putting -- I don't want to put those kinds of recognitions on the council agenda. Where almost all the councilmembers attend this, we do it between council meetings sometime in April I think.

>> Staff informed us that all of their duties have ended and they actually just disbanded I think it was last week so they won'ting meeting anymore. So they can be recognized at the general event but it doesn't look like a typical kind of committee.

>> Mayor Reed: Let's do it in April with the rest.

>> Councilmember Constant: What about number 5 there, is that in the same category?

>> Mayor Reed: Yeah number 5 I'm not sure what that is.

>> To my understanding those are just for volunteers. It is not for the commission members.

>> Mayor Reed: Anything other questions? Anything else on page 2 or 3? Anything on page 4 or 5? Page 6 or 7? Page 8 or hear public hearings in the evening. Have only a couple, have one scheduled, are there likely to be more to add to that evening agenda?

>> No but because there were some ceremonial items in the evening we had discussion of cancelling the evening session but because of the ceremonial items we decided not to. So.

>> Councilmember Oliverio: Why not?

>> We can. I just didn't --

>> Councilmember Oliverio: To last --

>> City Attorney Doyle: This is a noncontroversial, as far as I know.

>> Right, we can defer it to the next evening possibly or day.

>> City Attorney Doyle: Or you can take it up in the afternoon.

>> Councilmember Nguyen: I would prefer to take it up in the afternoon.

>> We don't have enough noticing on this afternoon agenda. It could come on the next one so I'll check that.

>> Mayor Reed: The ceremonial items I don't see any that I think are time sensitive particularly. I don't really want to hold the council meeting just to do ceremonial items.

>> Councilmember Oliverio: And then there's the commission shouldn't that be (inaudible).

>> Mayor Reed: That 1.5 is not for the commission. But.

>> Councilmember Constant: How long do we think everything else will take? We have all the labor stuff but it doesn't look like that will be too time intensive. I know those ceremonial items could come -- one is a school so they're in school during the day but maybe if we did a 3:30 and just did ceremonials kind of to close out the council session or not before 3:30 something like that and just -- and if they can do it just take care of them.

>> Mayor Reed: Well, let's check with the people who want to do them and if we could accommodate them in the afternoon agenda or they could reschedule for another evening agenda whenever that might be. Because you're right, there's not a lot on the agenda time-wise. Plant master plan selection preferred alternative might take some discussion time, but we may well be done by 3:30. It would be a possibility. Why don't we just ask the people who want to do them what they prefer and we could take it up next week on that. Anything else in the way of changes on this agenda? I have no written requests for additions or modifications.

>> Councilmember Constant: So I'll make the motion then that we approve with either moving the evening items on the public hearings to the afternoon, if there's time for noticing, if not, deferring them to another meeting. And go from there until next week.

>> Councilmember Nguyen: Second.

>> Mayor Reed: Motion is to approve with the cancellation of the evening meetings and moving those to the afternoon or another evening meeting. All in favor? Opposed? None opposed, that's approved. Now one other thing on that. If -- since we already have -- we have enough room for the commendations, they could all be done in the afternoon, we've got plenty of time. Never mind. Redevelopment Agency agenda April 12th. Anything on page 1? Or 2 or 3?

>> Mr. Mayor, if I may Gary Miskimon with the Redevelopment Agency. Item 3.2 the financial progress report was distributed this Monday. That's one day late. We would request a sunshine waiver for the timeliness of distribution.

>> Mayor Reed: Anything else?

>> Yes, sir, we do have a one proposed add, the add sheet be 8.1 a settlement agreement. And we'd also request a sunshine waiver for distribution of that memo.

>> Mayor Reed: That's the Almaden recreation club and the -- I forget what --

>> Hoffman Via Monte.

>> Mayor Reed: Hoffman Via Monte. .

>> Councilmember Constant: I.

>> Mayor Reed: Elastic update Betsy Shotwell and I think Leslye Corsiglia is here for the same reason.

>> Betsy Shotwell: Thank you, mayor. Betsy Shotwell, Director of Intergovernmental Relations. As you probably are I'm sure have read the state budget is in stalemate, no progress has been made, although it's day to day and hour to hour you probably have read that the governor's taking his show on the road to try to persuade enough public sentiment to put some measures on to extend the taxes. On Monday the governor did sign the corrections realignment and facility bills, however there's no funding there's no ballot measure yet and certainly hasn't been passed and he made it quite clear in his signing statement that while he's signing these and he would like to see low level offenders moved from state facilities to county facilities there's no money to do that. That's where we were with that. Leslye was in Sacramento yesterday testifying on a very interesting bill. I thought it would be interesting to let you see what else is going on in Sacramento other than the ongoing budget.

