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>> Mayor Reed: Good afternoon. I'd like to call the San José city council meeting to order for June 2nd, 2009. Councilmember Oliverio will introduce the invocator.

>> Councilmember Oliverio: Thank you, Mary Reed. Today we are honored to have the River Glen School today here, that is located in Willow Glen, San José Unified School District, as the K-8 Spanish immersion school, and we're joined by the Estudiantes, or pardon me, Estudiantini. I actually just made that Italian and not Spanish. My apologies. But they are going to perform a traditional Spanish medley called Mananitas de Cielito Lindo conchos colores. So we will welcome them to the stage to play for us. [applause] [Singing in Spanish] [∂music∂] [Singing in Spanish] [applause]

>> Mayor Reed: Thank you. If you could just stay where you are. We're going to do the pledge of allegiance. And you're in the perfect place to do that. So let's everybody stand. I'm sorry. Everybody stand for the pledge of allegiance. [pledge of allegiance]

>> Mayor Reed: Thank you, river glen. We appreciate that. That was great. First item of business is orders of the day. We have some changes from the printed agenda. Item 3.4, report of the Rules and Open Government Committee for May 13th will be deferred one week. 5.4, the PRNS department volunteer policy will be deferred to June 9th. We'll take item 7.3 regarding or energy efficiency and conservation block grant and energy plan out of order. We'll take it immediately following the consent calendar. This evening, the land use items which is 11.1 through 11.4 will be taken out of order, immediately following the evening ceremonial items. And finally, today's council meeting will be adjourned in the memory of James Little, the son of a district 8 constituent who was killed in an automobile accident on his way home from college in San Diego. Councilmember Herrera will have some more to say.

>> Councilmember Herrera: Thank you, mayor. It is with my deepest sympathy and condolences to the Little family, that we adjourn the meeting in honor of James Robert Little, a District 8 resident. He passed away at Rancho Palos Verdes where he had just completed his sophomore year at Merrimount College the day before. James is survived by parents Leslie and Nick. Leslie used to work for the City in the Redevelopment Agency. His adoring sister, Elise, and many, many aunts, uncles, cousins and a wide circle of wonderful friends in the U.S., Austria and Germany. A son filled with joy and a fiercely loyal brother, James was always directed by optimism. He was described by his college as a life force. He loved adventure, travel, and passionately pursued many interests including photography, snowboarding and his car. This amazing young man, even in death, has generously donated organs and tissues to the living. There will be a couple of memorial services held, and I wanted to mention the one, a celebration of his life on Sunday, June 7th at 2:00 p.m. at the Evergreen Valley High School gymnasium, 3188 Quimby Road, where he graduated. In lieu of flowers, the family requests that those who are willing to donate blood or send funds to Merrimount College Opportunities for Volunteer Experiences. James was a regular blood donor at college and would be pleased by the support. Thank you.

>> Mayor Reed: Thank you, Councilmember Herrera. Anything else under orders of the day? We have motion to approve orders of the day. All in favor, opposed, none opposed, that's approved. Next item is closed session report, City Attorney.

>> City Attorney Doyle: Mr. Mayor, the city council met in closed session, pursuant to notice. We were given authority to pursue appellate review in one litigation case, it's Vietnamese American Community of Northern California vs. City, and the substance of the litigation is injunctive relief regarding alleged Brown Act violations. The council voted 9-0 with Councilmembers Nguyen and Chirco absent.

>> Mayor Reed: We'll now take up the ceremonial items. I'd like to invite Councilmember Liccardo, Paul Krutko, and Matthew Powell to join me at the podium for the first item. Today we're recognizing a company that's helping drive San José forward in some key green vision goals. Fat Spaniel is a company named after one of the company founder's favorite pets. Continues to fuel innovation through its new technologies in manufacturing operations here in San José. The company is one of our neighbors with its headquarters here in Downtown San José, only a couple of blocks from City Hall. Some of their customers include solar power producers, system integrators and a growing number of wind power companies. Their technologies are also used by Denver International Airport, Frito Lay, Southern California Edison, Warner Brothers, and Yale University. One of their most famous customers is Jay Leno, who hired Fat Spaniel to help turn his 17,000 square foot garage for his

collection of 150 classic cars into Jay's green garage, and there's even been a television show or two about that work. And Councilmember Liccardo I think has some more to add about Fat Spaniel.

>> Councilmember Liccardo: Just wanted to also mention that Fat Spaniel has been partnering with the Obama administration and many of our schools throughout the country to expand renewable monitoring in many of the schools to allow the school kids to be able to actually see the energy that's being saved and to participate in this extraordinary technological innovation. So we're grateful for everything Fat Spaniel's doing not just in the world of technology but in the world of education, as well. [applause]

>> I'd like to say thank you. I only joined Fat Spaniel recently as its CEO. So on behalf of our 60 employees and our founders, we are grateful for this commendation. We wanted to take note of our thanks to the city, to the mayor and staff for all of its support for a growing company like ours. We're grateful for it, strong believers in the Green Vision, and looking forward to continuing in that process. Thank you. [applause]

>> Mayor Reed: And of course, Nancy Kline was here from our office of economic development. Our next item I'd like to invite fire chief Darryl Von Raesfeld to join me at the podium as we declare this week of June 1 through 7, as national CPR and AED awareness week in the City of San José. I think we're going to have some other group of people to join us. This is vital for everyone to know about because over 300,000 people every year die from coronary conditions before reaching the hospital -- why don't you come on back behind me, gentlemen. Before one gets to the hospital, CPR and AED are vital measures to help keep someone alive until advanced care arrives. These are not measures that make a small difference, they are measures that make a big difference. Prompt delivery of CPR more than doubles the victim's chance of survival. So that's why we're here to encourage everybody to take a chance to get certified and learn how to perform CPR and how to use the AED device. The chief will say a little bit more about that.

>> Darryl Von Raesfeld: Let me introduce Captain José Chavez, of Project Heart Safe City. We have a few presentations to organizations that have had successful AED saves here in San José.

>> Thank you, mayor, thank you, Chief Von Raesfeld. At this time I'd like to invite Cisco Systems representative, Mineta San José International Airport, representatives from Cisco's Penny Angelini, from San José Mineta, Stephanie Lau, the safety manager, and Bill Sherry, the director of aviation. HP Pavilion, Mike Carroll, usher and emergency medical manager, Greg Cords, an EMT, and Valley Christian High School is going to be accepting is Karen Jensen. San José fire department is issuing these awards, they're the Heart Safe City awards, for these entities that have excellent programs in place, of public access defibrillator and CPR, AED training that have resulted in lives being saved. Mr. Giles, survivor, where are you at Mr. Giles? There he is. And his hero, I'm sorry, where is Stephanie? Sandra Dixon, you can please stand up Sandra and Mr. Giles. Mr. Giles was saved at the airport. Sandra Dixon, civilian, CPR -- initiated CPR AED about three years ago now, and he's alive and well thanks to the excellent program at the airport. Mr. Mike Smith, Sergeant Mike Smith, if you can stand up please, sir, San José PD, involved in the first rescue at the airport a few years before that. Thank you, Mr. Smith. At this time I'd like the award. Okay, Penny Angelini, Cisco Systems, is accepting the award. She -- they have an excellent system at Cisco Systems. They have AEDs at their buildings, they are always in the same location. Their employees know that. They train worldwide. They've had two successful saves in the last year, and they're deploying their AED program throughout their corporation. They've just switched over to Cardiac Science, and they're very happy with that program. They really raise the bar as far as technology. When you pull the AED box open, an alarm sounds, the camera turns on. You take the AED out of the box, security is dispatched, cameras stay on, they try to follow the AED person and assist with the save and get help on the way. Excellent system at Cisco. Thank you. Mineta San José International Airport. Again, managed by Stephanie Lau, the safety manager, and Bill Sherry. [applause]

>> Most people don't know this. You do now. San José was the first airport on the West Coast that implemented a pad program. 12 years ago, thank you. [applause]

>> They've had three saves. HP Pavilion. Mike Carroll usher and emergency medical manager, and Greg Gorge, EMT, they've a pad program in place for about seven years ago. They've had -- they've deployed it four times, they've saved three people with it, the last one was at the Rod Stewart concert that was saved. A very aggressive

company. They train all their security people, ushers, supervisors, at the EMT level, it shows because they have a successful program with three saves, thank you. [applause]

>> Valley Christian High School, will be accepting Karen Jensen, Valley Christian has had two saves, one four years ago, happens to be the aunt of a firefighter, and about a year ago, last December, a 17-year-old boy, Kyle, which you may have read about, was saved with CPR and AED from Valley Christian. Again, a very strong program. All four of these people, of these groups have raised the bar for the rest of San José, to provide pad programs and CPR training programs and saved more lives. With us is American heart association John Hayes who is helping deliver the awards and Jack Grogan, sudden cardiac arrest program, helping us with our program, thank you very much

>> Mayor Reed: Chief. I'm going to give chief the official proclamation. Thank all of you for helping lots of people save their lives. We appreciate it. [applause]

>> Mayor Reed: For our next item I'd like to invite our redevelopment agency executive director Harry Mavrogenes and our chief financial officer David Baum to join me at the podium. Today we are commending the Redevelopment Agency for winning both the distinguished budget presentation award and the certification of recognition from the Government Finance Officers Association. The distinguished budget presentation award was awarded to the agency by the government finance officers association of United States and Canada. This is the first time the agency has received this award. It is the highest form of recognition of government budgeting, reflects the commitment of agency, board, and staff for meeting the highest principles of government budgeting. So I'm going to give a certificate of recognition for budget preparation to Harry. And to David Baum who is our chief financial officer, this certificate recognizes those individuals within the finance division who are instrumental in the presentation of the '08-'09 budget and in the agency deserving distinguished budget presentation award. This is also the first time the agency has received this award. [applause]

>> Harry Mavrogenes: Thank you, Mr. Mayor, members of the council. We're very gratified to receive the award. I want to note that the efforts to qualify for the award was driven by the Mayor's Budget Message calling for more disclosure and transparency, for the categories that we were tested on, policy document, financial plan, operations guide, and communication device we all exceeded those requirements, thanks to your high standards, mayor. And I want to recognize the finance division staff who is here as well as David. Would you all stand up, please? Very hardworking group of people. [applause]

>> Harry Mavrogenes: And they do a great job for us. Thank you.

