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TESTING FOR CITY OF SAN JOSE. RULES COMMITTEE. AUDIO IS GOOD.

>>

>>

>> CALL THIS MEETING TO ORDER. THIS IS THE RULES AND OPEN GOVERNMENT MEETING FOR JANUARY 27, 2010. ANY CHANGES FROM THE PRINTED AGENDA WE NEED TO TAKE UP NOW? NO. WE'LL START AND PLOW THROUGH THIS AGENDA. FIRST ITEM IS THE FEBRUARY 2ND AGENDA. ANY CHANGES TO PAGE ONE? OR TO PAGE TWO OR 3?

>> MR. MAYOR, ITEM 2.6. WE WILL ASK FOR A ONE WEEK DEFERRAL. FEBRUARY 9TH.

>> THAT'S THE PG&E AGREEMENT. ANYTHING ELSE ON TWO, OR 3? 4 OR 5

>> YES, ON PAGE FOUR. SIGN CODE ORDINANCE WILL BE HEARD LAST AND UNDER SECTION EIGHT. CIVILIAN CROSS REFERENCE FROM PSFS.

>> ON AGENDA 3.3. THE CANDIDATE SCREENING CRITERIA. STAFF IS WORKING ON THAT AND THAT WILL BE HELPFUL SO THAT'S INFORMATION THAT COUNCIL WILL BE INTERESTED IN, I THINK. I HAVE ONE REQUEST FOR AN ADDITION THAT'S REGARDING INDIA'S REPUBLIC DAY. ANY OTHER ADDITIONS OR CHANGES ON THE SECOND? MOTION IS TO APPROVE AS AMENDED

>> ALL FAVOR. AYE. THAT'S APPROVED. FEBRUARY 9TH COUNCIL AGENDA. ANYTHING ON PAGE ONE? PAGE 2 OR 3? PAGE 4 OR 5? 6 OR 7? ANY ADDITIONS? I HAVE NO WRITTEN REQUESTS. AT LEAST I THINK I DON'T. LET ME CHECK MY LIST HERE.

>> COUNCIL MEMBER CONSTANT. [INAUDIBLE]

>> YES. THANK YOU. COUNCIL MEMBER CONSTANT. WE ARE ACTUALLY GOING TO MOVE THE ADJOURNMENT NOTICE FOR NEXT WEEK'S MEETING TO FEBRUARY 9TH AT THE REQUEST OF THE DISTRICT.

>> MOTION TO, APPROVE.

>> I'VE. MOTION IS APPROVED.

>> MR. MAYOR AND MEMBERS OF THE COMMITTEE. THE AGENCY HAS NO ITEMS FOR FEBRUARY 2ND. WE WOULD LIKE TO CANCEL THE FEBRUARY 2ND COUNSEL FOR AGENCY.

>> MOVE.

>> SECOND.

>> REDEVELOPMENT AGENCY AGENDA ITEMS ALL IN FAVOR

>> MR. MAYOR. WE WILL HAVE AN AGENCY CLOSED SESSION ITEM.

>> SO THIS IS JUST FOR THE AFTERNOON AGENDA ITEMS.

>> UNLESS THE CITY WERE TO ADD ANY JOINT ITEMS. WE WOULD BE THERE FOR THAT. NO SEPARATE AGENCY AGENDA

>> THAT IS THE MOTION.

>> ALL IN FAVOR. AYE, THAT APPROVED

>> MR. MAYOR. THE AGENCY WE DON'T HAVE ANY ITEMS.

>> THAT'S WHAT HAPPENED WHEN YOU DO DIFFER THE BUDGET

>> MOTIONA THAT ONE?

>> JUST WAIT UNTIL NEXT WEEK

>> CORRECT. MR. MAYOR. WE WILL COME BACK TO COMMITTEE NEXT WEEK

>> ALL RIGHT. NO ACTION TO TAKE ON THAT ONE. NEXT ONE IS THE UPCOMING STUDY SESSION AGENDA FOR THE ECONOMIC DEVELOPMENT STRATEGY ON FEBRUARY 8TH. HAVE A MEMORANDUM FROM MYSELF COUNCIL MEMBER PYLE AND COUNCIL MEMBER HERRERA. I JUST WANT TO MAKE SURE THE AGENDA HAS THIS FOR THE 18-MONTH WORK PLAN. THESE ARE IMPLEMENTATION. I JUST WANT TO MAKE SURE THE STAFF IS PREPARED TO HAVE THE INFORMATION.

>> NO PROBLEM

>> ANY OTHER CHANGES?

>> I TAKE IT IT'S THE RULES COMMITTEE ASKING FOR THAT REQUEST?

>> A MOTION TO APPROVE WITH THAT REQUEST. ALL IN FAVOR.

>> AYE.

>> THAT'S APPROVED TAKING US TO THE NEXT ITEM, ON THE AGENDA, WHATEVER IT IS. LEGISLATIVE UPDATES STATE AND FEDERAL

>> THANK YOU. MR. CHAIR. BETSY SHOTWELL. WE HAVE THE WATER DISTRICT APPROPRIATIONS REQUEST WITHIN THE DISTRICT OF SAN JOSE. STAFF IS HERE FROM THE WATER DISTRICT TO ANSWER QUESTIONS AS WELL AS CITY STAFF

>> ANY QUESTIONS ON THAT ONE?

>> MOTION TO APPROVE.

>> SECOND.

>> DO WE HAVE A DATE FOR COUNSEL? TUESDAY THE SECOND.

>> REQUEST A ONE WEEKEND TURN AROUND OUR DELEGATION.

>> ALL IN FAVOR

>> APPROVED.

>> ON THE STATE AREA. WE NEED TO TALK ABOUT WHEN THE COUNSEL WILL TAKE UP THE GOVERNANCE CIRCULATING IN AN INITIATIVE FORM. FIRST IS LEAGUE OF CALIFORNIA CITY'S PROPOSAL. AND WHEN IS A GOOD TIME TO GET THAT IN FRONT THE COUNSEL?

>> RIGHT NOW, I AM WORKING ON A MEMO TO THE RULES COMMITTEE WITH THE CITY ATTORNEY'S OFFICE IN A RECOMMENDATION ON THE LEAGUE MAJOR. THEY HAVE ALL NOW, JUST RECENTLY A WEEK AGO BEEN QUALIFIED FOR A BACKGROUND AND HOW THE COUNSELOR WANTS TO PROCEED WITH THOSE. THAT WOULD GO FORWARD AS WELL. BUT THE RECOMMENDATION ON THE LEAGUE MAJOR. I'M WORKING ON THAT RIGHT NOW WITH THE ATTORNEY'S OFFICE WITH MY DRAFT.

>> OKAY. WE WILL SEE IT SOON.

>> MR. MAYOR. IS IT POSSIBLE THAT MAYBE THAT FIRST CONVERSATION WILL BE IN RULES AND THEN DECIDE WHETHER IT GOES TO COUNCIL?

>> I THINK WE SHOULD DO THAT HERE. TO DECIDE WHETHER TO MOVE IT AHEAD FOR ALL THE OTHERS. WE CAN DECIDE WHETHER TO MOVE THEM ALL TOGETHER OR INDIVIDUALLY.

>> AND OR COME BACK WITH ADDITIONAL INFORMATION IF YOU WISH.

>> IT WILL HAVE BACKGROUND INFORMATION AS WELL.

>> THAT CONCLUDES THE LEGISLATIVE UPDATE. UNLESS YOU HAVE SOMETHING ELSE.

>> MEETING SCHEDULES. WE SET A SCHEDULE FOR APRIL 27TH, 2010.

>> SO MOVED.

>> SECOND.

>> ALL IN FAVOR

>> AYE,

>> ALL THOSE OPPOSED

>> SEEING NONE. APPROVED

>> I WOULD LIKE TO HAVE ITEM A REFERED TO STAFF FOR AN ANALYSIS TO FIND OUT IF THERE ARE SAFETY ISSUES WE NEED TO BE CONCERNED ABOUT AS WE GET DOT REDEVELOPMENT BUDGET AND THEN INTO THE GENERAL FUND BUDGET . WE NEED TO HAVE THAT INFORMATION AVAILABLE. ANYTHING ELSE OUT OF RECORD? SO BALANCE HAVE A MOTION TO APPROVE?

>> SECOND.

>> ALL IN FAVOR

>> AYE.

>> OPPOSED. NONE OPPOSED. THAT'S DONE. NOW THE MAIN EVENT OF THE DAY. I THINK. THE WORK LOAD ASSESSMENT FOR THE PREPARATION OF ALLIED MEDICAL IN SAN JOSE. WE HAVE A COUPLE OF MEMORANDUMS THAT HAVE BEEN DONE. WORK LOAD ASSESSMENT AND BUILDING CODE ENFORCEMENT AND ADDITIONAL MEMO FROM THE CITY ATTORNEY. I THINK I WILL TURN IT OVER TO THE CITY ATTORNEY OR TO THE STAFF. COUNCILMEMBER HAS JOINED US.

>> THANK YOU RULES COMMITTEE FOR HEARING THE ITEM TODAY. I WANTED TO MAKE SOME STATEMENT BECAUSE WE STARTED THE PROCESS BACK IN OCTOBER 3RD MONTHS AGO AND I JUST WANTED TO KIND OF REFRESH EVERYONE WHERE WE'RE AT. NUMBER ONE. HOPEFULLY, THE OUTCOME TODAY, I BELIEVE SHOULD BE TODAY THIS MEMO AND TOPIC GO TO THE ENTIRE CITY COUNCIL FOR DISCUSSION. MEDICAL USE OF CANNIBUS? SAN JOSE. THE OBAMA PRESIDENCY DROPPED THE WASHINGTON MEMO. MY MEMO WOULD HAVE THE CITY ADMINISTRATION AND ALL DIFFERENCE TO THE CITY STAFF. THIS IS A PLACE WHERE THE POLICY MAKER OF THE COUNCIL REALLY NEEDS TO WEIGH IN ON WHAT NEEDS

TO BE DONE. IT WOULD DRAFT AN ORDINANCE FOR CULTIVATION AND USE OF CANNIBUS. FURTHER. WE DON'T NEED TO RECREATE THE WHEEL. WE CAN LOOK AT CITIES THAT HAVE REGULATED WAY TO MANAGE CANNIBUS IN THE CASE OF LOS ANGELES. THEY STUCK THEIR HEAD IN THE SAND AND HAD ABOUT A THOUSAND OF THESE. IT TOOK L.A. QUITE A TIME TO GET THIS UNDER CONTROL. THIS SHOULD BE INDUSTRIAL ZONING. IT TENDS TO BE AWAY FROM SCHOOLS, CHURCHS AND AREAS THAT HAVE CONCERNS LIKE NEIGHBORHOOD BUSINESS DISTRICTS. WE SHOULD HAVE A LIMIT ON THE DISPENSARIES. IT'S LIMIT NUMBER. REGULATED AND TAXED. TAXED IS AN OPERATIVE WORLD. EVERYWHERE THIS HAS BEEN PUT ON THE BALLOT WITH UPWARDS OF 80 PERCENT APPROVAL. THIS COULD BRING REVENUE TO OUR CITY AND WE NEED THAT DURING THESE TIMES. MY PREFERENCE IT GOES TO POLICE AND POT HOLES. WE ENACT FEES WHETHER FOR PLANNING DEPARTMENT, BUILDING DEPARTMENT. ANY INSPECTIONS NEEDED FOR THE SAFE MEDICAL USE OF CANNIBUS. I WISH THIS WOULD GO TO THE FULL COUNCIL FOR DEBATE.