>> Mayor Reed: Okay.

>> Leslye Corsiglia: Leslye Corsiglia director of housing. What's happened since the budget has been put a little bit on the back burner although it could come back up at any moment is the legislature is starting to hold its policy hearings, so we're starting to see all the bills that get agendaized. Our first bill which we have a direct interest in is SB 450, housing reform bill. With redevelopment we know our push has been reform not eliminate. This is a reform bill and it is assumed that redevelopment continues. It is only the housing reforms. It is not any other 80%

reforms and we would assume that that will be in another bill. Actually there's a series of other redevelopment bills that are out there that could become the vehicle for the 80% reform. So it went very well. The reform bill got approved yesterday on a 9-0 vote. I testified on behalf of the California redevelopment association. And with the -- we are -- support with an amendment position and would like to have some changes made to that bill, that are -- that America it easier to implement from an implementation standpoint. We do need to start bringing up our bills for council to take position. And I think on the redevelopment bills we might want to do what we have done in the past and bundle them together so that we have a reform sort of a recommendation on how we deal with reform. So that's something that we'll be working on. I think one of the things that was recognized yesterday, because CRA did get hit a little bit in the hearing for providing its comments at the last moment, is that our focus has been so much on the issue of the threat to redevelopment. And its future. That we haven't focused on that reform piece. And I think now that we may have a little bit of breathing room it's time for us to start focusing on that and bring that to you. So that, it's the beginning of what will be a long process and these bills going through various levels of committee discussion. And so we'll continue to keep reporting back. Did want to mention another bill that was -- that was just introduced this week. Senate Bill 184, it's a Mark Leno bill and it would make changes to state law that address the Patterson and Palmer cases regarding inclusionary zoning. So the city right now, where we are responding to complaints about our own inclusionary programs, and we'll want to take a really close look at that bill and bring that to the council as well.

>> Mayor Reed: Who's got that bill?

>> Leslye Corsiglia: That's a Mark Leno bill.

>> Mayor Reed: Anything to add on that? Rick, I know we're in litigation over --

>> City Attorney Doyle: We're in litigation on that, and anything that can sort of have that case resolved short of the laws battle is always welcome. But we need to sort of work with housing on the bill and any modifications or anything we could do to move it along. But it is something we'd want to bring to council first I'm sure.

>> Leslye Corsiglia: Yes.

>> Mayor Reed: Okay a couple of things. First it's not clear to me what the legislature has done and what the governor has signed. Have they fixed this fiscal year's hole with the \$11 billion in things that they've done, does that take care of this fiscal year's problems? And the remaining 13 or \$14 billion, is that all in next fiscal year? Because if that's the case, then we're way ahead of schedule.

>> Betsy Shotwell: My understanding and Leslye you've been following this as well please chime in that they've been addressing the next fiscal year. And yes we're \$11 billion in March much farther ahead than we would have been usually doing this in September and October, and the remaining 14, \$15 billion is for the second part of that \$26 billion in the next year. I can't give you numbers as far as what our current fiscal year status is at the state level.

>> Mayor Reed: Because part of the 26 billion was 6 billion just in this fiscal year and then more ongoing. And if they haven't fixed the problem for this fiscal year they're going to run out of money before they get to the ends of the year.

>> Betsy Shotwell: I just read an article this morning about that, the concern of IOUs rearing their head.

>> Mayor Reed: And I had a meeting last week with senator Dutton and I expressed my thanks and our thanks for saving redevelopment, because it was the Republican caucus that declined to vote for the elimination of redevelopment which has at least kept the debate going. So I'm going to make sure he understood that we appreciated the chance to continue to talk about reforming redevelopment, and he's not opposed to reformation, believes reformation needs to be done as I think do -- that's been our position as well. Exactly what those reforms might be remains to be seen. The CRA has a list of probable reforms that CRA would support and there maybe others as well. And the other thing is next week I will be going back to Sacramento as part of the Silicon Valley leadership group trip on I'll leave here Tuesday night after the council meeting. There's some additional meetings

and I don't know what the agenda is. I don't know what the agenda is, I don't know who all the people we're going to meet with.