>> Mayor Reed: Thank you. Unfortunately I don't think these awards carry any monetary awards. But we could use the money, but we'd appreciate the recognition and thank you for all the hard work to win this national prize. We appreciate it. We'll next take up the consent calendar. Are there items on the consent calendar that councilmembers would like to pull for discussion? I have request from the public to pull 2.7 regarding naming of the new facility. Any others? No. Is there a motion? Motion to approve the consent calendar, the balance of it. All in favor? Opposed? None opposed, that's approved. Item 2.7. Nick Nakamoto and Sophie Harici Forester want to speak, why don't you come down, and that is to rename a facility located on Jackson Street drive, the James Akiyama Wellness Center.

>> Good afternoon, Mayor Reed and councilmembers, my name is Sophie Harici Forester, and I am the executive director of Yu-Ai-Kai, the senior community services center in Japantown. Yu-Ai-Kai has been working very hard over the past few years to raise funds and renovate the former Boys and Girls Club with the support of the City, the Redevelopment Agency, and many other community supporters. The facility is to be a wellness center to extend the services of Yu-Ai-Kai and promote healthy living through exercise, nutrition, health screenings and education. It also plans to have support and recovery groups to help seniors and their families through difficult times. The center will also be shared with the Boys and Girls Club, so that children in the community will have a place to come after school, as well. We are here to ask for this center to be named after Dr. James Akiyama, a long-time member of our community. Born in Watsonville in 1927, Dr. Akiyama grew up locally, but with the onset of World War II, he, along with many other Japanese Americans, was sent to internment camp in Topaz, Utah. He spent his high school years in internment. Despite the many obstacles facing Japanese Americans after World War II, he went on to earn his bachelor's and master's degree at San José State. He

earned his Ph.D. at U.C. Berkeley, then returned to San José and joined the faculty of San José State in 1963 as a professor in microbiology and immunology. He remained there until his retirement in 1983. A man who loved to play golf, he played in two clubs. He also learned to love the other cultures of the world and traveled all over the globe. In his younger days they say he rode his motorcycle to Mexico. Dr. Akiyama passed away in 2007, and he left a generous gift to Yu-Ai-Kai and the community that has been the catalyst to create the wellness center and reopen the services of Boys and Girls Club. His gift, as well as the example of his life, living with determination through challenging times, giving back to the community and enjoying life to its fullest, sets a positive and vibrant tone for the wellness center, and thus we ask that this facility be named the Dr. James Akiyama Wellness Center. We thank the city for its continued support of Yu-Ai-Kai, the wellness center, and the Japantown community. Thank you.

>> Mayor Reed: Vic Nakamoto.

>> Honorable mayor and city council members, my name is Vic Nakamoto. I'm on the board for Yu-Ai-Kai, and I chair the Building Committee. This project here, whenever you renovate an old building, you run into all kinds of problems. And this was no exception. And I want to thank the City, the CDBG program, Sam Liccardo's office, and Redevelopment. We had a lot of people involved in this, and we have our capital campaign for this project. Being on the board, you make certain decisions. At one time, we were worried about whether we were going to complete this project or not. If it wasn't for the Akiyama donation, we probably wouldn't continue with the project, okay? So it's a great tribute for him to have had this wellness center named after him. Okay? We sent numerous letters of support, and as far as I can tell, there's no objections in naming this building after Dr. James Akiyama. Thank you.

>> Mayor Reed: Thank you, that concludes the public testimony. Is there a motion? Councilmember Liccardo.

>> Councilmember Liccardo: I just wanted to thank our leaders from Yu-Ai-Kai for speaking. We're so grateful for everything they do for the community. Wesley Mukayama, the former executive director, will be honored this evening. I wanted to just note one thing about Mr. Akiyama. Because, you know, he comes from the generation that's been called the greatest generation, and what's unique, I think, about the greatest generation in Japantown, and we've seen it so many times over history, with the 442nd that fought in Italy, and Norm Mineta, and so many others who have provided this extraordinary example, people who themselves or members of their family were interned during the war, and yet their first almost natural instinct was to go return to the community and give to the community in some way, despite the enormous suffering and their family suffered. In the case of Mr. Akiyama, to be teaching at San José State University for all those years, and then, of course, this important request which is going to be a wonderful part of our community, the wellness center. So with that, I would just like to thank certainly the good folks at Yu-Ai-Kai, the Akiyama family, and I'll make a motion to approve.

>> Mayor Reed: Motion to approve. All in favor, opposed, none opposed, that's approved. That concludes the consent calendar. We'll now take up Item 7.3, the energy efficiency and conservation block grant recommendations. I have some cards to speak on that. As well. I'll let staff come down and get prepared. Mr. Stufflebean.

>> John Stufflebean: John Stufflebean, Director of Environmental Services. No presentation on this. I just wanted to briefly note that this is the money that is programmed for ARRA. This is the staff recommendation for how to spend \$8.8 million that's allocated to San José, and Mary Tucker and I are here to answer any questions you have. Thank you.

>> Mayor Reed: Thank you. I do want to acknowledge the federal government and the role of our federal delegation from San José and our senators for helping to get these federal stimulus funds approved by the Congress. That's \$8.8 million that gets allocated to San José. We just have to comply with the requirements. We have a pretty good shot at getting the money. But it wouldn't have happened without the help of Zoe Lofgren and Mike Honda and Senators Boxer and Feinstein. I wanted to acknowledge that as we get into this. Councilmember Liccardo.

>> Councilmember Liccardo: Sorry --

>> Mayor Reed: I'm sorry, that was left over. I want to take the public testimony, I think, first. I have only three cards. Kelly Dese, Brian Giff and Alexis Ringwald. Please come on down. Whoever wants to go first can go first.

>> Great. Thank you, Mayor Reed, councilmembers. I just want to voice extremely strong support for Mayor Reed and the rest of the councilmembers that are backing San José's energy plan, specifically the community scale building receipt toe fit component which would put together a voluntary citywide energy efficiency and solar assessment district, provide a lot of public education to drive participation in the program, and also, focus on workforce development and training. The state has set really ambitious goals for cities across California, San José, your 300,000 housing units within the city today you would have to retrofit about 27,000 housing units a year under the state's goals that have been set for you. And really one of the only way that's going to be achieved is by energy plans that have been put forward such as the mayor's focus on community scale. It's really important to deal with municipal buildings, municipal operations, obviously you got to lead by example and model, and a good portion of the fund should be spent on that. But a strong recommendation for 10% of the block grant allocation towards community scale building retrofit program which will engage the residents and businesses, and so that they can participate in the Green Vision of San José, as well as the stimulus fund versus all of it just going for municipal buildings alone. So I just want to voice strong support for the energy plan that is comprehensive and addresses those three areas. Thank you very much.

>> I'm Alexis Ringwald. I am a co-founder of Valence Energy. It's a smart microgrid company in Santa Clara and in India. I want to say I was living in India the last couple of years and I -- working on renewable energy, and I received an e-mail about the Green Vision for San José. When I got that e-mail, actually I'm not kidding you, I knew the time had come to come back. I'm really impressed with what you guys have been putting together and I wanted to voice our support. We're a company that develops and deploys smart microgrids through our software, and we are founded in 2008, based on the winning Santa Clara University solar decathalon team. So right here in the backyard, believing that we can do something with renewable energy. We really admire the forward-thinking big picture vision for the San José energy plan. We envision that San José can be the first smart energy city in the country based on renewable energy deployed across the country -- across the city, energy efficiency and then all of this linked in a series of smart microgrids intelligently controlling, monitoring and managing. All of this could be visible to city officials, as well as to the public, seeing who's consuming what, how much is being consumed, what source, how much they're saving, all of this to get the entire city involved in the Green Vision for San José. So I want to thank you. We want to join hands with you and are real excited, I'm really excited personally about the things you're planning for the city. Thank you.

>> Mayor Reed: Are you Kelly?

>> I am.

>> Mayor Reed: After Kelly, Bobby Ram.