>> TALK ABOUT PLANNING CODE ENFORCEMENTS.

>> THANK YOU. MR. MAYOR. GOOD AFTERNOON. LAUREL,

>> I DON'T THINK THAT'S PICKING UP.

>> YOU PROBABLY NEED TO GET CLOSER.

>> LAUREL PREVETI.

>> IN COORDINATION WITH THE CITY ATTORNEY'S OFFICE. WE HAVE PREPARED THE WORK LOAD ASSESSMENT IN FRONT OF YOU. AS YOU KNOW. THERE'S GREAT COMMUNITY INTEREST IN THIS ISSUE AND WE'RE TRYING TO BALANCE THE COMPASSIONATE NEED WITH THE FISCAL REALITY WE HAVE A FULL WORK LOAD COMMITTED. SO THE QUESTION BEFORE THE RULES COMMITTEE THIS AFTERNOON SHOULD THE CITY ESSENTIALLY DIVERT ITS RESOURCES FROM KEY PRIORITIES SUCH AS SIGN CODE UPDATE TO NOW STUDY THE MEDICAL MARIJUANA ISSUE. THAT'S REALLY THE ISSUE. OUR MEMO ON PAGE TWO IDENTIFIES SOME OF THE KEY LEGAL ISSUES WE ARE WELL AWARE OF THE WORK BEING DONE IN OTHER COMMUNITIES THROUGHOUT CALIFORNIA. HOWEVER IN CONSULTATION WITH OUR LEGAL TEAM. WE BELIEVE THESE LEGAL QUESTIONS REALLY NEED TO BE ANSWERED SO WE HAVE A GOOD PATH FORWARD BEFORE WE START CREATING THE LAND USE REGULATIONS FOR THAT ORDINANCE. WE ESTIMATE THIS COULD TAKE UPWARDS OF OVER 200 HOURS OF STAFF TIME. I WAS GETTING CALLS FROM MY COLLEAGUES IN OTHER DEPARTMENTS. WHAT ABOUT MY HOURS AND ME. THIS WILL BE A SIGNIFICANT INVESTMENT OF YOUR STAFF'S TIME IN TERMS OF ADDRESSING THIS ISSUE. IN TERMS OF TRADE OFFS. WE HAVE LISTED OUR ORDINANCES PENDING. IN THIS IS AN ITEM THE COUNCIL WOULD LIKE TO DO IN FISCAL YEAR. WE SEE THE TRADE OFF BEING OUR SIGN CODE. IF IT WAS FOR NEXT FINANCIAL YEAR. IT WOULD BE FOR THE SIGN CODE FOR ALLEN ROCK AREA. I WOULD LIKE TO INTRODUCE CARL MITCHELL AND RENEE GARZA TO SEE IF THEY HAVE ADDITIONAL COMMENTS.

>> THANK YOU. JUST THAT WE HAVE SUBMITTED FOR YOUR CONSIDERATION THE GENERAL UMBRELLA OF REGULATIONS SO THAT ANY REGULATIONS COMING FORWARD NEED TO FIT WITHIN THE PARAMETERS THAT FIT WITH STATE LAW. THERE WILL ALWAYS BE THE CONFLICT WITH FEDERAL GOVERNMENT AND THE OBAMA ADMINISTRATION WON'T TRY TO GO OVER THE ORDINANCE. WE HAVE RECOGNIZE FEDERAL LAW DOES EXIST.

>> MR. MAYOR. I JUST WANT TO COMMENT BRIEFLY TO THE, START PIGGYBACKING ON COUNCIL MEMBER OLIVERA'S COMMENTS. WHATEVER WE ESTABLISH NEEDS TO SUPPORT WITH STATE LAW. I THINK WE ARE IN A POSITION IT STATE AND ALL AREA OF CONCERNS. THE ONE AREA IS COOPERATE COLLECTIVE. THOSE TYPES OF FACILITIES ARE ALLOWED. BUT THEY NEED TO BE TRUE COOPERATIVES AND COLLECTIVES. THE WORD DISPENSARY IS USED INTERCHANGEABLY. AND THIS CAN BECOME AS MUCH A POLICE MATTER AS A LAND USE ISSUE. PROBABLY MORE SO POLICE MATTER IN SOME CASES. AT LOOKING AT POTENTIAL REGULATIONS, THERE SHOULD BE A LICENSING SCHEME ASSURE THAT WHAT IS BE OPERATED COMPORTS WITH STATE LAW. I THINK LAUREL'S MEMO DEALS WITH THE WORK LOAD AND TIME INVOLVED. I THINK WE'RE ABLE TO WORK WITH STAFF TO BRING IT FORWARD. BUT AS SHE SORT OF SAID ARTFULLY AND I WILL SAY PROBABLY MORE POINTLY, THIS ISN'T THE ONLY THING ON OUR DESKS. WHATEVER THE COUNCIL OR RULE COMMITTEES BRINGS FORWARD. WE WILL PROVIDE GUIDANCE.

>> ANYTHING ELSE FROM STAFF. I HAD A COUPLE THOUGHTS HEARING THE PUBLIC TESTIMONY AND I'M NOT SURE WE HAVE BEEN ASKING THE RIGHT QUESTION. WHICH OF COURSE SOMETIMES HAPPENS WHEN YOU GET FAMILIAR WITH AN ISSUE. WE ASKED THE QUESTION ABOUT DISPENSARIES, THAT'S WHAT GOT US STARTED ON THIS DISCUSSION AND WHETHER OR NOT THE DISPENSARIES WERE OPERATING LEGALLY AND WHETHER OR NOT THEY WERE ALLOWED IN SAN JOSE. WE HAVE ANSWERS ON THAT. SO I THINK THE QUESTION IS; NOT WHETHER OR NOT IT'S LEGAL OR ILLEGAL TO OPERATE A DISPENSARY. FOR PURPOSES ARE TRYING TO PUT IT IN A POSITION FOR COUNCIL TO MAKE A DECISION. WITHIN OUR ZONING CODE, IF SOMEONE OPERATES WITHIN THE STATE LAW. WHAT COULD THEY DO IN SAN JOSE AND WHERE? AS I READ THE NEWS STORY ABOUT THE SANTA CRUZ COLLECTIVE. WHAM, I THINK IS THE NAME. I'M NOT FAMILIAR WITH IT. BASED ON THE NEWS REPORTS. SEEMS TO ME IF YOU WANTED TO OPERATE THAT KIND OF A COLLECTIVE IN SAN JOSE. YOU COULD PROBABLY DO SO IN THE AG ZONE. PERHAPS. AND ALSO OCCURRED TO ME. IF MY WIFE GOT SICK AND I WAS THE CAREGIVER AND SHE GOT A RECOMMENDATION TO USE MEDICAL MARIJUANA. I COULD GO TO MY BACKYARD AND GROW IT. IT WOULD BE IN COMPLIANCE WITH STATE LAW. AS LONG AS I WASN'T WORRY ABOUT THE FEDERAL'S LAW CHANGING. I COULD DO THAT WITHOUT ANY PERMIT AND ZONING AS LONG AS I'M FOLLOWING STATE LAW.

>> THE KEY IS FOLLOWING STATE LAW. IF YOU ASSUME PEOPLE WILL FOLLOW STATE LAW. THE QUESTION IS, WHERE COULD THEY DO THAT IN SAN JOSE? I THINK THE COUNCIL NEEDS TO KNOW THAT. WE STARTED OUT WITH THE CONCLUSION WE DIDN'T NEED TO BE A MORATORIUM IN SAN JOSE. WHAT WE WERE SEEING WOULD NOT BE LEGAL AND WOULDN'T GET GRANDFATHERED. WE HAVE OUR TRADITIONAL ENFORCEMENT OPPORTUNITIES FOR GO COMPLIANCE LIKE ANY OTHER BUSINESS NOT OPERATING LEGALLY. BUT WHETHER OR NOT WE NEED TO CHANGE OUR ZONING CODE DEPENDS ON WHAT IT ALLOWS. SO THAT'S ONE QUESTION. WHAT COULD BE DONE IN SAN JOSE? BECAUSE IF SOMEBODY IS SICK AND THEY HAVE THE CAREGIVER AND THEY WANT TO GROW MARIJUANA, THEY COULD DO THAT. AND IT SEEMS TO ME THAT PEOPLE COULD FORM A NEIGHBORHOOD COOPERATIVE AND THEY COULD GROW MARIJUANA IN SOMEBODY'S BACKYARD AND EVERYBODY COULD COME OVER TO TEND AND HARVEST THE CRAPS AND DO WHATEVER NEEDS TO BE DONE. THAT WOULD BE COOPERATIVE IN THE TRUE SENSE OF WORD. THAT WOULD PROBABLY BE PERMISSIBLE IN SAN JOSE. THE COUNCIL NEEDS TO KNOW THAT. MAYBE WE SHOULD BE FOCUSED ON LICENSING AND AS COUNCIL MEMBER OLIVERIO POINTED OUT, I DON'T THINK WE HAVE THE ANSWERS TO THAT YET. THERE ARE CLEARLY LEGAL QUESTIONS OUTSTANDING. HAVING LOOKED AT THE CITY ATTORNEY'S OPINION AND THE MATERIALS IN THE PACKET. I THINK WE COULD NARROW DOWN THE SCOPE OF THE QUESTION FOR COUNCIL IF WE HAVE THE LAWYERS SORT OF ANALYZE WHAT WOULD BE LEGAL UNDER OUR ZONING CODE AND IF WE GET AN ANSWER WE DON'T LIKE. NARROW THE ZONING CODE BECAUSE SOMETIMES THAT NEEDS TO BE DONE. I JUST WANT TO CHECK WITH THE CITY ATTORNEY AND SEE WHAT YOU THINK OF TAKING THAT APPROACH IN ORDER TO GET TO A MORE DIRECT ANSWER.