>> Betsy Shotwell: It's a work in progress. Roxann Miller will be available obviously as always to assist.

>> Mayor Reed: Anything else state? How about federal? Going to run out of money by the end of the week or not?

>> Betsy Shotwell: It's not looking good. It's pretty close. I mean it's not looking good. But you know anything can happen in the middle of the night. Between now and then. It's happened in the last five or six resolutions so again, as I said last week, it's just differences in billions of cuts for the remainder of the fiscal year. So they said if you're expecting a tax refund by paper do not expect it, if this happens by Friday. As a side-bar.

>> Mayor Reed: Sign up for the electronic tax returns.

>> Betsy Shotwell: Same here. But it's very concerning. It's concerning both obviously domestically and the military abroad, et cetera. Very concerning.

>> Mayor Reed: I don't think there's any direct impact to the City of San José, at least in the short run, if they fail to get the CR passed.

>> Betsy Shotwell: Right I was actually talking with airport this morning and we were reading with the Washington post that the TSA, these would continue to work without pay. Thousands of these employees that are related to the Homeland Security program, would continue to work but without pay.

>> Councilmember Oliverio: They should be more upset than we are.

>> Mayor Reed: Anything else on state or federal? All right, thank you very much.

>> Betsy Shotwell: Thank you.

>> Mayor Reed: Next is the public record, anything anybody would like to pull from the public record? I have a request to speak from the public record. Mr. Wall.

>> David Wall: Good afternoon. The clerical matter. T-Mobile keeps referencing Lee Price as the City Clerk, has been doing that for several cycles of resumes. I think they should be noticed that there's a new sheriff in town. The housing indebtedness that you keep incurring, objectionable distasteful. You certainly don't have the city services to maintain these housing, these low cost housing projects. My perspective just to eliminate them outright. This environmental innovative center, once again, another boondoggle. I think you should really look at transferring -- first of all not even doing this project because it's ridiculous. Transferring over \$3 million to the fire department to do household hazardous waste collection at fire stations. Our stations are all over the city. You have the haz-mat people already as employees. It's not that difficult. There's far more ability to drop off household hazardous waste to fire stations than to go over to Las Plumas. It's far more environmental to do it at fire station and you can shift money that you save from the General Fund to the police department. So you actually get a multiple -- multiple deal by cancelling that ridiculous environmental innovative center. This discussion will continue later. Thank you.

>> Councilmember Constant: Motion to note and file.

>> Second.

>> Mayor Reed: Motion is to note and file the public record. All in favor, opposed, none opposed, that's approved. We have one modification to a committee work plan, transportation and environment committee to approve the addition of the VTA 2040 report to be added May 2nd.

>> Councilmember Constant: Motion to approve.

>> Second.

>> Mayor Reed: Hans you have anything you want to enlighten us with? All in favor? Opposed none opposed, that's approved that concludes the business. We have open forum. Mr. Wall.

>> David Wall: Today's discussion will reference hover crafts. Specifically, a memo signed by the assistant City Manager, who is in attendance today, who could comment on the legitimacy of using the water pollution control plant or environmental services in this project, but let's look at hover crafts. In this report produced by the Silicon Valley chamber of commerce and Office of Economic Development, it would be interesting to see how a hover craft could go down the Alviso slough to pick up roughly let's say 59 people per trip. In the report it doesn't say how many hover crafts are going to be used. It does say there's approximately 71,000 people that are going to be going to Alviso after a major earthquake. 51,000 of them will be walking for an hour through the lowest part of the bay. To be picked up by a hover craft. Now, this is interesting because the report that's going to be going to Washington, is -- they're putting like this is going to like rescue people. And 1400 first responders are going to come in on a hover craft or hover crafts. They don't say how many of them there's going to be. And hover crafts are very expensive to operate. You have to have a pilot, like you Mr. Mayor, only it's like the pilot of a ship. They have a lot of moving parts. They're very intensive to maintain and operate, fuel. The Dumbarton bridge collapses, how's it going to work? Because in this report they take them to San Francisco. So how long does the hover craft take to come down Alviso slough, pick up the folks and take them to San Francisco and come back? And is ESD going to be responsible for removing 630,000 cubic yards of mud and putting it somewhere using the sewer service and use charge? There's a lot of problems with this Mr. Mayor and this is at TPAC tomorrow. I really think you need a better work plan handed to you, because I'm sure the tributary agencies are going to complain.

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