>> Good afternoon. My name is Kelly Dase, I am here representing Cell Focus. We are an advanced energy solar technology provider, and a resident here in Silicon Valley, and very much look towards the leadership of San José in their Green Vision and strongly endorse the recommendations and steps laid forth in this energy plan. We think that this truly exemplifies the vision that San José has, as well as promotes sustainable economic development. The energy plan is very comprehensive and touches every level of San José's community from citizenship, engagement, businesses, the educational sector, as well as local city government of San José. Furthermore, Cell Focus is very interested as well in the opportunity that this will provide the City of San José to showcase its indigenous clean energy and clean technologies which is one of the technology sector's always been San José's greatest asset. So this will truly allow the opportunity to showcase this and show leadership of San José using its own indigenous technologies. So in closing we again strongly support the plan laid out in the energy plan. Thank you.

>> Mayor Reed: Bobby Ram.

>> Mr. Mayor, councilmembers, thank you very much. I really want to applaud and provide the strong support to this energy plan. My name is Bobby Ram, I'm with Sunpower. We're extremely excited to see the leadership by San José, in particular standing behind the comprehensive energy plan that addresses an RFQ process that

allows projects in the city to get funded quickly and projects to get started, thereby creating lots of jobs now, rather than later. Unlike a lot of programs that will cause a lot of delays and red tape in the process of getting jobs created, this program and this energy plan enables us to be able to get to projects really quickly. The RFQ process and the allocation of funds for low income housing, and solar programs, is another one that I would really applaud for the city to take on a leadership position. I think it will not only create jobs but also enables a lot of low income families to be able to free themselves from energy costs in the -- rising energy costs in the future. So again on behalf of Sunpower I'm here to applauds this plan and provide full support. Thank you.

>> Mayor Reed: Are there any other cards to speak on this item, I get them all? Okay, that concludes the public testimony. Let me just tie this together, there's a memo that I put out with Vice Mayor Chirco, Councilmember Kalra and Liccardo, with recommendations how to spend the \$8.8 million assuming we can get it from the federal government, that's what people have been referring to as the energy plan. One of the things that I learned when I was in Washington on trips talking about the stimulus package funding is how important it was important to the administration that the money be spent in a way that was not just a one-time spending, that engaged a broader community and lived on way beyond the one-time spending. And part of the problem is, how do we engage our broader San JosÉ community if we put solar on city buildings, we of course have gotten some benefit out of it and we saved some money. But part of this energy plan is to use the stimulus funding to reach the entire community and to implement this assessment district idea which we now can do under state law to ensure that every community, every part of our community, every income level and every geographic part and everybody can have a chance to get the benefits of energy efficiency and conservation with the rebates and all of the things that are available. But eventually, you have to have some funding. And that's the reason that we need to have this citywide assessment district just to make that possible. And we have to outreach to people because there's lots of programs and rebates that people don't know about and certainly won't find out about them unless we reach out and do that. So that's another component of this plan, is to try to make sure that we broadly get energy efficiency and conservation across to our city and lots of people have a chance to participate which will help us on our Green Vision of course but will also help individual families save some money on their energy bills. So that's why my recommendation is different than the direction that the staff had originally recommended on how we ought to spend these stimulus package funding. Councilmember Liccardo.

>> Councilmember Liccardo: Thank you, mayor. I agree wholeheartedly with the direction that you propose taking here. And I recognize AB 811 has given us a great opportunity certainly to incorporate the entire community here. And the first direction relating to 50 megawatts of renewable electricity really coming up with the financing plan there seems to be a critical hurdle for us. So in either end, whether we're talking about private home homes or municipal operations, financing really seems to be the linchpin to all of this. And I appreciate the attention that this memorandum gives to that critical issue. For that reason I move to approve the memorandum dated May 21st.

>> Councilmember Herrera: Second.

>> Mayor Reed: We have a motion to approve the memorandum as part of the staff recommendation on the authorization to submit the application. Councilmember Kalra.

>> Councilmember Kalra: Thank you Mayor, I also wanted to extend my support to the memo, that I was happy to sign onto, although the Green Vision is what, a year and a half -- a year and a half old, really, a lot has changed in that year and a half. Particularly you know in Washington, D.C, we have an administration that understands that it's critical that at the municipal levels from the ground up that we started dealing with these critical -- with these issues in the neighborhood as well. I was so happy to see representatives from the private sector here today which we certainly are going to need full support from and partnership with as well as the community. As a couple of the speakers alluded to ultimately when it comes to particularly when you think about getting solar out there really the tipping point will be when we get it out to the neighborhoods at a really -- on a huge scale. And I think we can do that in partnership and with the intelligent plan, I think this plan is a good plan, it's a good plan to really show, as you said, mayor, the administration as we seek funding that we do have a plan to put on top of the general Green Vision. And so I'm excited for what the future has in store for us, as we go forward with this, and I'm hopeful that we can get some of that assistance from the federal government. Thank you.

>> Mayor Reed: Councilmember Herrera.

>> Councilmember Herrera: Thank you, mayor. I just wanted to thank John Stufflebean and his staff for putting together all of the work to get the grant, and Zoe Lofgren and Mike Honda and also Mayor Reed for your leadership on this issue. I think it's very important and I support everything in that memo and thank also Vice Mayor Chirco, Liccardo and Kalra for that, especially the local effort. I think it's going to be important. I know in District 8 folks are chomping at the bit to become involved in any way they can in solar, from installing solar panels on their homes to finding ways to teach young people about it so they can find jobs in the future. They're very excited about it, so I really support the part about outreach to the community. Thank you.

>> Mayor Reed: Councilmember Campos.

>> Councilmember Campos: Thank you. First of all I want to recognize my colleagues that signed onto the memo with the mayor. I think that your memo has really set the stage to have a discussion around energy and I appreciate the speakers coming forward, and it's great to have someone move back to San José that believes that the City of San José is on the cutting edge to actually lead, not only in California, but in the world. So that's exciting. Staff, I just wanted to ask you a few questions, since it's more regarding, and I know I've brought this up in the committee, around the LED street lights. And what I want to try to understand, as we move forward with the \$2 million, I'm not going to talk about the other millions, just that particular part that you're recommending go to LED street lighting. We know that you're proposing this, and it would really only target about 1500 street lights. Is that correct?

>> John Stufflebean: Yes, ma'am, this is John Stufflebean, that's correct.

>> Councilmember Campos: And what I want to be able to understand is, this is just -- first of all, LED street lighting is a great proposal, and I think as we think about how are we going to tackle the 62,000 -- thousand street lights in the city, we know at this rate it would cost us about \$80 million to be able to address all of that at the rate we're going right now and we know the technology continues to change. What I want to be able to understand, are you proposing this to look at this so that we are targeting that 62, or more of it, just kind of in the bigger proposal, just focus on small neighborhoods so that we're able to make a small impact? I want to understand the thinking because it's not very clear in the memo. So I want to understand where you're going and why would we use the \$2 million here when we could probably use it to get a greater return, or investment to the General Fund.

>> Jim Helmer: Thank you, Councilmember Campos. Jim Helmer, director of transportation. As we talk about the block grant program at T & E committee recently, the goal of the programmable street lights is to really, number one, reduce energy consumption. And two, really deploy a new technology into our street lighting systems where we can communicate and program those lights to be more responsive to actual need. Now, that's a tall order. And in order for us to do that, we're doing three pilot projects. We have a small neighborhood pilot project getting underway in East San José. We have an industrial park pilot project, soon to be getting underway in North San José. And this -- this grant was really targeting citywide, 1500 approximate street lights, primarily at traffic signalized intersections to better light the crosswalks, for two reasons, primarily it is where we have the highest wattage lights so the savings would be the greatest. It is the area where we have the need for the whitest, clearest, best light, versus the light we currently have, and it is also where we have PG&E meters that exist where we can actually monitor and control the amount of power savings and get a benefit for, that whereas the other lights in the city do not have meters. So we feel we are leveraging these funds appropriately, we have a project ready to go and with a project like this we think we can really expand the program as the mayor and the councilmembers all want us to do eventually citywide, as the price point gets better and better and better in this technology.

>> Councilmember Campos: So this is more -- well I know they are pilot programs but then you'll be assessing it to figure out how we move forward with a citywide plan to reduce the other 60,000 lights.

>> Jim Helmer: Correct.

>> Councilmember Campos: Is that the hope of what you're hoping to be able to come to a conclusion with after these pilot programs move forward?

>> Jim Helmer: Yes, for the benefit of the full council, we will be coming back to the Transportation and Environment Committee in November with a master lighting plan recommendation and funding recommendations to leverage third party funding opportunity.

>> Councilmember Campos: Thank you, Jim.

>> Mayor Reed: I think that's it for council discussion. John Stufflebean.

>> John Stufflebean: Yes, mayor and council, I would like to bring forward two issues just for the council's consideration. One is that as we read the requirements for the use of these -- of this fund, we believe it is -- it is appropriate to use the money for citywide energy efficiency districts. Our concern is that it doesn't appear to us that you could use the money for the solar assessment district in the community, that in terms of -- it does allow solar on city buildings, but as far as solar in the community, our reading of it is that that could be problematic. We wanted to bring that forward, and perhaps we could get a legal opinion on that.

>> Mayor Reed: Well, the proposal is not to use this funding to put solar in the community. It's used, the funding, to help create the opportunity for people to do this individually through this assessment district. I think that would be a different category than just going out and installing solar.

>> City Attorney Doyle: Mr. Mayor, I take this as direction to come back with something. And the -- any legal analysis would have to be part of that, as to whether we could do it. So this is direction to staff to come back with something.