>> THOSE ARE BASIC THRESHOLD QUESTIONS. ONCE YOU QUALIFY UNDER CALIFORNIA LAW, THOSE WOULD BE PERMITTED. THE LARGER QUESTION IS THE DISPENSARY ISSUE. THE QUESTION COMES DOWN. WHAT'S COOPERATIVE? WHAT'S COLLECTIVE? IF THERE WAS A LAND USE ISSUE, WE WOULD HAVE TO ADDRESS IT. RENEE IS OUR LAND USE ATTORNEY. IS THERE ANYTHING YOU WOULD ADD?

>> SIMPLY THAT I THINK WHAT WE'RE ALL ASSUME ING IN THE CONVERSATION IS WE ARE OKAY UNDER FEDERAL LAW. WHATEVER WE DO COME FORWARD WITH. IF FEDERAL LAW DOESN'T CHANGE. IT SOUNDS LIKE THE MOST THE CITY COULD DO IS RECOGNIZE WHAT STATE LAW ALLOWS. BUT THOSE ACTIVITIES ARE SUBJECT TO FEDERAL ACTION. ALTHOUGH RIGHT NOW THERE SEEMS TO BE AN UNDERSTANDING. ALBEIT LEGAL. THAT'S STICK A PEN IN IT OVER HERE. WE CAN TRY TO RECOGNIZE AND COMPORT AND ASSIST THE IMPLEMENTATION OF STATE LAW. BUT ULTIMATELY, IT'S A RISK FOR EACH INDIVIDUAL PERSON THAT AVAILED THEM TO STATE AND LOCAL LAW

>> WE CAN'T CHANGE FEDERAL LAW. IT GETS DOWN TO ENFORCEMENT. IF NEW ADMINISTRATION COMES IN OR THERE'S A CHANGE. THAT'S THE RISK PEOPLE HAVE TO TAKE.

>> ONE OF THE ISSUES IS THERE ARE WAYS IT WOULD BE PERMISSIBLE UNDER OUR ZONING CODE IN OPERATING IN ACCORDANCE WITH STATE LAW. YOU CAN RUN A LIQUOR STORE, BUT YOU HAVE TO FOLLOW STATE LAW. YOU CAN SELL CIGARETTES, BUT YOU HAVE TO FOLLOW STATE LAW. YOU CAN HAVE A MASSAGE PARLOR BUT FOLLOW STATE LAW. IF WE HAD MEDICAL MARIJUANA COOPERATIVES. IT'S WHETHER OR NOT THEY ARE FOLLOWING STATE LAW. HOW DO WE KNOW THEY ARE? HOW DO WE ENFORCE IT AND HOW DO WE GET REVENUES TO PAY FOR THE CO-COMPLIANCE AND THE LAWYERS THAT GET INVOLVED IN ENFORCEMENT?

>> THAT'S WHY I SUGGESTED THERE BE A LICENSING SCHEME OR PERMITTING SCENE OUT OF THE POLICE DEPARTMENT THAT LOOKS AT AND CAN DO AT LEAST INITIAL BACKGROUNDS OR GETS INFORMATION THE OPERATION DOES COMPORT WITH STATE LAW AND IT'S NOT A FOR-SALE DISPENSARY, WHICH IS OUTSIDE THE LIMITED PROTECTIONS OF STATE LAW.

>> ENOUGH OF MY QUESTIONS. COUNCIL MEMBER CONSTANT.

>> MY BIG CONCERN, IT COMES TO THIS ACTUAL WORK LOAD ASSESSMENT, I AM REALLY WORRIED ABOUT THE COST. WE HAVE SEEN WHAT'S HAPPENED IN OTHER LOCALITIES THAT PUT OFF MAKING A DECISION. HAVING SERVED TO THE APPEALS BOARD AND HOW MUCH WORK GOES INTO EVERY COMPLIANCE ORDER. WHAT'S THE NUMBER WE'RE UP TO?

>> 19.

>> WE HAVE 19 IN THE CITY. JUST DOING COMPLIANCE ORDER AND GOING THROUGH THE PROCESS WOULD TAKE WELL OVER 200 HOURS WITH WHAT WE HAVE BY NOT DEALING WITH IT ON A COUNCIL AND POLICY LEVEL. WITHOUT APINING ON THE ACTUAL ISSUE ITSELF. WE HAVE TO GET THE ANSWERS AND IN FRONT OF THE COUNCIL AND MAKE THE DECISION WHICH DIRECTION THE CITY IS GOING. RIGHT, LEFT, OR DOWN THE CENTER. THE COST OF INACTION IS TOO HIGH. I THINK THE LOS ANGELES SITUATION CLEARLY ILLUSTRATES THE PROBLEM WE COULD HAVE IF WE DON'T DO SOMETHING. SO, I WOULD LIKE TO SEE THIS NOT KEEP GETTING CYCLED BACK HERE FOR DISCUSSION BUT SEE WHAT WE CAN DO TO DIRECT TO GET THE ANSWERS TO THE QUESTIONS THAT THE MAYOR BROUGHT UP AND ANY OTHER QUESTIONS THAT SURFACE TODAY AT THE COUNCIL AND GET THE COUNCIL TO MAKE THE HARD DECISION. I KNOW WE DON'T GET PAID BIG BUCKS. WE CAN SLUG IT OUT. I'M WORRIED ABOUT THE COST OF INACTION.

>> COUNCIL MEMBER CHIRCO.

>> I REALLY HAVE TO AGREE WITH THE MAYOR. I'D LIKE TO KNOW WHAT ARE THE BUILDING CODES AND ORDINANCES WOULD ALLOW. WITHIN THE STRUCTURE THAT IS CURRENTLY IN PLACE, BECAUSE I COULDN'T HELP BUT WONDER IF A GROUP GOT TOGETHER AND WANTED TO GROW IN A COOPERATIVE PLANTS RATHER THAN SOMEBODY'S BACKYARD. IN ONE OF OUR INDUSTRIAL AREAS, WHAT KIND OF PERMITS WOULD THAT REQUIRE? BECAUSE IT TAKES WATER. LIGHTS. IT TAKES ACCESS TO STRUCTURES AND QUALITY OF THE PRODUCT. I DON'T KNOW IF THE COUNTY, THEY USUALLY DO HEALTH AND SAFETY ISSUES, WHAT KIND OF MECHANISM DO THEY HAVE, SINCE IT IS SOMETHING ALLOWED UNDER CALIFORNIA LAW, IS THERE ANY KIND OF CONTROL ON WHAT IS BEING DISEMANATED? THEY ARE CERTIFIED AS BEING FREE OF TOXICS.

>> I'M NOT AWARE OF ANY OF THAT. RENEE. IN TERMS OF THE ZONING ISSUES, AND THE MAYOR ALLUDED TO A COUPLE EXAMPLES. THE SANTA CRUZ MODEL. IT'S IN AN AG ZONE. THAT WOULD SEEM TO BE PERMITTED WITH RESPECT TO A HOME THAT YOU, IF YOU ARE THE, IF YOU QUALIFY, YOU GROWING IT IN YOUR HOME OR OUTSIDE IN YOUR BACKYARD. THAT SEEMS TO FIT WITHIN THE, IT COMPORTS WITH CALIFORNIA LAW AND WOULDN'T BE A ZONING PROBLEM IN SAN JOSE. BUT THERE ARE A HOSTS OF EXAMS AND DEPENDS ON THE MODEL. WE CAN COME BACK AND GET THAT GUIDANCE. A LOT IS CASE BY CASE.

>> I THINK IT WOULD BENEFIT TO COUNCIL. DO WE NEED TO RECREATE THE WHEEL?

>> OTHER CITIES MAY HAVE IT AS WELL.

>> THANK YOU.

>> IF YOU'RE DONE?

>> COUNCIL MEMBER PYLE.

>> I AM ALSO CONCERNED ABOUT REGULATING THE CANNIBUS TO SEE IF THERE'S PESTICIDE OR CHEMICALS. WHO WOULD MONITOR THAT? EVEN IF IT WAS A COLLECTIVE THING? WOULD

IT NEED TO BE MONITORED? I'M NOT SURE. I ALSO WANT TO KNOW IF THERE ARE ANY NEIGHBORING CITIES THAT HAVE COME UP WITH SOME KIND OF PLAN?

>> OAKLAND AND SAN FRANCISCO. AND MANY OF THE OTHER CITIES HAVE ENACTED A MORATORIUM.

>> DOES SAN FRANCISCO OR OAKLAND HAVE A PERMIT FEE? IT IS IN THE \$10,000 RANGE?

>> I CAN'T SPEAK TO THAT EXACTLY. THEY HAVE ENACTED SOMETHING FOR THE COST TO THE CITY. KIND OF LIKE THE CARD ROOMS. IT PAYS FOR POLICE.

>> I WOULD LIKE TO BEGIN WITH A SOFTER APPROACH AS WELL. WHEN I LOOK AT THE NUMBER OF HOURS MULTIPLY THAT BY A FEE FOR EACH HOUR. AND IN LIGHT OF THE SITUATION THAT WE'RE IN NOW IN REFERENCE TO OUR BUDGET AND POTENTIAL INCOME. I'M REALLY CONCERNED. SO, I WOULD AGREE WITH WHAT THE MAYOR AND VICE MAYOR IN REFERENCE TO THAT

>> IN THE PURE WORK LOAD ASSESSMENT. I'M LOOKING AT 27 ASSIGNMENTS TO THE STAFF FOR ORDINANCES. AND POLICY WORK PLANS. AND IF THIS PARTICULAR ITEM NEEDS TO GO TO THE FRONT OF LIST, IT NEEDS TO BE FOR A VERY GOOD REASON. THERE ARE SOME REALLY IMPORTANT THINGS ON HERE THAT ARE IMPORTANT TO ME AND THE COUNCIL AS WELL. I'M TRYING TO WEIGH THE NECESSITY AS PART OF THE IMPORTANCE. I AM INTERESTED IN ENSURING PEOPLE WHO ARE PERMITTED UNDER THE LAW TO USE MEDICAL MARIJUANA. I THINK THEY CAN ALREADY DO IT IN SAN JOSE IN CERTAIN AREAS. IT'S NOT REALLY AN ISSUE OF COMPASSION. IT'S PURELY A WORK LOAD AND REVENUES. AND I'M NOT READY TO SAY THIS SHOULD GO TO NUMBER ONE ON THE LIST. THAT'S WHY I NEED TO FIND OUT WHAT THE EXISTING STATE OF THE LAW AND PERMITTING MIGHT BE AND MAYBE IT'S A DIFFERENT WORK LOAD ASSESSMENT. MAYBE IT'S NOT REZONING CHANGES. IF WE HAVE TO JUMP THE LIST THAT MANY COUNCILMEMBERS. THERE ARE A LOT OF PATRONS ON THE ITEMS OF THIS LIST. EVERY ONE IS IMPORTANT TO AT LEAST SOME OF US.

>> COUNCIL MEMBER CONSTANT.

>> WELL, I DON'T DISAGREE WITH WHAT YOU SAID. I THINK ONE OF THE THINGS WE HAVE TO KEEP IN MIND IS THE FISCAL IMPACT OF EACH DECISION. LIKE WE KNOW THAT THE SIGN CODE UPDATE IS GOING TO HAVE AN ECONOMIC IMPACT ON OUR CITY. I DON'T KNOW IF WE CAN NECESSARILY SAY THAT ABOUT LANDSCAPE ORDINANCE OR SOME OF THESE OTHER ONES, BUT WHAT I CAN TELL YOU IS BECAUSE OF THE AMBIGUITY OUT THERE AND THE APPEARANCE THAT WE'RE NOT NECESSARILY PROACTIVELY DEALING WITH THIS SITUATION. WE'RE CREATING CODE ENFORCEMENT ISSUES. WE HAVE MIKE CANNON AND HIS GROUP THAT DID A NUMBER OF COMPLIANCE ORDERS THAT ARE GOING TO TAKE HOURS. THEY ARE NOT DOING LIGHT ENFORCEMENT AND THINGS THAT HAVE AN IMPACT IN OUR NEIGHBORHOODS. THERE'S A COST OF INACTION. WE HAVE TO SEE HOW WE'RE SHIFTING OUR OTHER RESOURCES. LIGHTING ON PUBLIC POLICY. IT MAY BE IMPORTANT. WHAT'S THE FISCAL IMPACT? I CAN PRETTY MUCH ASSURE WE WILL FREE UP A HUNDRED HOURS OF MIKE A TIME IF WE GET CLARITY. IF WE DON'T KNOW WHERE WE'RE GOING. THERE'S NO WAY THE PEOPLE WHO ARE CONSIDERING DOING THIS AND, IT'S NOT JUST A FEAR THIS MAY HAPPEN. WE SEE IT HAPPENING. EVERY TIME WE HAVE TALKED ABOUT THIS, WE HAVE AN UPDATE OF THE NUMBER. JUST THE OTHER DAY. THERE WAS AN ARTICLE IN THE PAPER ABOUT LOS ANGELES'S INACTION. THAT'S MY BIGGEST CONCERN. TACKLE THE ISSUE. GET THE DECISION MADE. GET CLARITY. THE DECISION COULD BE THIS IS THE LAW, THIS IS WHERE IT IS. WE'RE NOT DOING ANYTHING ELSE. HERE IS A CLEAR STATEMENT THIS IS THE POLICY AND GO FORWARD. AT LEAST PEOPLE WOULD DO WHAT THEY CAN AND CAN'T DO. I THINK WE NEED TO TAKE A LOOK AND SEE THE FISCAL IMPACT AND NOT ONLY, I KNOW THAT LAUREL. YOUR STAFF TIME IS REALLY IMPORTANT. WE HAVE TO LOOK AT THE OTHER STAFF TIME. JUST COMPLIANCE ORDERS. MIKE, HOW MUCH TIME DOES IT TAKE TO BRING A COMPLIANCE ORDER TO THE APPEALS?

>> FROM THE POINT,

>> IT'S ON, JUST GET A LITTLE CLOSER.

>> FROM THE TIME WE RECEIVE THE COMPLAINT. DO THE INVESTIGATION. WE ARE TALKING ANYWHERE FROM 50 TO 150 HOURS OF STAFF TIME.

>> THAT'S ONE CASE. I JUST WANT TO MAKE SURE WE'RE CONSCIOUS OF THAT. I'M NOT TRYING TO PRESCRIBE WHICH WAY TO GO. WE JUST NEED TO GO.

>> OF COURSE, THERE'S NO GUARANTEE. IF WE PASS AN ORDINANCE. IT WILL HAVE IMPACT ON THE FOLKS THAT ARE ALREADY OPENING OR PLAN TO OPEN LEGALLY OR OTHERWISE. BECAUSE, THERE'S PROBABLY A DIFFERENCE OF OPINION AS TO WHETHER OR NOT SOMETHING IS LEGAL OR NOT UNDER STATE LAW. AND THAT WILL GET PLAYED OUT THROUGH THE CODE COMPLIANCE PROCESS. THIS ISSUE ISN'T GOING TO GO AWAY. MAYBE WE CAN MAKE IT A LITTLE LESS.

>> COUNCILMEMBER OLIVERIO.

>> I REALLY FEEL FOR THE GRAPPLING WITH THE RULES COMMITTEE. WE ASK OURSELVES TO DO SO MUCH AND WE ONLY HAVE SO MANY RESOURCES. WE DO IT EVERY DAY. BUDGETS THIS TIME. PERSONAL. ET CETERA. BUT THIS COUNCIL DECIDED THROUGH MONTHS AGO THAT WE THOUGHT BAIL BONDS OF THE NUMBER ONE THING. WE WEREN'T WORKING ON ANY LITIGATION THERE WHERE THE BAIL BONDS COMPANIES WERE GOING TO SUE US. THE NEIGHBORS WERE GOING TO SUE US. THE BAIL BONDS WERE NOT GOING TO BRING US REVENUE. IN THIS CASE. WE HAVE A SITUATION WHERE WE TACKLING THE QUESTION, WE ELIMINATE SOME POSSIBILITY OF LITIGATION. I THINK WE'RE TO THE POINT WE'RE GOING TO HAVE SOME BECAUSE WE HAVE PEOPLE OPENING AND WE HAVE REPEATED WHETHER IT'S ANAHEIM, GILROY OR LOS ANGELES. HOPEFULLY THEY DON'T COME WITH COURT FEES. TO COUNCIL MEMBER CONSTANT'S COMMENT. THE COST OF IMPACT IN TERMS OF INTERNAL HOURS. I WANT THE MAYOR TO THINK OUTSIDE OF THE BOX AND THINK WHAT WE CAN DO FOR PEOPLE. I THINK IT'S DIFFICULT WHEN YOU HAVE PEOPLE GROW IT IN THEIR HOME. THE PEOPLE THAT HAVE CANCER OR AIDS. MAYBE THEY DON'T HAVE IT ALL TOGETHER. THEY NEED TO BE ABLE TO GO SOMEWHERE TO SOMEONE THAT KNOWS WHAT THEY'RE DOING AND THEY CAN GET IT IN A SAFE, LEGAL MANNER. I THINK IT COULD BE PROBLEMATIC IF WE HAVE ALL OF A SUDDEN. PEOPLE GROWING, CULTIVATING ANYWHERE AND EVERYWHERE. PERHAPS, SOMEONE WANTS TO ROB THEIR MEDICINAL PARTNER. HOW DO WE ENFORCE THAT WITH THE POLICE? WE HAVE CHILDREN HAD THE ABILITY TO MANAGE IT IN OTHER CITIES. I THINK THAT'S THE QUESTION TO THE COUNCIL. WE HAVE 1300 PLACES TO BUY LIQUOR. 500 PLACES TO BUY CIGARETTES. WE CAN REGULATE 5 TO 10 DISPENSARIES.

>> WE NEED TO BE ABLE TO MAKE A DECISION WHEN TO DO THAT. I'M INTERESTED IN HEARING FROM THE CITY ATTORNEY AS TO HOW TO GO FORWARD. HOW DO WE GET FROM HERE TO AND COUNCIL DECISION ON SOMETHING?

>> WELL, PIGGYBACKING ON YOUR COMMENTS AND THE CONCERNS YOU RAISED. TELL US WHERE AND WHEN AND HOW PEOPLE CAN OPERATE THESE FACILITIES LEGALLY. WHAT REGULATIONS DO WE NEED TO PUT IN PLACE? THOSE ARE THE BASIC QUESTIONS. COMING BACK TO THE COUNCIL TO SORT OF GIVE THEM THAT GUIDANCE AND GET DIRECTION FROM COUNCIL, THIS IS WHAT WE NEED TO BE MAYBE IN ORDER. I THINK SOME TIME IN THE NEXT 60 DAYS, WE COULD GET BACK TO THE CITY COUNCIL WITH A FULL REVIEW AND GET THAT DIRECTION TO MOVE FORWARD.

>> ANY OTHER COMMENTS FROM THE COMMITTEE? I DO HAVE CARDS FROM THE PUBLIC. PEOPLE WANTING TO SPEAK TO THIS. WE WILL GET THIS IN. I THINK THERE ARE FOLKS IN THE OTHER ROOMS WHO MAY WANT TO SPEAK. I DON'T KNOW IF THE CARDS ARE ORGANIZED. I WILL LIMIT PUBLIC TESTIMONY TO ONE MINUTE. I WILL CALL NAMES AT ONCE. IF YOU'RE NOT IN THE ROOM, COME ON IN. AND THERE ARE PEOPLE WHO STILL WANT TO SPEAK. WE'LL BE HERE FOR A WHILE. SO I'M GOING TO CALL THE THREE NAMES AT A TIME. THAT WAY, PEOPLE HAVE A CHANCE TO GET HERE. IF THEY'RE NOT HERE. I WILL WAIT. BOB, MELISSA NOBLE. BETSY.

>> GOOD AFTERNOON MAYOR. I AM GOING TO MAKE TWO STATEMENTS. AS AN INDIVIDUAL. I AM ALL FOR MEDICAL MARIJUANA. I THINK WE NEED TO MOVE ON. AS A NEIGHBOR LEADER. WE MET LAST NIGHT IN DISTRICT SIX. YET ANOTHER PLACE OPENED UP. WHILE THEY HAVE A BUSINESS LICENSE. THEY ARE NOT IN BUSINESS WHAT THE LICENSE STATED AND MOVED WITHIN AN AREA THAT'S NOT ZONED CORRECTLY. AS A GROUP, WE'RE NOT NECESSARILY CONCERNED ABOUT THE MEDICAL MARIJUANA, IT'S HOW IT'S REGULATED AND WHERE IT IS AND HOW DO WE ENFORCE THE RULES? HOW ABOUT THAT FOR LESS THAN A MINUTE.

>> GREAT. WAY TO SET A STANDARD

>> MELISSA, AND BETSY AND PAT

>> I AM MELISSA NOBLE. I AM A CITIZEN OF SAN JOSE. I WANTED TO SAY ONE THE THINGS THAT'S IMPORTANT, YOU REALIZE CODE ENFORCEMENT LETTERS HAVE GONE OUT. THEY HAVE I BELIEVE 30-DAYS TO RESPOND TO MAKE SURE THAT SOMETHING HAPPENS SO THEY CAN HAVE SOME SORT OF A TEMPORARY LICENSE TO GO ON. I BELIEVE WE SET A PRECEDENCE WITH HOMELESS SHELTERS WHERE YOU LET CHURCHES OPERATE UNTIL YOU GOT THE SITUATION SORTED OUT. I DO BELIEVE, UNLIKE SOME OF THE SIGN THINGS. THERE ARE REAL PEOPLE. IF THEY DON'T HAVE ACCESS CAN BE SIGNIFICANTLY BE HARMED. I HAVE A VERY DEAR FRIEND WITH COLON CANCER AND THE ONLY WAY TO GET PAIN AWAY IS THROUGH MORPHINE AND MEDICAL MARIJUANA. THERE ARE PEOPLE WHO HURT AND SUFFER IF THIS ISN'T DEALT WITH. I DON'T THINK SIGNING OR LIGHTING ORDINANCES DEAL WITH. I WOULD URGE YOU TO GO SOMETHING.