>> John Stufflebean: Okay, that would be great. And our second concern is just the resource implications, that the plan is obviously staff is very positive on the elements of the plan. But there -- it is aggressive and there may be some additional resources, staff resources that are required, either to the extent of changing some of the assignments of existing staff, perhaps new staff, or perhaps the use of consultants or other contractors. So we would request to be able to come back to you with those resource implications.

>> Mayor Reed: We would expect no less. Anything else? We have a motion to approve the grant application, modified by the energy plan memo. All in favor? Opposed? None opposed, that's approved. We will go back now to item 3.1 on the council agenda, that's report of the City Manager.

>> City Manager Figone: Thank you, Mr. Mayor, members of the council. One update, and that is on the state budget. What I wanted to do is provide some insight as to how we are now seeing how it might impact the city. With the last month's defeat of the statewide propositions, the governor and legislative leaders have said that now all options are on the table, which includes proposals to borrow and/or take local revenues. The governor has proposed triggering prop 1A, which allows the state to borrow from local agency revenues. This would allow the state to take up to \$20 million in revenues from the City of San José which, under prop 1A law, requires that it be repaid including interest within three years. The governor would also reduce payments of the local share of cities and counties gas tax payments, which currently our estimate is that this would result in the taking of another \$23.4 million from the City of San José over two years. And as you know, gas tax is a very precious revenue source for many needs, but in particular, transportation and road needs. These proposals would severely expand our local fiscal problem, without guaranteeing that the city or cities would be held harmless, since the state will have difficulty repaying this borrowing. The City of San José continues to work individually as well as with a number of coalitions around the state to oppose these efforts. The state controller has advised the governor and the legislature that it will be difficult to borrow additional money unless the new budget is adopted by June 15th. The administration is preparing an information memo, which will expand upon this update and you will receive this later on today. And that concludes my report.

>> Mayor Reed: Thank you. Item 3.2, report of Rules and Open Government Committee, April 29th, 2009. We have a motion to approve, seconded by Councilmember Pyle. Okay. All in favor? Opposed? None opposed, that's approved. 3.3 is report of Rules and Open Government committee for May 6th, 2009. We have a motion and a second to approve. All in favor, opposed, none opposed, that's approved. Item 3.5, report of Public Safety, finance and strategic support committee, from May 21st, 2009. Councilmember Nguyen shares that committee

but she's absent. We have a motion to approve. All in favor, opposed, none opposed, that's approved. Item 3.6, council salary setting commission recommendations. Councilmember Constant.

>> Councilmember Constant: Thank you, mayor. I'm going to make a motion in a moment, but I wanted to ask the City Attorney to clarify one issue before I do so. Rick, you and I have had numerous discussion best the auto allowance and reimbursement for mileage and the opinion and the goings on in San Diego. I was hoping you could just take a moment to clarify for us before we decide which way we're definitely going on this, what is involved in each of the two methods, whether it's a -- simply a vehicle allowance, what record-keeping would or would not have to be kept to justify or not justify the expense? And then secondly, what would be required if it were to be handled as a reimbursement, and what other council policies or city policies might affect that decision? And then after that, if no one has questions on that, then I'll be making a motion.

>> City Attorney Doyle: Councilmember Constant, the council salary setting commission has historically -- well, they're charged with the obligation of setting compensation for the city council. And historically that has been, at least in my memory, the -- both a fixed salary as well as an allowance for automobile usage, recognizing that councilmembers are using their cars as part of their job. For all intents and purposes it's all compensation, it's all salary, and for federal income tax purposes, it's treated as such. It's part of your W-2 and what you pay taxes on. So we distinguish between an allowance for automobile, which is part of compensation and which is what the salary-setting commission's job is to do, as opposed to a reimbursement program. Under the city charter, independent of the salary setting commission, councilmembers are entitled to reimbursement for any expenses incurred as part of their job. And so if it were treated as a reimbursement program, then under state law, the -- there has to be some record-keeping and reports need to be filed identifying and itemizing expenses. And anything you seek reimbursement for, you need to have justification. That's all part of AB 1234, which was enacted a few years back, in response to some concerns about expenditures by individuals up in the Sacramento area, elected officials not councilmembers, but elected officials. So we treat this and the council salary setting commission is recommended that it continued to be treated as allowance as income. You will be taxed as such as income and so the record keeping doesn't -- there's no necessary record keeping that comes with that. If you want to treat it as a reimbursement process, consistent with other reimbursable expenses under the charter, we would have to prepare forms and you would have to fill out the necessary forms to get that reimbursement.

>> Councilmember Constant: The reason I asked this question is because Rick and I had had several conversations regarding the situation in San Diego and the opinions from the San Diego City Attorney which we find out is actually inconsistent even amongst the attorneys in the offices in San Diego. There is some who think that in order to comply with the two code sections that are in the memo that there needs to be documentation justifying that the expense is reasonable, and close to what is being actual expenses. But just to be clear, you're saying that you don't feel that's the case, and that if it were simply an auto allowance, of whatever the number may be, in your opinion that does not trigger the record-keeping, is that correct?

>> City Attorney Doyle: That's right. And we treat allowances, which again are treated as income, we treat them differently than expenses, and we don't agree with the city attorney of San Diego's analysis on that.

>> Councilmember Constant: Basically I'd like to make a motion and the motion is that based on the memorandum that was submitted by Councilmember Liccardo and I on May 21st, and it would include item number 1, which is the reduction in salaries by a percentage of 3.75, both for the mayor and the councilmembers, individual salaries, number 2 from our memo, that aligns our benefits with those of unit 99, item number 3 would be amended to say the vehicle allowance of \$300, and then what we failed to include in our memo inadvertently was item number 4 that is on the City Clerk's memo and the city attorney's memo dated May 22nd, which states continue to require councilmembers to pay \$250 for each unexcused absence at scheduled council meetings pursuant to city charter section 407. And then if there's a second I'll make comments.

>> Mayor Reed: Councilmember Liccardo, we do have a motion on the floor with a second.

>> Councilmember Constant: Thank you. So I know we all have the report from the salary setting commission. I appreciate their work. They've done quite a bit of hard work, had several late-night meetings to delve into this. But I do think it's important that the leadership of the City of San JosÉ take a pay reduction to lead by example, I think the 3.75 roll-back is consistent with that that our council appointees have done, and I think it's a

reasonable and prudent thing for us to do. I do know that in the spirit of AB 1234 I believe the section where it discusses reimbursement of expenses to public officials, I think that keeping in the spirit of that, that it is important for us to look what is reasonable and actual expenses, as mentioned in my memo, I did go to painstaking lengths to detail every bit of mileage driven in one full calendar year, to see what that reasonable expense and actual expense would be, and I think that that \$300 per month is appropriate for us. I know that two years ago, I was one of the vocal members that was speaking on the fact that we needed to make sure that council salaries were not ignored for years on end, as had been in the past. But today, we're in a completely different world than we were two years ago financially, and we're also not in the same position with our council salaries. At that point they were about 20% behind what the salary setting commission was recommending and what was believed to be a reasonable and appropriate compensation for the council. I think this 3.75 reduction is reasonable and necessary and something that we should do, and we do know that while it may not be a very large number in perspective to our overall city budget, that it could, for example, as I recommended through a budget document, reinstate one person at the office on aging and the senior help line which are two vital services that our seniors in our city really rely on. So I hope that my colleagues can join me and Councilmember Liccardo in this proposal. I think it is the right thing for us to do at the right time.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: Thank you, mayor. I wanted to add a little bit of history to this, because in May of '07, I was joined by Sam Liccardo, Madison Nguyen and Pete Constant, who at that time said that we would go with the council salary-setting process, and enjoin that with the city charter review process. And at that time I just wanted to refer to something that was said at that time. In the last two cycles, the council has declined to adopt the commission's recommendations due to the political ramifications. In other words, discussing our pay in public is not the most wonderful thing one can do. We did have chronic budget deficits at that time. So that resulted in councilmembers having gone six years without a raise. I would like to point out the fact that we do not get raises, as other people do. And I would also like to point out the fact that if you took, rounded off to 4%, times 90, that's \$3600, take the 300 times 12, that's another \$3600, that's close to \$7200. And I asked the question, while I want to make a sacrifice, I can't speak for all of the members of the council here, I know some have just finished getting off of a campaign. You always lose money on that. That seems like a pretty record-setting amount, considering the various circumstances I know at least two attorneys here have had to take a sizable pay cut in order to serve the public. And I would have preferred that this be a part of the budget process. But now that it is out here, I would just like to go on record as saying, I want to make a -- I want to show the leadership that we need to show, just as you've recommended. But I think that we need to take a look at comparative situations. And to me, coming up with a \$7200 hit would be very difficult for some of the members of our council. Thank you.

>> Mayor Reed: Councilmember Chu.

>> Councilmember Chu: Thank you, mayor. First, the question, 3.75. Well, how do we arrive at that number?

>> Councilmember Constant: I came to that number quite frankly because it is the number that our -- those who work directly for us, our council appointees, took that exact cut, and I believe their car allowance is \$300. \$300 is the car allowance for the majorities of people who have it in the city council, and I believe it was until we raised it to \$600 two years ago.

>> Mayor Reed: City Manager.

>> City Manager Figone: And the 3.75 is the raise you gave us a year ago. That is why our proposal was 3.75.