>> SORRY, YOUR TIME IS UP.

>> I'M SORRY. THANK YOU VERY MUCH FOR YOUR TIME. BETSY, PAT AND HECTOR GONZALEZ.

>> I AM BETSY, I HAVE BEEN BORN AND RAISED IN SAN JOSE. I HAVE TWO DAUGHTERS, 17 AND 20 YEARS OLD. I HAVE OWNED AND OPERATED SEVERAL BUSINESSES IN SAN JOSE. I HAVE EMPLOYED HUNDRED SAYS OVER THE YEAR. I AM THE DIRECTOR OF METALEAVE. NOT FOR PROFIT CORPORATION SET UP AS A CLOSED LOOP COLLECTIVE UNDER THE STATE OF CALIFORNIA LAWS. I URGE AN ORDINANCE TO BE WRITTEN TO CONTROL, REGULATE AND TAX MEDICAL MARIJUANA DISPENSARIES. I WROTE AN ORDINANCE. I WORKED WITH THE GILROY POLICE DEPARTMENT.

>> SORRY, YOUR TIME IS UP. PLEASE SUBMIT THE ORDINANCE.

>> ONE LAST THING.

>> NO. YOUR TIME IS UP.

>> YOUR TIME IS UP SIR.

>> PAT NUPE. HECTOR GONZALEZ.

>> I JUST WANT TO THANK YOU FOR LOOKING AT THIS WITH AN OPEN MIND. I HOPE YOU CAN PASSES THIS OUT AND GET A SAFE ORDINANCE.

>> HECTOR GONZALEZ. DAN CARMEL.

>> THANK YOU AGAIN FOR TAKING UP THIS ISSUE. I THINK IT'S AN IMPORTANT CONVERSATION. I WILL MAKE MY COMMENT RELATIVELY QUICK. 2 OR 3 TIMES WITHIN THE CONVERSATIONS THAT'S HAPPENED TODAY, I HAVE HEARD. LET'S NOT REINVENT THE WHEEL. LET'S LOOK AT OTHER CITIES. I WOULD TO REINVITE YOU FOR AN EVENT ON FEBRUARY 8TH. LARRY KESSLER WILL BE COMING DOWN TO TALK ABOUT THIS. TO LET YOU ALL ASK THE QUESTIONS THAT YOU MIGHT HAVE ON YOUR MIND. LIKE HOW DOES A CITY LIKE SAN FRANCISCO REGULATE ANYTHING FROM WHERE THEY GO, WHERE A COOPERATIVE OR COLLECTIVE OR DISPENSARY CAN BE. TO TESTING THE MEDICINE. I THINK IT'S A GOOD FORUM.

>> DAN CARMEL, AND LARGE.

>> I AM DAN AND I OPERATE A COOPERATIVE CALLED THE 40 A COMPASSION CENTER. AS LONG AS WE DON'T INCORPORATE. IT'S AN IMPORTANT REASON TO ACCOUNT. I COMMEND COUNCIL MEMBER CONSTANT FOR THAT COMMENT BECAUSE THE LONGER THE GROUP IS SILENT, THE LONGER THE CITY IS SILENT. YOU APPROACH A TOUGHER PROBLEM TO FIX LATER AT A HIGHER COST. THE THIRD IS ABOUT BENEFIT TO CITIZENS. I URGE YOU TO CONSIDER WHAT YOU HEAR FROM PATIENTS AND PAIN RELIEVE VERSUS YOUR OR PRIORITYS AND REALIZE YOUR CHANCE TO RECEIVE FROM TAXES, FEES AND OTHER MECHANISMS.

>> ANDY, LAUREL AND RITA. TUAKER.

>> HELLO, I AM LAUREN VASQEZ. I AM ACEA. I WANT TO OFFER MY HELP AND SUPPORT TO THE CITY AS THEY WORK ON THIS ISSUE. I HAVE ANSWERS TO MANY OF THE QUESTIONS POSED TOGETHER. SPECIFICALLY, COLLECTIVES ARE NOT DISPENSARIES. DISPENSARIES ARE LAND USE AND REGULATED BY THE CITY. WE CAN GO WITHOUT REWRITING THE ZONING CODE. WE CAN ALLOW THE DISPENSARYS TO OPERATE IT RETAIL ZONES. WE PREFER IF THERE'S A LICENSING SCHEME IT COMES FROM THE PLANNING DEPARTMENT AND NOT THE POLICE DEPARTMENT. THEY CAN CREATE A LICENSING SCHEME THAT SETS UP CULTIVATION LICENSING TO REGULATE. PLEASE CONTACT ME. I WILL BE IN TOUCH AGAIN.

>> ANDY, RITA, KIM QUEUE.  
>> HELLO, I APPRECIATE YOUR TIME. I AM ANDY, OPERATORS OF FARMERS HEALTH CENTER IN SAN JOSE. THE BOTTOM LINE IS, THIS IS A PATIENT'S RIGHTS AND PRIVACY ISSUE. WE CAN GENERATE LOTS TAX REVENUE. WITH THE WHAM CASE IN ANAHEIM. WE CAN USE OUR TAX DOLLARS FOR POLICE, STREETS AND SCHOOLS. AS WELL AS CREATE JOBS. MY OPERATION IS IN AN AG ZONE. WE HAVE RECEIVED A LETTER. I WOULD APPRECIATE ANY OPPORTUNITY THE COUNCIL CAN MOVE ON TO PUT A REGULATION IN PLACE TO CONTINUE SERVING THE PATIENTS SAN JOSE. I LOVE SAN JOSE. ME AND MY PARTNERS WERE BORN IN SAN JOSE. WE LOOK FORWARD TO SETTING THE STANDARD.  
>> RITA, MICHELE HOVEY. KIM CUE.  
>> JAY SWARTZ. ROGER JACKWITZ. FOLKS ARE COMING FROM NEXT DOOR. IT WILL TAKE A MINUTE.  
>> JUST GIVE US YOUR NAME  
>> MY NAME IS KIM CUE. AND I WANT TO THANK THE CITY FOR DOING AN AWESOME JOB WITH BEING OPEN MINDED TO THIS SUBJECT. I UNDERSTAND IT CAN BE A LITTLE CUMBERSOME FOR SOME OF YOU TO UNDERSTAND THE SITUATION. THE BOTTOM LINE IS THE CITY NEEDS TO FOLLOW THE LAW. THE LAW IS SB420. IT WAS IMPLEMENTED FOUR YEARS AGO THAT SAID EVERY CITY AND COUNTY MUST PROVIDE SAFE ACCESS FOR THE PATIENTS. I THANK SAN JOSE FOR BEING OPEN AND HOPE THERE ARE ORDINANCES IMPLEMENTED. I WOULD LIKE TO BRING TO YOUR ATTENTION. THE MCSC. THE MEDICAL CANNIBUS SAFETY COMMISSION. I WILL GO AHEAD AND LEAVE THIS. I ONLY HAVE ONE. IT STANDARDIZES QUALITY FOR MEDICAL CANNIBUS PATIENTS.  
>> SORRY, YOUR TIME IS UP.  
>> OKAY. THANK YOU VERY MUCH.  
>> RITA JAY. ROGER, STEVE DEANGELO.  
>> I AM STEVE. I WOULD LIKE TO SAY, I UNDERSTAND THAT WE NEED TO CHARGE FEES TO GET THIS UP AND RUNNING SO THE CANNI BUS CAN GET UP AND RUNNING. TO CHARGE \$10,000 IS SWEETING IT UNDER THE RUG AND PUSHING US OFF TO THE INDUSTRY AREAS MAKES US FEEL LIKE CRIMINALS. WE WANT TO BE NEAR THE LIQUOR STORES. I DON'T GET TO DECIDE WHERE THE CHURCHES ARE IN MY NEIGHBORHOOD. WHY SHOULD THEY DECIDE WHERE I BUY MY CAN BUS.  
>> THANK YOU. I AM MICHELE. I AM ON THE BOARD OF SUPERVISORS OF HOLISTIC OF SAN JOSE. I TEACH YOGA AND HAVE A TESTIMONIAL. I THINK IT SPEAKS FOR THOUSANDS OF CITIZENS OF SAN JOSE. I AM A 57-YEAR OLD. WITHOUT MEDICAL MARIJUANA. I DON'T THINK I WOULD BE ALIVE TODAY. IT HELPS ME WITH APPETITE. DEPRESSION. PAIN, INSOMNIA AND OVERALL SENSE OF WELL BEING. I SUPPORT THE CITY OF SAN JOSE. COMING UP WITH AN ORDINANCE AND PROVIDING ITS CITIZENS SAFE ACCESS TO MEDICAL MARIJUANA. THANK YOU.  
>> RITA TUAKER. ROGER, STEVE DEANGELO. ANTHONY  
>> I AM DOCTOR RITA, I STRONGLY RECOMMEND THE SAFE AND EASY ACCESS TO THIS MEDICINE OF CHOICE FOR, ESPECIALLY THE DISABLED AND OLD AND SICK PATIENTS. MY MOM WAS A PATIENT WITH CHRONIC PAIN. WITH RHEUMATOID ARTHRITIS. SHE DID NOT RESPOND TO TRADITIONAL MEDICATION AND HAD RENAL FAILURE. I STRONGLY RECOMMEND THE SAFE ACCESS TO THIS MEDICATION. THANK YOU.  
>> GOOD AFTERNOON. MY NAME IS ROGER JACK WITZ. I WOULD LIKE THE COUNCIL TO CONSIDER. WHICH MAY BE HELPFUL TO LOOK INTO WHAT THE STATE OF NEW JERSEY DID LAST WEEK. NOT ONLY DID THEY APPROVE MEDICAL MARIJUANA. BUT MANDATES THE STATE PUTS IN INSPECTORS TO IMPOSE ON THE PATIENTS. THE SECOND THING IS LOCATION. MY LOCATION IS IN A MEDICAL PROFESSIONAL CENTER. NOT UNLIKE WHERE YOU WOULD GO FOR YOUR MEDICINES FROM KAISER. I ATTEND TO PUT IT IN THE LEGITIMATE CATEGORY AND THE LAST THING I'D LIKE TO SAY. THE STATE OF CALIFORNIA AS WELL AS 13 STATES. NOW SAY. MEDICAL MARIJUANA IS MEDICINE. IT'S NO LONGER A VICE.  
>> STEVE DEANGELO. ROBERT HALLMAN. JAMES ANTHONY.  
>> HI, STEVE DEANGELO. DIRECTOR OF HARBOR SIDE. ALL OF OUR GRAM OF MEDICINE IS TESTED AND HAS BEEN SINCE THE DAY WE OPENED AND ALSO WILL BE. IN ADDITION. WE HAVE BROUGHT 27, A LIVING WAGE JOBS SO SAN JOSE. ALL OF OUR EMPLOYEES GET

MEDICAL AND DENTAL BENEFITS AND PAID VACATIONS AND PROVIDE 20 HOURS OF FREE HEALTHCARE TO OUR PATIENTS. THREE OF CHARGE. TEN HOURS OF ACPUNCTURE AND PROVIDE FREE -- WHY SORRY, YOUR TIME IS UP.

>> THANK YOU.

>> GOOD AFTERNOON. MY NAME IS JAMES ANTHONY. IT'S NICE TO SEE YOU AGAIN. I'M A FORMER LAND USE PROSECUTOR FROM OAKLAND. I HAVE DEDICATED MY LIFE TO MEDICAL CANNBUS. I HAVE A LAW OFFICE AND CONSULTING FIRM THAT WORKS ACROSS THIS NATION ON REGULATORY ISSUES. I AM HAPPY TO WORK WITH STAFF AND CITY ATTORNEY'S OFFICE TO LIGHTEN THEIR WORK LOAD. I HAVE IN A CONCISE. FASHION. A LOT OF RESEARCH OF THE ORDINANCES IN CALIFORNIA. I WOULD POINT OUT. THE CITY ATTORNEY'S POSITION CAN BE FLUSHED OUT WITH CASE LAW AND SOME OF THE CASES BEING LITIGATED. THE CLEAR POSITION. THE SALES OF MEDICAL CANNIBUS IS LEGAL NOT STATE OF CALIFORNIA. THANK YOU

>> ROGER. LISA. ROBERT MEZZETI.

>> I AM ROBERT HALLMAN. I AM A VENDOR TO SEVERAL THE DISPENSARIES IN THE AREA. I HAVE A LICENSED KITCHEN I WORK OUT OF. I BAKE COOKIES AND BROWNIES AND SERVICE, SELL MY TINCTURE TO CANCER PATIENTS. I LOOK FORWARD TO HELPING THE COMMUNITY TO PUT MY TAX MONEY BACK INTO THE COMMUNITY AND I WANT PATIENTS TO HAVE SAFE ACCESS.

>> ROBERT, LISA. VAN,

>> HI, I AM MAURNIE.

>> I HAVE BEEN A RESIDENT OF SAN JOSE FOR MOST OF MY LIFE. I LOVE THIS CITY AND I'M A PARENT AND I'M A PATIENT. AS A PARENT. I AM CONCERNED THERE IS NO REGULATION IN SAN JOSE. PATIENTS GET CEASE AND ASSIST. PATIENTS ARE GOING TO HAVE TO GO TO THE STREETS. AND THEY ARE WAITING. I AM CONCERNED ABOUT THE SAFETY OF MY FAMILY IN MY COMMUNITY. PATIENTS NEED TO HAVE SAFE AND SECURE ACCESS. THANK YOU VERY MUCH FOR YOUR BRILLIANCE. I URGE TO YOU PLEASE ENOUGH THIS FORWARD. THANK YOU

>> LISA MOLLEY WANKS. VAN HOVEY.

>> LAURIE. ANY TAKERS? LISA ROBERTS.

>> ROBERT MEZZETI. I WOULD LIKE TO SPEAK IN FAVOR OF THIS STUDY. I THINK IT'S AN IMPORTANT REVENUE SOURCE FOR THE CITY. OTHER JURISDICTIONS HAVE DONE THIS. THEY ARE RAKING IN MILLIONS AND MILLIONS OF DOLLARS. IF SOMETHING ISN'T DONE HERE. IN ADDITION TO THE PROBLEM THAT COUNCIL MEMBER CONSTANT POINTED OUT. THAT IS IT'S GOING TO COST A LOT OF MONEY TO SHUT THESE CLUBS DOWN. YOU'RE GOING TO MISS OUT ON MILLIONS IN REVENUES. THE CLUBS SHOULD BE REGULATED. INSPECTED. BACKGROUND CHECKS AND ANY CLUB THAT IS NOT IN COMPLIANCE SHOULD BE HEAVILY FINED OR SHUT DOWN. IT'S A VERY IMPORTANT ISSUE FOR MEDICAL NECESSITY. THIS JURISDICTION. I WOULD SUPPORT THE PROPOSAL.

>> LISA MOLLEY WANKS

>> LAURIE, LISA ROBERTS.

>> MATT LECERO.

>> I AM VAN, WE ARE A PRIVATE COLLECTIVE AGENCY IN SAN JOSE. ONE OF OUR LARGEST DEMOGRAPHICS IS YOUNG MEN. IT'S JUST REALLY KIND OF A SAD SITUATION OUT THERE FOR THESE YOUNG MEN. THERE'S NO SOCIAL SERVICES FOR THEM. WE WANT TO OFFER MEN'S CLASSES. YOGA CLASSES. MEDITATION CLASSSS AND SO FORTH. WE CAN'T PROGRESS WITH OUR BUSINESS BECAUSE OF THE UNCERTAINTIES WITH THE ZONING AND SO FORTH. WE ARE BEING PRESSURED TO CLOSE DOWN BECAUSE OF OUR LANDLORD. WE WILL CLOSE DOWN. THERE WILL BE NO SERVICES IN NORTH SAN JOSE. THAT WOULD BE A SHAME.

>> WHOEVER IS NEXT. COME ON UP.

>> I AM LISA ROBERTS. BY MY COUNT. EVERYONE HAS ASKED FOR AN ORDINANCE. EVERYONE WANTS AN ORDINANCE. IT'S CLEAR THIS COUNCIL DOESN'T HAVE TIME. YOU ENACT A MORATORIUM. I UNDERSTAND EARLIER IT WASN'T ENACTED BECAUSE THERE WAS UNCERTAINTY IF CANNIBUS IS ILLEGAL IN SAN JOSE. THE ONLY WAY TO COME UP WITH A FAIR ORDINANCE TO MAKE SURE TO TAKE INTO ACCOUNT THE INTEREST OF ALL THE COMMUNITY. THE PEOPLE WHO NEED CANNIBUS AND THE PEOPLE THAT LIVE IN THE

COMMUNITY. WANT THEIR CHILDREN PROTECTED. THE DISPENSARIES IS TO HAVE MORATORIUM TO BUY YOURSELF TIME AND THEN PREPARE A VERY SENSIBLY DRAFTED ORDINANCE.

>> LISA. MATT, LAURIE CLARK.

>> GOOD AFTERNOON. I AM LAURIE MATTHEWS. I THINK THIS NEEDS TO MOVE FORWARD TO THE COMMITTEE AS SOON AS POSSIBLE. I'M NOT SURE HOW MUCH MONEY IS GOING TO BE BROUGHT IN BY THE LIGHTS OR SIGN ORDINANCES. THIS CAN DEFINITELY BRING A LOT OF MONEY IN THE CITY. I AM A CITIZEN AND A PATIENT. I WOULD LIKE TO HAVE SAFE ACCESS TO THE MEDICINE. I WOULD ALSO LIKE TO OPEN A DISPENSARY. I WOULD LIKE TO BE A PILLAR TO MY COMMUNITY AND OFFER THINGS THAT ARE NOT MEDICINE, PER SE. BUT THINGS LIKE YOGA CLASSES. MEDITATION GROUPS STUFF LIKE THAT SO THAT THE MEMBERS OF MY COMMUNITY CAN NOT ONLY HAVE SAFE ACCESS TO THEIR MEDICATION BUT A PLACE TO MEET TO BE ABLE TO BE HEALTHY. SO THANK YOU FOR LISTENING.

>> MATT LUCERO.

>> GOOD AFTERNOON. I AM MATT LUCERO. I AM A LONG TIME CORPORATE ATTORNEY. YOU GUYS DO HAVE CHOICES. BUT THERE'S ONLY ONE GOOD ONE. CONTINUE TO DO NOTHING.

>> JUST A LITTLE CLOSER TO THE MICROPHONE.

>> THE COST OF INACTION. I WILL HAVE THE CONTINUING PROLIFERATION IN UNWANTED AREAS. YOU COULD BAN IT. IF YOU DO THAT FOLKS. YOU'RE GOING TO BE IN THE COURT. WITH PATIENTS BEING DEPRIVED OF THEIR CIVIL RIGHTS AND ACEA WHO SUPPORT THOSE GUYS. EVERYTHING YOU SHOULD DO AND MUST DO. COME OUT WITH A COMPREHENSIVE REGULATIONS. ONE FINAL POINT. THE POINT ABOUT FEDERAL LAW. THAT'S A RED HERRING. YOU WANT TO UPHOLD THIS STATE'S --

>> SORRY YOUR TIME IS UP. THIS IS THE UNITED STATES OF AMERICA. IT'S ONE OF THE RULES.

>> JOHN, LARRY CLARK. KEVIN DELONG.

>> I AM LAURIE CLARK. I'M REPRESENTING THE ALAMEDA BUSINESS ASSOCIATION. YOUNG YOU'VE GOT A FAIR REPRESENTATION OF PEOPLE SPEAKING HERE. THE PEOPLE I REPRESENT ARE THE PEOPLE AT THEIR JOBS AND DON'T HAVE TIME TO COME DOWN HERE. FOR OUR PART AND LAST WEEK PASSED A RESOLUTION THAT THE COUNCIL IS A TEMPORARY MORATORIUM. THE DEFAULT IS THAT NO NEW AND NO EXISTING CANNIBUS DISPENSARIES EXIST UNTIL YOU GET A CLEAR PLAN. THAT'S THE ONLY RATIONAL CHOICE. THAT'S OUR POSITION, THANK YOU.

>> JOHN AND KEVIN DELONG. IF I'D CALLED YOUR NAME.

>> A LITTLE CLOSER TO THE MICROPHONE.

>> THE SOLE OBJECTION I HAVE HEARD IS THERE'S NO TIME TO REGULATE. I REALLY THE POLITICIANS, FOR EXAMPLE THE BUDGET. I SEE AS HAS HAPPENED IN MANY COMMUNITIES HAS COST THE CITY MILLIONS OF DOLLARS. IT SEEMS IRRESPONSIBLE TO RISK TAKING MONEY OUT OF OUR SCHOOLS AND POLICE DEPARTMENTS. WE SPOKE IN 1996 AND IT'S CLEAR. SAFE ACCESS IS NEEDED.