>> Councilmember Chu: Okay, and I understand that's a voluntary program, not a mandatory program, right?

>> City Manager Figone: Yes, the appointees brought that forward to you as our proposal for us, effective July 1st.

>> Councilmember Chu: Okay. I just wanted to state it, and I probably be repeating myself from 2007, that I pretty much echo what Nancy was saying, that I really wanted to respect the salary setting process. I can definitely understanding the current situation, the city budget situation, and I would really propose a mandatory cut

back. And I suppose the mayor has been doing that for the last two years. You know, I didn't really get a chance to really sit down and study my personal finance situation to really be able to vote on it today or not. But I was thinking about doing just tally up my car expenses for last year, and just to see, you know, am I losing money for the \$300 or not. Being on the league of cities for California I got to travel and naturally driven to Sacramento almost once every quarter. So my car allowance expense is probably higher than Pete's. I just never had the opportunity to sit down and do the study. I don't know if 3.5 -- 3.75 is appropriate or not, you know, it may be to some councilmembers who definitely can afford more. But for me, as a recent immigrant, you know, I don't really have another source of income to draw, and I don't have a family to turn to, if I need any financial help. And so I just like to have more time to calculate what would be a percentage of salary that my -- or my family can afford.

>> Mayor Reed: I had a couple of questions for the America of the motion. On the motion, wasn't clear to me what you were doing with your third item on the vehicle allowance. Was it simply to just reduce the monthly vehicle allowance to \$300?

>> Councilmember Constant: Yes, that was my motion.

>> Mayor Reed: Okay. And then the other question I had, or maybe just a comment, is that it looks like total compensation is actually being reduced by about 7%, in excess of 7% because the reduction in salary and the reduction in vehicle allowance amounts to roughly \$7200, or \$7,000 or \$6975 against the total, more than 7%. So you're proposing the 3.75 reduction and the \$300 reduction in auto allowance.

>> Councilmember Constant: Yes. The 3.75% reduction and aligning our auto allowance with everybody else in the organization's allowance of \$300 a month.

>> Mayor Reed: As Councilmember Chu mentioned, I've not taken the salary increase since I've been the mayor and I'm not taking the auto allowance either, so I view this as a pay increase. So I want to make sure that I am still in a position that I can refuse to take the additional compensation above what I'm currently taking.

>> City Attorney Doyle: Consistent with your past practice you can refuse to take any more than you are taking now.

>> Mayor Reed: And I do that by declaring that sometime before the first of the year that I'm not taking it.

>> City Attorney Doyle: Looking at Scott Johnson the finance director who will have that form for you to fill out.

>> Mayor Reed: Same process as before, then. Councilmember Herrera.

>> Councilmember Herrera: Thank you, mayor. I want to thank the salary setting commission for the work they've done and I think it's very appropriate that the council not take raises at this time and set that example. I too have not really had a chance to analyze the proposal here in terms of how it would affect me personally, but at first blush we're talking 3.75 and then when we really look at the numbers it's over 7%. So I think that's the kind of impact that all of us need a chance to take a look at. So I think that we should have that opportunity.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thank you, mayor. I think the points from my colleagues are well taken. And certainly many of us are digging into savings to pay mortgages, and I get that very clearly. What I think the message we're hoping to send was one really within the organization. And that was, we're in a time of economic crisis and we're asking others to give, and so this would be an appropriate time for us to give, as well. I don't pretend to know what the magic number is or what the magic percentage should be but this seemed to be a reasonable approach based on the example that was provided to us by our appointees. And so that's why I support this effort.

>> Mayor Reed: I have two requests from the public to speak. I'll take them now. Ross Signorino and Corazon Tomalinas. Go ahead and go first Cora.

>> Good afternoon, honorable mayor and city council. I'm probably the first one of your residents who will say you deserve every single penny of your paycheck, your salary, you're dedicated to the community and you work long hours including weekends and evenings. However, I was in Sacramento yesterday. And you heard the City Manager's report. I think that I would have agreed more with Councilmember Constant and Liccardo if I weren't there. But I was. And I think that, please model the leadership, and if you are going to cut back the salary of your employees, you cut back an equal number of your salary, as well. So if you take 5% out of their salary, then you should take 5% out of yours. And thank you, mayor, by the way for not taking your other salary. That's all, thanks.

>> Mayor Reed: Ross Signorino.

>> Ross Signorino: Thank you, Mr. Mayor. \$600 a month seems like an inordinate amount of money for car allowance. And that comes to all the members, city council, mayor together, comes to \$6600 a month that we're paying out for that. But you know, what I think we should do, none of you mentioned, insurance companies come out often, maybe once a year, maybe like AAA, they tell you what it costs to operate a car. That means your insurance, your tires, oil you change, the whole ball of wax, what it takes to operate a car. I think one of the things you should look at, see what insurance companies have as to their figures are insuring, operating the car. Sure, we're having a very difficult time in budgetary and you want to suggest the idea of cutting back on salaries and so on. Of course we're living in an area which the cost of living is pretty high. And the government often tells you what the United States government tells you what the poverty level is, and they base that on a family of four. Now, I don't know how many up here in a family of four, except maybe Pete Constant there, we practically know what his family and he's more than a family of four. So what your salary is, what your salary is, I don't know if it's an inordinate amount or not. But of course with the budgetary thing the way it is, maybe you want to take a voluntary cut. Mr. Mayor, too, at the same time real quickly I want to mention, I don't know how much time I got left, looks like way -- but nonetheless I want to talk about during the campaign when you had the return touchy subject, sorry, you return 39, didn't have to return, sorry wrong wording, when you returned \$39,000 voluntarily that you gave to different organizations, which you had every legal right to do. And I think that practice should be cut out, because that's an expense to the people as well. Thank you very much.

>> Mayor Reed: That concludes the public testimony. We do have some additional council comments, Councilmember Kalra -- or attorney first.

>> City Attorney Doyle: I just want to note that when I'm -- I'm advised that department heads and council appointees get a \$350 allowance for automobiles. The intent is to make it consistent with unit 99, or that those department heads and council appointees, the number I'm told is \$350.

>> Mayor Reed: Councilmember Kalra.

>> Councilmember Kalra: Thank you, mayor. I also want to thank the work of the commission. I had the opportunity to speak with them, and I think I, along with Rose, bring a new perspective, Councilmember Herrera, bring a unique perspective because we're new. And I know that it's certainly -- the issue of a salary and how much you get paid clearly, you can -- it's very difficult to remove it from the political side of it, you know. We're asked to decide what we get paid, whether we get a pay cut, pay raise, so on. And that's why over the years and it's been very difficult and very rare when you've seen either the mayor or council salary be increased. I will say, just in the short time I've been on the council, speaking of all my colleagues that are here as well as the two that aren't here today, that they do a tremendous amount of work, pretty much every day of the week, hours on end, taking time away from their family and their children. So I'm very impressed and proud to be working with all of you up here, knowing that no matter what you get paid, particularly at the ranges we're at, it's way below the work you put into serving the community. That's a personal source of pride to have people up here that are truly dedicated. I just want the public to realize how dedicated they are to serving. It is certainly not about the money or how much we get paid. Having, you know, been recently elected and making an adjustment to the salary, frankly speaking, an additional 3, 5, 8% will be just part of my adjustment to what I am currently getting as to what I was -- made when I was -- before I got onto the council. But -- and so I'm finding the way I think the difficulty that's being -- that I at least see which is happening is that as opposed to it being discussed, as a greater budget issue being discussed, specifically and individually which right away makes it very difficult for anyone that may have legitimate financial concerns to be able to really consider what kind of impact it will have on them and their family. Certainly I understand the value and appreciate the memorandum coming forward, because I do believe there is a value in

showing shared sacrifice, not just with our employees, but with the community at large. When we have a very large unemployment rate, we have people that are really suffering out in the community that are at the end of their rope. And you know, so it's been difficult for me to claim hardship when I know that there are a lot of people that are truly suffering. So you know I'm fine with whatever my colleagues agree on, will vote on and I'm fine with personally giving up and making a sacrifice, if -- you know, if it will show that we are serious about the sacrifices we're asking others to make. But I would ask other colleagues to continue to have a dialogue even right now if more time is what you feel is necessary for you to make a determination, if there's something that's acceptable to you, I am acceptable to that suggestion. But if we were to vote on it today, I would support the motion because in my personal situation, and that I will just -- you know, I think it will be appropriate for me personally to make that sacrifice. But again, everybody has different personal financial situations. So I -- you know I think it just puts people in a very awkward and difficult situation to have the discussion in public. So I think that's why I believe there's always been the discussion of should -- can there be another way of determining what the salaries are without us having to make that vote. Thank you.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: Thank you. I'm struggling with the fact that there are two members here who -- for whom we would be voting. In other words, if we vote to approve this, it affects them, even though they haven't had an opportunity to say hello. I mean, to weigh in, with their thoughts. So I'm -- we all agree, we want to do something, at least I get that sense, that none of us is trying to not do our part. So I am hoping that I can ask for an amendment to allow us to consider the amount at a future meeting.

>> Councilmember Constant: You know, the only amendment I'm willing to make is to move the vehicle allowance to \$350 to bring it in alignment with the rest of the organization. Because that was my intent. I was just misinformed. As far as the time, I know two people aren't here, but they did have the opportunity to do a memo if they chose, if they had opinions. And we know we've had people missing in the past, and others of us have read statements from them. So I'm not sympathetic to that, and I'd rather just -- if it's okay with Sam, to just amend the vehicle allowance to 350, and then we can continue our discussion.