>> THANK YOU.

>> KEVIN DELONG.

>> MY NAME IS DELONG. I AM REPRESENTING THE LOCAL MARIJUANA DISTRIBUTORS. THE PROBLEM IS NO CLEAR RULES REGARDING WHERE OR WHERE NOT MEDICAL MARIJUANA CAN BE SOLD. WE HAVE WELL-INTENDED BUSINESSES OPENING UP WITH THE REAL POSSIBILITY THEY COULD BE CLOSED DOWN AND FORCED OUT OF BUSINESS. THIS WILL CAUSE LAY OFFS. REVENUE LOST FOR THE CITY NOT TO MENTION ALL THE SPIN OFFS. THE SHIRT I'M WEARING WAS PRINTED BY A LOCAL GUY IN SAN JOSE. THESE ARE THE KINDS OF THINGS TO DO TO HELP OUT. THERE'S ALL THE HUMAN FACTOR. I WORKED FOR 30 YEARS BUILDING SILICONE VALLEY. RUNNING BULLDOZERS GETTING BEAT UP.

>> SORRY, YOUR TIME IS UP.

>> THAT CONCLUDES PUBLIC TESTIMONY.

>> OKAY. IF THERE ARE PEOPLE WHO WANTED SPEAK AND DIDN'T GET A CHANCE. WE'RE COVERED. LET'S BRING IT BACK FOR CONTINUED COUNCIL DISCUSSION AND FIGURE OUT WHAT WE'RE GOING TO DO NEXT.

>> MR. MAYOR. THERE IS A LOT OF CONFUSION ON THIS. THERE IS A NUMBER OF SPEAKERS THAT TALKED ABOUT CASES. THE FIRST QUESTION, WE NEED TO DISTINGUISH BETWEEN DISPENSARIES AND COLLECTIVES. THEY ARE NOT ALLOWED UNDER STATE OR LOCAL LAW. SO TO THE EXTENT IT'S ILLEGAL USE. IT'S NOT ALLOWED IN SAN JOSE. THERE'S NO NEED FOR A MORATORIUM WITH RESPECT TO ANY DISPENSARIES. WHEN YOU TALK ABOUT COLLECTIVE AND COOPERATIVES. YOU FOLLOW THE LAW AND MEET THE LEGAL REQUIREMENTS, AND MAYOR, YOU USE THE EXAMPLE THE SANTA CRUZ AND A HOME SITUATION. THOSE WOULD BE ALLOWED. PERHAPS THE LEGAL QUESTION IS; WOULD COUNCIL WANT TO IMPOSE A MORATORIUM ON COLLECTIVES AND COOPERATIVES. I THINK TO THE EXTENT YOU HAVE ASKED FOR FURTHER GUIDANCE. WE CAN AMPLIFY AND FIGURE OUT WHERE IT IS PERMISSIBLE. OPEN SPACE. I THINK RESIDENTIAL TO SOME LIMITED EXTENT. THOSE ARE THE TYPES OF THINGS WE CAN GIVE THE COUNCIL FURTHER GUIDANCE AND FIGURE OUT WHERE YOU WANT TO GO FROM THERE. THAT'S A SUGGESTION. IT'S REALLY UP TO THE COME TO DETERMINE WHERE WE WANT TO GO.

>> THE FIRST QUESTION IS HOW LONG WILL IT TAKE TO GET THE QUESTIONS, YOU HAVE HEARD A LOT OF QUESTIONS. HOW LONG WILL IT TAKE TO ANSWER THOSE QUESTIONS FOR THE COUNCIL? MULTIPLY FOUR OF US. THERE WILL BE 11 OF US. WE WILL HAVE A LOT MORE QUESTIONS TO COVER. AND YOU NEED TO BE IN A POSITION WHERE YOU CAN ANSWER THE QUESTIONS OR ELSE WE HAVE A COUNCIL HEARING AND CAN'T MAKE A DECISION BECAUSE THERE'S SO MANY UNANSWERED QUESTIONS. HOW LONG WOULD IT TAKE TO BE PREPARED?

>> LET ME ASK THE PEOPLE THAT ARE GOING TO BE DOING THE WORK.

>> 30 DAYS?

>> I WOULDN'T. I HAVE A FULL PLATE.

>> IT'S GOING TO TAKE A WHILE. I HAVE A BACKLOG OF ITEMS THAT I AM SUPPOSED TO BE DOING AND WITH THE POLICE DEPARTMENT.

>> CARL REPRESENTS THE POLICE DEPARTMENT TO THE EXCEPT WE'RE TALKING ABOUT REGULATIONS THAT MAY COVER POLICE ISSUES. I THINK THAT WOULD BE HIS. RENEE. I HATE TO PUT YOU ON THE SPOT.

>> NO. YOU'RE NOT PUTTING ME ON THE SPOT.

>> LAUREL AND I HAVE BEEN DISCUSSING IT. WE HAVE A HANDLE TO THE EXTENT WE TREAT A MARIJUANA PLANT GROWN FOR MEDICAL PURPOSES, THE WAY WE TREAT A TOMATO BECAUSE THAT'S HOW OUR ZONING CODE IS STRUCTURED. WE DON'T CALL OUT A MARIJUANA PLANT SEPARATE FROM ANYTHING ELSE YOU MIGHT WANT TO GROW. WE HAVE A GOOD HANDLE ON WHERE THOSE ARE LOCATED. THAT SAID, WHAT IS MISSING AT THE MOMENT IS UNIQUE SECURITY ISSUES THAT WERE ALLUDED TO. WHETHER IT BE CONCERNED THAT IF PEOPLE ARE GROWING THEM IN THEIR POTS IN THEIR HOUSE OR BACKYARD, SOMEONE BECOMES AWARE OF THAT AND THEY COULD BE SUBJECT TO A CRIME. THOSE AREN'T COVERED IN THE ZONING CODE ANYMORE FROM SOMEONE STEALING YOUR TOMATOES OR BASIL. WE HAVE A GOOD IDEA AS FAR AS GROWING A PLANT. I'M NOT SURE THAT ADDRESSES SOME OF THE CONCERNS THE COUNCIL IS GOING TO HAVE.

>> ON THE LAND USE. YOU CAN GET BACK QUICKLY. ON THE POLICE ISSUES, WE'RE GOING TO HAVE TO WORK WITH THE DEPARTMENT AND IT MIGHT TAKE MORE TIME. IF YOU WERE LOOKING AT LICENSING, ADDRESSING SECURITY. QUALITY CONTROL ISSUES AND ANYTHING ELSE, THOSE ARE THE TYPES OF THING THAT MAY TAKE A LITTLE MORE TIME. BUT I THINK THE PRIMARY QUESTION IS THE LAND USE. UP TO THIS POINT. WE CAN GET TO YOU IN FAIRLY SHORT ORDER.

>> WELL 30 DAYS MEANS TWO WEEKS. UNDER OUR SUNSHINE RULES, YOU NEED IT TWO WEEKS BEFORE. THAT'S A SHORT TIME FOR THE STAFF.

>> I MEANT 30 DAYS TO GO THE WORK.

>> SET THE COUNCIL MEETING AFTER THAT.

>> OTHER QUESTIONS OR COMMENTS? CITY MANAGER.

>> I WOULD LIKE TO ADD TO QUESTIONS. REVENUE POTENTIAL. RIC, I THINK REVENUE POTENTIAL WITHOUT GOING TO THE VOTERS AS IN DISCRETIONARY FUNDS SPENT ON OTHER THINGS. VERSUS COST RECOVERY FOR PURPOSES OF REGULATION.

>> I THINK THE GENERAL IN TERMS OF COST RECOVERY, THE ADMINISTRATION OF ANY KIND OF LICENSING SCHEME OR PROGRAM IN TERMS OF TAXES. YOU HAVE A BUSINESS TAX IN PLACE NOW. TO THE EXTENT YOU'RE SEEKING SOMETHING MORE. YOU HAVE TO GO TO THE VOTERS.

>> WHAT I'M TRYING TO GET TO. ENOUGH INFORMATION SO COUNCIL CAN MAKE A DECISION WHETHER OR NOT THIS IS MORE IMPORTANT THAN A LOT OF OTHER THINGS ON THE WORK LOAD FOR THE STAFF. I PERSONALLY WOULD NOT HAVE THIS DONE AHEAD OF SIGN CODE MAJOR UPDATE. WE'RE HALFWAY THROUGH IT. I DON'T THINK WE SHOULD PULL STAFF OFF THAT. I KNOW PEOPLE HAVE DIFFERENCES OF OPINIONS ABOUT THIS LIST. COUNCIL HAS TO MAKE THE DECISION AS TO WHAT STAFF WORKS ON. WE NEED ENOUGH INFORMATION SO THE STAFF IS COMFORTABLE SAYING THIS IS IMPORTANT OR NOT.

>> JUST SO YOU KNOW. THE SIGN CODE UPDATE. WE'RE SAYING STAFF. IT'S ONE PERSON IN PLANNING AND ONE PERSON IN THE ATTORNEY'S OFFICE AND YOU'RE TALKING ABOUT THE EXACT SAME PEOPLE. IT'S LITERALLY THE EXACT TWO PERSONS WORKING ON THE EFFORTS.

>> THAT'S WHY IT HAS TO BE MADE. WE KNOW THERE'S PLENTY OF WORK TO GO AROUND. GETTING ENOUGH INFORMATION SO THE COUNCIL CAN MAKE A DECISION AND HAVE A HEARING AND DON'T HAVE ENOUGH INFORMATION. HOW LONG WILL IT TAKE TO GET THAT INFORMATION IN A FORM TO PUT IN FRONT OF THE COUNCIL? JUST SOME OF THE BASIC INFORMATION.

>> I THINK IF YOU SET 60 DAYS. WE COULD GET THAT DIRECTION.

>> I AGREE WITH WHAT RICK JUST SAID. I'M NOT SURE WHERE I FALL ON THE DECISION. OTHER THAN WITH THE PERSON THAT CALLED ME BRILLIANT.

>> WHAT WAS THEIR NAME? LET ME CHECK.

>> I DON'T THINK WE NEED TO DO INDEPTH ANALYSIS. I KNOW TIME IS CRITICAL. I DO THINK WE NEED TO TAKE A LOOK AT THAT ECONOMICS COMPONENT. IT'S REALLY AN IMPORTANT QUESTION THE COUNCIL HAS TO ASK ITSELF ON THE INITIAL 12 AND FOLLOWING 27 ISSUES TO GIVE IT APPROPRIATE PRIORITY

>> VICE MAYOR.

>> I DON'T KNOW HOW YOU PHRASE THIS, WHILE THIS IS AN IMPORTANT ISSUE TO THOSE INVOLVED, THESE ARE ALL IMPORTANT ISSUES TO THOSE THAT ARE INVOLVED. AND I KNOW SOME OF THESE HAVE BEEN WAITING FOR YEARS. AND MY PRIORITIES ARE ALWAYS FIRST. NOW I THINK WE NEED TO REMEMBER, THESE ARE ALL IMPORTANT TO SOMEONE AS IS THIS ISSUE. SO, I LOOK FORWARD TO WHAT COMES BACK TO COUNCIL. SO WE CAN HAVE THAT THOUGHTFUL DISCUSSION. WHOEVER WE SAY YES TO, THAT MEANS WE SAY NO TO SOMEBODY. COUNCIL MEMBER PYLE.

>> I DON'T MEAN TO BE THE WET BLANKET OF THE GROUP. ALL OF THESE ARE IMPORTANT. COMING UP WITH A BUDGET IS VERY IMPORTANT. THAT'S GOING TO COMPOUND THE WORK LOAD. I REALLY APPRECIATE HOW MUCH THAT'S GOING TO TAKE FROM ALL OF OUR EMPLOYEES.

>> MR. MAYOR.

>> I WOULD LIKE TO MAKE A MOTION THAT STAFF DO THE FOLLOW WE DISCUSSED. AND THAT WE BRING THIS TO COUNCIL ON TUESDAY, MARCH 30TH. WHICH PRETTY MUCH GIVES ALMOST 60, YEAH, ALMOST 60 DAYS. RIGHT AROUND THERE. HOPEFULLY, THAT WILL ACCOMMODATE THE TIME, PLUS THE SUNSHINE TIME TO HAVE A TARGET DATE TO MOVE FORWARD.

>> I THINK THAT'S WORKABLE.

>> SECOND.

>> ALL RIGHT. WE HAVE A SECOND. FOR COUNCIL DATE OF MARCH 30. WE MAY HAVE TO REVISIT THAT. BUT THAT'S THE WAY WE'LL TRY TO DIRECT WORK. THAT MEANS MEMOS GET OUT MIDDLE OF MARCH

>> CITY MANAGER.

>> MR. MAYOR. WHAT I HEARD IS THAT WE'RE GOING TO ASK THE BASIC NARROW QUESTION THAT YOU POSED. WHAT CAN WE DO IN SAN JOSE UNDER STATE LAW? THIS MIGHT BE ADDITIONAL VARIATIONS. IT'S BASED ON WHAT'S BEEN ASKED AND I ALSO THINK IT WOULD BE IMPORTANT TO BE A LITTLE CLEARER ON OUR LIST, LAUREL OF THE ORDINANCE AND WORK

POLICY PLAN. SOME OF THESE HAVE BEEN ON THE LIST. ENOUGH INFORMATION TO UNDERSTAND WHY THESE ARE ON THE LIST. I WOULD EXPECT IT MIGHT LEAD TO MORE QUESTIONS. THAT'S THE INITIAL FOCUS. I JUST WANT TO MAKE SURE WE'RE CLEAR.

>> IT'S PRETTY CLEAR TO ME. SOME OF THE ACTIVITIES PEOPLE ARE DOING ARE ILLEGAL UNDER STATE LAW. IF THEY'RE NOT IN COMPLIANCE. WE DON'T NEED'S MORATORIUM. EXACTLY WHERE THAT LINE IS. I DON'T KNOW. CLEARLY SOME OF THEM ARE. I DON'T THINK WE NEED A MORATORIUM. OF COURSE, WE DON'T HAVE ALL THE ANSWERS AND THAT'S OKAY. ANYTHING ELSE? ALL RIGHT. DO WE HAVE A MOTION AROUND MARCH 30?

>> ALL IN FAVOR

>> AYE

>> NONE OPPOSED

>> MR. MAYOR. IF WE CAN GO BACK TO THE FEBRUARY 9TH. MIDYEAR BUDGET ACTION. I AM SORRY, I FORGET TO ASK FOR A SUNSHINE WAIVER. THAT DID NOT MAKE IT ALONG WITH AN ADDITIONAL DOCUMENT

>> ALL IN FAVOR. AYE. NO OPPOSED.

>> THE NEXT ITEM TO DISCUSS IS THE GUIDELINES ARE PROCLAMATIONS TO CITY COUNCIL. I HAVE THE CURRENT RULES THAT HAVE BEEN IN PLACE. THE FIRST IS WHETHER OR NOT THE COMMITTEE IS COMFORTABLE. THOSE ARE RULES FOR US. MAKING SURE WE'RE READY TO GO AND THEY'RE NOT TO GO AND THINGS LIKE THAT. IT'S, I WANTED TO HAVE IT IN WRITING SO EVERYBODY KNEW WHAT WE WERE TRYING TO DO. BOTH IN MY OFFICE AND HERE AT THE RULES COMMITTEE.

>> I JUST, I JUST KNOW, I HAVE SAID THIS BEFORE. I THINK ONE OF THE PURPOSES OF OUR JOB IS TO ACKNOWLEDGE AND GIVE ACCOMMODATATION FOR THE GREAT WORK IN THE CITY OF SAN JOSE. JUST TO ASK THERE BE A BALANCING TEST APPLIED TO THAT. IF IT GOES TO FOUR. THAT'S OKAY. I CALL IT COMMON SENSE RULE.

>> SINCE THE RULES COMMITTEE WILL BE APPLYING THE COMMON SENSE RULE. IF YOU HAVE A LIGHT AGENDA AND THERE'S NOT MUCH ELSE GOING ON. IT DOESN'T MATTER. WE HAVE HAD THIS NUMBER OF LIMITATION IN PLACE FOR QUITE A WHILE. PEOPLE ADJUST AROUND IT. EVERYBODY UNDERSTANDS WE'RE TRYING TO SPREAD IT AROUND.

>> THAT PROVES. IT APPLIES. I MAKE A MOTION.

>> SECOND

>> ALL IN FAVOR.

>> AYE. THAT'S APPROVED. MOVING TO CHANGING THE WORKING TITLE OF WILLOW GLEN SPUR TO THREE CREEKS TRAIL IN THE GREEN PRINT UPDATE.

>> I MOVE APPROVAL FOR THIS AND COMMEND COUNCILMEMBER OLIVERIO FOR USING THREE CREEKS TRAIL NOT THE OLIVERIO TRAIL.

>> I HAVE A COUPLE PEOPLE WHO WANT TO SPEAK ON THIS. COUNCILMEMBER OLIVERIO. DID YOU WANT TO SPEAK TO YOUR MEMO?

>> I HOPE YOU WORK WITH THIS. IT'S NOT A PROBLEM. JUST GETTING IT BEFORE IT GETS TO THE PRINTER. ENABLES THE COMMUNITY TO DO FUNDRAISING FOR THE TRAIL. THANK YOU RULES COMMITTEE.

>> BOB SIPPOL AND JACK.

>> I AM GOING TO PRIDE MYSELF INTO LESS THAN A MINUTE SPEECH. I AM VERY MUCH IN SUPPORT OF THIS. I HAVE A LETTER THAT I WILL GIVE COUNSEL. THIS IS FROM THE ROSE GARDEN PRESERVATION. WE HOPE YOU MOVE THIS ON. FORWARD RECORD. PIE RGO OLIVERIO COULDN'T JUST HAVE THREE. IT WOULD BE 30 OR SOME OTHER NUMBER.

>> JACK NIDO.

>> I AM JACK NIDO REPRESENTING SAVE OUR TRAILS. I HAVE A STATEMENT THAT TYE SAID WE SHOULD TELL YOU ABOUT. WE URGE THE RULES COMMITTEE SHOW THE THREE CREEKING TRAIL OF PROPOSED TRAIL TO HAPPY HOLLOW PARK. THIS NAMING WILL CONVEY THE MESSAGE THEY CAN ACCESS THE GUADELUPE RIVER AND INAD VERTENTLY CONVEY THE TRAIL ONLY SERVES ONE SEGMENT OF THE CITY. WHEN IN FACT. IT WILL CENTERALLY CONNECT FROM EAST TO WEST.

>> I SUGGEST WE CALL IT THE TRAIL TO EVERYWHERE. WE'LL GO WITH THREE CREEKS. ANYTHING ELSE ON THIS? GET A MOTION? ALL IN FAVOR.

>> AYE. OPPOSED? NONE OPPOSED. THAT'S APPROVED.

>> WE HAVE TWO ITEMS. APPROVE THE DESIGNATION OF THE OAK RIDGE SPECIAL WALK. SECOND.

>> MOTION IS TO APPROVE.

>> ALL IN FAVOR. AYE. NONE OPPOSED. TAKING US TO OPEN FORUM. MR. WALL.

>> GOOD AFTERNOON. DID YOU HAVE TWO CARDS FOR ME OR JUST ONE? ONE IS MISSING. THAT'S OKAY

>> FIRST OF ALL, IT IS COME TO MY ATTENTION THAT MY CONDUCT YESTERDAY WAS POSSIBLY IN VIOLATION OF CODE OF CONDUCT. I MAY HAVE BEEN OUT OF ORDER. I APOLOGIZE TO THE COUNCILMEMBERS THAT SIT BEFORE ME. DOESN'T APPLY TO ADMINISTRATORS THOUGH. I DON'T WANT TO HURT ANYBODY'S FEELINGS. I'M SORRY IF I OFFENDED ANYBODY. ONE OF THE ISSUES THAT I WANT TO TALK ABOUT WAS A CARD THAT I FILLED OUT WAS A MISREPRESENTATION ABOUT THE RECLAIM WATER PROJECT. THE BASIS OF ITS FOUNDATION. I'M GOING TO READ IT TO YOU. QUOTE, THE PROGRAM ALL DECREASES THE AMOUNT OF EFFLUENT INTO THE BAY OF SAN FRANCISCO. PRESERVING AND PROTECTING TWO ENDANGERED SPECIES. WHICH IS NOT TRUE. THAT WAS THE ASSERTION BY ENVIRONMENTAL GROUPS. THE PLANTS FLOW WAS CAUSING THE DESTRUCTION OF HABITAT OF THESE TWO SPECIES. IT WAS PROVEN THAT WAS NOT SO. THE PEOPLE WHO HAVE WRITTEN KNOW THAT. THAT'S WHAT IRRITATED ME. THEY KNOW IT'S NOT TRUE. THE OTHER THING OUTSIDE THE WATER AGENDA IS PHOTOGRAPHS OF SIGNAGE. NOW THIS SIGNAGE, IS ON CITY PROPERTY. I RAISE MY HAND AND TELL THE TRUTH. I DON'T KNOW IF THE CITY IS GETTING REVENUE FOR THESE SIGNSES. THESE MINIATURE BILLBOARD SIGNS ARE ALL OVER THE PLACE.

>> TIME IS UP.

>> ANYBODY ELSE ON OPEN FORUM? SEEING NONE. WE'RE ADJOURNED.