>> Councilmember Liccardo: I'm amenable to that amendment, if -- I suspect there's going to be an alternative motion coming, based on what I just heard.

>> Mayor Reed: Okay, but the motion is amended to change the auto allowance to 350, and it is acceptable to the seconder. So that is -- the motion on the floor is Councilmember Constant's motion. Anything else, Councilmember Pyle?

>> Councilmember Pyle: I just want to understand, so it is forfeiting 250 of the car allowance, did that come out right? Yeah, I think it is. And the 3.25% or whatever it was, 3.75, 3.5, I don't see it in front of me.

>> Mayor Reed: That is the motion, 3.75% plus the auto allowance.

>> Councilmember Pyle: Thank you.

>> Mayor Reed: I just had a couple of things. I'm going to support the motion, although I'm going to point out we have not asked our bargaining units for 7% pay cut. We have asked our bargaining units to forgo raises, to forgo general wage increases, to forgo step increases, and to forgo merit increases, a true zero, that's what we're asking for. One of the bargaining units, ABMEI, representing building inspectors, a 9 or a 10% reduction in work and pay. But our request to our bargaining units has been and the discussion has been around wage freezes. This is a 7% actual reduction, as proposed by the council. And that is consistent with what the City Manager and the council appointees have done, is to take a 3.75% reduction in addition to giving up any raises for next year. Councilmember Chu.

>> Councilmember Chu: Thank you, mayor. You pretty much answered my question. I was -- it was concerning that this is the precursor for the council to start going back to our employee and ask for more pay cut. But the truth of the matter is, we're looking for zero increase and zero staff and we're not asking for any additional cut. I understand there are some mandatory reduction, I really appreciate appointee for doing that. So I don't know, the

maker of the motion, I'd like to make a friendly amendment to make it a voluntary program, and 3.75, maybe to some of you, maybe it's a little bit too low, we can bump it up to 4.75 or 5.75, you know, because I feel that 3.75 was just kind of a random number there.

>> Councilmember Constant: I don't accept that amendment.

>> Mayor Reed: Okay, that's not considered a friendly amendment. Councilmember Herrera.

>> Councilmember Herrera: I would like a clarification on the type salaries we're talking about with council appointees. Because I think they're probably substantially more than what we're talking about here. I would like to make a substitute motion to make the proposal voluntary.

>> Mayor Reed: All right, we have a substitute motion to make it voluntary. Seconded by Councilmember Chu. I'm not sure what it means to be voluntary. But maybe Councilmember Herrera or Councilmember Chu can explain.

>> Councilmember Herrera: I want to explain. I think first of all that most people here are probably going to do something voluntary to set the example. But I'm concerned about the people that aren't here and I'm concerned about people being able to make that decision looking at their own situation. So I do think that folks will step up and do what they can. And I just think that it should be voluntary.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: Well, a couple of things. First of all, when we're talking about laying off people, we're not making that voluntary for people. And remember what we're doing is matching what the council appointees did, 3.5 is modest. And we're putting our car allowance not only equal to what unit 99 is, but I think really, getting into the spirit of what AB 1234 is, in reasonable and actual expense reimbursement. Now I know it's a pain in the you know what to keep track of your mileage. But if you're paying taxes on it, you should be keeping track of your mileage anyway, that way you don't have to pay taxes on it and get some savings there. But when you look at \$350 car allowance based on the IRS mileage reimbursement guidelines, it would equate to about 8400 miles a year in driving. And remember, you can't really count your commute to and from work as a vehicle expense per IRS regulations. I, like Councilmember Chu, do drive to Sacramento in the course of employment for my Lafco duties and other things, so I understand what that's like. But it's something that I believe we need to do. And we've talked a little bit about sacrifice. I think it's a modest sacrifice. With all due respect to Councilmember Pyle, I know you said that you'd like to see this in the budget process. That would be nice, but that's not the process the city has. The process we have is outlined in our charter and that's the process we're following and it's something we have to do. It in no way diminishes my commitment to what I said two years ago and before that, that this -- there should be a charter change. There should be a way of changing this so there's not the political wrangling that has to go on, the political influences around accepting or not accepting a pay increase and being the person to vote on it. You know, I raise a family of seven on less than one and a half incomes. My wife doesn't work. We know what it's like to work paycheck to paycheck and we're going to have to make sacrifices. I know some people think I'm rich because I get a 50% retirement from my police department. But I tell you, it's about \$3,000 a month. We're not talking about, you know, this secondary, \$100,000 plus income, it's just not that way. We all have our challenges. But I also know that we all fill out our form 700s and lots of us have other income. It's something that we -- you know, I think this is the right thing to do. So I hope that we can go forward and vote this in today. It's the right thing to do. It's modeling the good leadership that our council appointees have done. It's bringing our auto allowance in line not only with what we do with unit 99 but the spirit of AB 1234 and it's the right thing to do.

>> Mayor Reed: Councilmember Kalra.

>> Councilmember Kalra: Thank you, mayor. As I said, you know, I'm more than happy to -- maybe not more than happy, but I'm happy to make that -- the sacrifice that's being suggested here. We do have two councilmembers that are not here, and I understand, Councilmember Constant, that you oftentimes vote on things when one or more of us aren't here. But this really is a personal matter as well. We have a councilmember, a Vice Mayor that is not here, that I know would want to be here. And for circumstances completely out of her control she

can't be. I don't know what kind of financial circumstance she's in due to the situation she's going through. There is another councilmember who is also not here that I'm sure would like to be heard before something's imposed.

And again, you're right when an employee is laid off, when we have a fiscal situation where we have to require of a certain cutbacks and so on, we can't always get the -- wait to get consent from employees that are affected but they are heard. And I think that's the thing. Even employees in which we have to impose layoffs or cutbacks, if we do it whether they like it or not they get the opportunity to be heard. I think without the Vice Mayor and Councilmember Nguyen here, I feel uncomfortable to put in the mandatory. I would support a voluntary, so that way those of us that feel we are able to, such as myself, yourself, Councilmember Liccardo can do it, and at least it gives the Vice Mayor and Councilmember Nguyen, as well as others who would like more time to look into their personal finances the time to see if they can make that personal sacrifice. I think that's a more rental and fair way to do it.

>> Councilmember Constant: Can I think the City Attorney, I don't think we have the ability to make a voluntary program. In effect what they're asking for is to approve the salary setting commission's report. I think that is what would have to be the motion, and then if people wish to do like the mayor has done in the past, that's a separate action. But I don't think it belongs in the motion, given what we have in the -- what our charter requirements are.

>> City Attorney Doyle: Effectively it is the adoption of the salary setting commission proposal but noting that councilmembers can voluntarily like the mayor opt to either give back or not accept a certain amount. Take the 3.75 cut, in effect. So you're right. The motion effectively would be accepting the salary setting commission's proposal which is to maintain the status quo and then if individual councilmembers want to accept less, they can.

>> Councilmember Constant: And then, if the concern is two councilmembers aren't here to vote, then let's defer one week. Let's not accept the salary setting commission's report. I think there's a big gap there. If we truly want to hear from the two colleagues that aren't here we could agendize this for next week, continue the item and if they're not going to be here they can put a memo out putting their feelings. But I think we need to do one or the other.

>> Mayor Reed: Councilmember Herrera.

>> Councilmember Herrera: I would happily defer it and withdraw my motion.

>> Councilmember Constant: I guess that gets back to my motion, then. So I --

>> Councilmember Herrera: Excuse me.

>> Mayor Reed: Well, let me -- if, in favor of a deferral.

>> Councilmember Herrera: Only if you're going to withdraw your motion.

>> Councilmember Constant: Let me finish. I was going to say -- so what I will do --

>> Councilmember Herrera: Otherwise, let's go for it.

>> Councilmember Constant: No, I may be mean, but that not that mean. So what I was going to say is that -- so it goes back to my motion on the floor now, which I'll withdraw and make a motion to continue this to next week and we can have the discussion over again.

>> Mayor Reed: I love having them over again. So the motion on the floor is to defer for a week. Councilmember Campos.

>> Councilmember Campos: I'm fine, mayor.

>> Mayor Reed: Okay. Anybody else want to discuss the deferral? I think not. All in favor? Opposed? Okay. We'll do it all over again next week. Item --

>> Lee Price: Mr. Mayor, I would like to acknowledge that we do have several members of the salary setting commission here in the audience. They did take the time out to come and be here today while you discussed this. So I just thought I'd let you know that.

>> Mayor Reed: Okay. I didn't have any cards from them to speak, as far as I know. But they are certainly welcome to come back next week, and they can speak next week if they wish. I do want to thank them for their efforts. I'm just sorry that we don't have more money for them to work with, and for all of us to work with, but that's just the way it is. We do appreciate their work and their recommendations. So that concludes 3.6. We'll now move to 3.7, public safety bond program item.

>> City Manager Figone: I don't believe there's a report, Mr. Mayor.

>> Mayor Reed: Motion is to approve the preliminary official statement of the proposed bonds. That's what we're doing here, I believe. Discussion? Councilmember Liccardo.

>> Councilmember Liccardo: Thank you, mayor. I note that Julia Cooper had conversation with members of our team. Julia, I was hoping if I could follow up with some of those questions, if that's possible. Yeah, I got that information, I appreciate that very much. Could I ask a couple of other questions? Thank you very much. Sorry to bring you down. Where I'm going with all this is, I'm concerned about the disclosure of the UAL, the unfunded actuarial -- now I'm going to -- I'm going to get the acronym wrong. Unfunded --

>> Julia Cooper: Actuarial liability.

>> Councilmember Liccardo: Actuarial accrued liability. Thank you, for both our pension funds and for our retiree health care. And when I look at page A-46, table 24, we see results from June 30th, 2007. And those have been verified by our actuary, and I understand that's the most recent information we have that's been actuarially verified, is that fair to say?

>> Julia Cooper: Yes, Julia Cooper, Deputy Director of Finance. Yes, the information in table 24 on page A-46 is the most recent information that has come from our actuaries.

>> Councilmember Liccardo: So I appreciate the fact that nobody's trying to pull a fast one here.

>> Julia Cooper: Right.

>> Councilmember Liccardo: We report what we have that we know is accurate based on the most recent information. Of course, we also know that that information is nowhere close to reality based on where we are today. And just to give you -- I guess to provide some context, we look at table 24, for instance, and this is just comparing the two pension funds, this isn't the retiree liability and medical care, we've got a UAAL for police and fire estimated at \$6 million. We know the number is probably closer to \$1.5 billion with a B. Funded ratio is listed at 99.7%, in fact that number is probably somewhere between 63 and 77. The employer cost as a percentage of recovered payroll for police and fire, I'm sorry, I'm just on the police and fire column here, is reported at 26.67%. We know that number is going to exceed 100% fairly soon. We are -- we're in a world in which these numbers simply aren't close to reality. My concern is, I know that as you turn the page and you get all the way down to page A-61, that information is reported, it's not completely reported from the -- for the federated. We don't have an estimated UAAL for federated that I can see but I may have missed it. I'm concerned with the way the numbers are presented, that they could be perceived as misleading, particularly for anyone who wants to sue. And we know we're in rocky economic waters when the lawsuits are flying. And so I'm concerned about us putting ourselves in a position that is precarious, unless we are providing tables like this with additional columns that reflect where we think the numbers are much more realistically. And I appreciate that there's some additional text at that time bottom that says, hey, things have gone really south since then. But just from my view of this, I guess this is my recovering lawyer instinct. I'm really worried about putting this document out there.

>> Julia Cooper: I can appreciate your concerns, Councilmember Liccardo. It's been an ongoing deliberative process with our disclosure team that has several attorneys on it. And they're not recovering, they're actually attorneys. And we have looked at that and we try to grapple with, do we put it in the table, it's not a true number

yet, it is just a guesstimate. We can go back and have a conversation internally before we put the public -- the document out to try to make it clear to the investor about what the overall liability may be. So I can defer to the City Attorney to see if he has more -- because at this point we really do rely on the expertise of our outside counsel and our internal counsel to help us get there.

>> City Attorney Doyle: Councilmember, I note in the audience Steve Malikian, who is our outside counsel, is here, who can probably talk to us more about the disclosure requirements. And this has been vetted with getting information from retirement current, which hasn't been an easy task. It is disclosed, it is in there. The markets are fairly sophisticated, sophisticated underwriters, and this is how it is disclosed. But if I can ask Mr. Malikian to maybe come down and at least address the disclosure requirements and, to the extent this is sufficient, and if there is any additional way of bolding this or putting this in a form that maybe -- it is bold I know we do have bolded language so we do emphasize it. But I don't know, Steve, if you have anything to add?

>> Thank you Rick. Councilmember Liccardo, this is something that we have been wrestling with quite a bit. Because pretty much every jurisdiction has had a tremendous loss in their pension plan, and then on top of it, there has been the new rules relating to disclosure for other postemployment benefit such as health and dental. And one of the things we did -- well, I think there's a couple of things. The table is very clear, it's as of a specific date. So we are giving information there that is as of a date which is two years old. Unfortunately that is just the way actuarial reports work with regard to pension plans. When you only have reports being done every other year, they tend to be quite dated, especially when you're in your second year. We do have the bolded language in the paragraph right after the table, and that was our attempt to highlight to the investor, or potential investor, this story as sort of an old story. We have other things to state, to point the reader into a different part of the statement. The reason I think we're comfortable with this from a legal perspective, it is very clear that the date of the information is two years old and that bad things have happened since then. And we do talk about the potential funding levels being 100% further back. Maybe a compromise would be to look at additional ways to highlight that before the table. So it's both before and after the table. So any reader would definitely see that this is old information. We are very nervous about putting projections in a table like this or guesstimates, when we're not sure who would do them. No one's comfortable saying -- I mean everyone is comfortable sayings we think it's about. But actually putting a guess in here as to what the current liability is or the current unfunded actuarially accrued liability is, I don't think anybody wants their name next to that number without an official report being done by an actuary.

>> Councilmember Liccardo: But we put the name Segal next to the number on page A-61. I appreciate what you're saying, we don't want to just start throwing numbers about. But I wonder if you were very clear in describing the columns, this is what's been verified, is what we know is actuarially sound, and this is a projection based on a Segal study. At least to compare one to the other would be helpful. Because right now we're looking at historical information that's not off a little bit, but off by a factor of 2,000, in the case of UAAL for police and fire. And merely describing the fact that we've had net negative rate of return in the next paragraph right after that chart doesn't quite fully encompass just how wrong those numbers are.

>> City Attorney Doyle: Councilmember, I think that's a good point. We probably need to go back and try to make sure we disclose in a way you're comfortable with. Ultimately, this is your document. You guys are on the hook for any nondisclosures. And I want to make sure you're comfortable with what gets out there. I note that we put the information in here. It's all in here but if you don't feel it's highlighted enough we can work on highlighting it.

>> Councilmember Liccardo: I'd appreciate it. Perhaps the maker of the moderation might be able to incorporate that as a friendly amendment that there would be some modification of the presentation of this information.

>> Councilmember Constant: Yes, and I just wanted to say thanks for your comments. I had the same question as I went through it until I got to the other pages to see the detail. And just a plug for a bigger policy issue, is I think we need to really keep this in mind when we're talking about our processes for the actuarial evaluations and the benefits of doing annual evaluations. We've talked about it in the context of contribution rate swings, but this is one more reason for us to look at that policy change going forward in our retirement boards.

>> Mayor Reed: We have a motion and second. As long as the clerk has it means we do. Anything else Councilmember Liccardo? Councilmember Constant? Those are the comments. Let me just add, I agree. I know it's all here. So I think it's legally sufficient. But the fact that you sort of have to look for it is something people can point to, and if there's a way to put the bad news ahead of what appears to be good news, people don't jump to the wrong conclusion. The lawyers won't, but yours might. I think that would be helpful. Anything else, Councilmember Liccardo, Constant? We have a motion to approve with the modification. All in favor, opposed, none opposed. Now, let me just clarify. We had two things we were doing, staff recommendations. I only mentioned one that was this offering. But there's also the issuance of -- authorize the issuance of the general obligation bond 2009, which are laid out in the staff registers, those are the two actions included in the motion and second. That's clear, all right, think we're done. We are done on that one. 3.8 is regarding assembly bill 410 by de La Torre regarding recycled water. We have a motion to approve. All in favor, opposed, none opposed, that's approved. Item 3.9 is audit of the police department auto theft unit. We have a motion to approve. We also have the City Auditor here, Sharon Erickson, who is available for questions. This has already been through committee, there's been work done on it already. Any other comments or questions? All in favor, opposed, none opposed, that's approved. Good job, City Auditor. Item 3.10, assembly bill 761, carried by Calderon. Why don't we just get the -- let the public in on what that is. That is regarding -- yes, AB 761 of internet, San José mobile homeowners and tenants. That one, got the right one. Sometimes the numbers don't match. AB 761, Councilmember Constant.

>> Councilmember Constant: I just wanted to repeat comments that I made in the Rules Committee. I think that overall, as we look at mobile home communities, one of the greatest difficulties and challenges they're facing are their infrastructure in their parks. And I know this bill doesn't really address it in any appropriate way. But just a conscious reminder for our housing department and for those of us who might want to try and persuade our state legislators that something needs to happen in the area of the deferred infrastructure of the mobile home parks. Because many of them are, quite frankly, falling apart and people are living in substandard conditions. And I don't know what the answer is or else I'd tell you. But I just want to remind us it's something we need to keep on our consciousness and keep looking for solutions to.

>> Mayor Reed: Okay, we have a motion to oppose AB 761, by Councilmember Pyle. Councilmember Pyle, do you want to speak to the motion?

>> Councilmember Pyle: I just wanted to agree with Pete Constant. Don't everybody jump at once, I agreed with him again. But I do want to say that many of the residents in the mobile home community are either elderly or some are entry citizens to the United States and many of them are fearful of even making a complaint about things they should complain about. So absolutely, I think there are many conditions that would certainly qualify under blight so I don't know, maybe when we get a little more money again we could put a little more attention into that. But you're absolutely right. It's deplorable.

>> Mayor Reed: Okay, we have a motion to oppose the bill. All in favor, opposed, none opposed, that's approved. Item 4.2 is approval to set public hearings on business improvement districts. And those are, there's a series of them. We need to get those onto the record as to what they all are. City Clerk. We have a motion to approve all of them. And "all" includes the hotel business improvement district, the downtown business improvement district, downtown business improvement district, Willow Glen business improvement district, I think that's it. Those four. Got them all? Okay. I have no requests from the public to speak on this. Anybody here wish to speak on any of these business improvement districts? No, okay. Motion is to approve. All in favor, opposed, none opposed, those are approved. Item 4.3 is our community development block grant recovery and stimulus fund application. Motion by Councilmember Pyle to approve. Staff.

>> Mayor, for the record, good afternoon, mayor and councilmembers, Sandra Murillo, CDBG program manager, housing department. For the record, I would like to submit a verbal change to the original proposal. The original proposal included full usage of the 2.7 million CDBG-R funds for six projects all focused on job creation and/ or energy efficiency. This proposal assumed that the administration activities would be absorbed by existing CDBG staff. Therefore the allowed 10% or 270,000 for administration was to fund street light conversion project which is an extension of an existing pilot project which is funded through entitlement CDBG program. Since the time of the submittal we find it necessary to reallocate these funds to administrative funds thereby offsetting the increased administration as required by the American recovery and reinvestment act. Therefore it is necessary to change

the proposed budget. The last project which is street light conversion for \$265,000, to administration and planning for like amount. And also, to delete reference to the 300 low pressure sodium street lights as found on page 3.

>> Mayor Reed: Okay. We have a motion to approve, I believe. And that includes these modifications would be included in the motion. All in favor? Opposed? None opposed, that's approved. Item 4.4 is a hearing on the Coleman avenue underground utility district. I do have one request from the public to speak on this. I'll take that at this time. Joséph corona.

>> Good afternoon, honorable mayor and city council members. I just had a question of this project. I know what it's about, but is it going to be costing to the -- to the people that have a business on that site, a fee or for this project? That's the question I wanted to see, if they can send us information about this. This utility underground.

>> Mayor Reed: I have the city staff, I think our Public Works director will come up and speak to this item. Anything else sir?

>> That's it.

>> Mayor Reed: Okay.

>> Thank you.

>> Mayor Reed: Our director of Public Works will talk about it.

>> Katy Allen: Mayor, members of the council, Katy Allen, Public Works director. This is an undergrounding project along the market center around Coleman. Just as you know when the utilities are undergrounded PG&E pays for that themselves. This is not a residential area, it's a commercial area. I'll make sure that the gentleman gets his questions answered. Thank you.

>> Mayor Reed: Okay. Motion by Councilmember Liccardo to approve. All in favor, opposed, none opposed, that's approved. Item 4.5 is a hearing on an ordinance amending title 23 of the San JosÉ municipal code, the sign ordinance. I think somebody wants to have it deferred. It has not yet been deferred, I don't believe. We didn't do it under orders of the day.

>> Joe Horwedel: Thank you, Mr. Mayor, Joe Horwedel, director of Planning, Building, and Code Enforcement. Staff was asking, and I thought it happened through the orders of the day part. So I apologize on that. Was to defer the first portion of this ordinance as it relates to Capitol Expressway Auto Mall, we were going to hold off on that piece and come back in August or September. But we do very much want to move forward with the mixed use urban sign zone portion of it as we actually have a project that's waiting for that.

>> Mayor Reed: Okay, Councilmember Constant.

>> Councilmember Constant: You answered my question, because I was going to ask if we could split it. So I'd like to make a motion to defer the Capitol Auto Row as requested by the Vice Mayor, and to approve the second action, which is the urban sign code.

>> Mayor Reed: Okay, we have a motion to defer part and approve part. All in favor, opposed, none opposed, that's approved. 5.1, is report of neighborhood service and education committee for May 14th, 2009. Councilmember Campos chairs that committee.

>> Councilmember Campos: Thank you, mayor. We are going to be looking at item 5.3, 5.4, 5.5 and 5.6A for action. Anything else, the minutes are in the packet, and I move for approval.

>> Mayor Reed: Motion is to approve. All in favor?

>> Councilmember Herrera: Let's see, is that -- never minds.

>> Mayor Reed: All in favor, opposed, none opposed, and then the next item, 5.2, strong neighborhoods initiative, Hoffman Via Monte Improvement Plan Amendment.

>> Norberto Duenas: Mr. Mayor, members of the council, Norberto Duenas, Deputy City Manager. With me this afternoon are Juan Barelli, our SNI, Strong Neighborhoods Initiative planner in the Planning, Building, and Code Enforcement Department, and Laura Lam our SNI program manager. Before we hear from the residents community leaders of the Hoffman Via Monte area, we would like Juan and Laura to provide a brief overview on this neighborhood improvement plan and process.

>> The Hoffman Via Monte Neighborhood Plan Amendment is the 10th amendment -- sorry, the 11th plan amendment in renewing the action agenda process, and we anticipate the remaining seven plan amendments to come before you before the end of this year. We certainly would like to thank all of the community members from the Hoffman Via Monte neighborhood for their hard work in trying to make their neighborhood a better place. The story of this process and the renewed plans is really best told by the residents. But before we go there, we want to hear briefly from Juan talk about the plan amendment and the recommendation for your consideration. I do also want to acknowledge Juan's work in kind of helping this plan process go forward. He's been a tremendous asset to the SNI team and the neighborhood, and I want to thank you him for that.

>> Thank you, Norberto and Laura. The goal of this plan amendment is to highlight the neighborhood's accomplishments to date, to document the renewed community vision, identify the community's renewed top 10 priority projects and provide the city and redevelopment agency staff, neighborhood action coalition members and other community stakeholders with a clear guide on improvements to support and partner on, in order to further and continue achieve the community's goals of improving the quality and character of the Hoffman Via Monte neighborhood. So as such the city and the redevelopment agency staff and the Planning Commission unanimously recommend that the city council accept the Strong Neighborhoods Initiative Plan Amendment as a renewed community vision for the future of this planning area and encourage Hoffman Via Monte area residents, property members and community members to continue to dedicate their time, energy and resources towards the plan and this amendment while continuing with their community building activities. This concludes staff report. Thank you.

>> Mayor Reed: Okay, so we're going to have community members come down and speak, in whatever order they wish to organize themselves. Would all the speakers please come on down close to the front. We've got a whole front row reserved for you. You'll be close to the microphone when it's your turn.

>> Good afternoon, Mr. Mayor and councilmembers, my name is Laura Mengilla, and I'm co-chair of the Hoffman Via Monte NAC. And I'm coming before you today as a representative of our neighborhood. First I would like to thank you for all of your continued support towards Hoffman Via Monte's priorities. Our neighborhood has been able to accomplish many of our first set of priority projects that were established with the inception of SNI in our neighborhood back almost ten years ago. One of the biggest projects that first was set in one of our first set of priorities was the alleyway improvement projects. This major capital improvement allowed for the repaving of extremely deteriorated alleyways and created secure fencing between our neighborhood and pioneer high school. Another priority which has been successfully addressed was blight throughout our neighborhood, such as couches, mattresses and tires, et cetera, in our alleyways and carports. This program -- this problem rather was not only unattractive but invited more bulky items to be dumped in our alleyways. With the cooperation of code enforcement, through our proactive no-tolerance program, we have seen a great reduction in these items. The last priority I think is important to mention that we have worked on was establishment of the neighborhood watch program. This program was established well before I moved into the neighborhood three years ago. However when I joined the NAC, it no longer existed. Since this is a constant concern in our neighborhood, regarding crime and gang occurrences, our new community activity worker, Monica Lemas, was able to bring her instrumental knowledge and firsthand experience with Neighborhood Watch and help us reestablish a neighborhood watch program. In our amendment to our priorities we continue to express the need for a neighborhood center, where residents young and old can come and take a class or find resources or just have a place, safe place to socialize safely. With this center in our neighborhood we are certain that it will also become a landmark for neighborhood pride and ownership, as residents will be involved every step of the way in planning and design every step of the process. Our goal and our dreams have started becoming realities with the support of many, but for most, the City

of San José and SNI. We Hoffman Via Monte will continue to set our goals high and truly appreciate all the support that the City of San José can provide. Thank you.

>> Good afternoon, honorable Mayor Reed and city council members. My name is Melissa Blanquist, and I currently serve as treasurer to the Hoffman Via Monte neighborhood action coalition. I strongly urge the mayor and city council to accept and support the Hoffman via Monte's neighborhood improvement plan amendment. As a member of the core planning team for the Hoffman Via Monte neighborhood center, I was moved by the positive energy and enthusiasm at the first neighborhood center design workshop. Residents, property owners, church members, and business owners all came together as a team to discuss and collaborate the future design of our new neighborhood center. The center is important since it will serve as a focal point in our community. Police officers can stop in to fill out paperwork and have the opportunity to foster relationships with residents which will enable them to better understand our neighborhood as a whole. Aiding and meeting our top 10 priority number 4, increasing police presence. We are hoping to include in the center areas that would house programs such as ESL classes, computer training, and job skill training classes which would help fulfill our number 7 priority on our top 10 list. We are hoping to include places for children to play and for the youth to volunteer, as mentioned in our top 10 priority number 5, establishing recreation programs. This neighborhood center would give Hoffman Via Monte a place to come and get involved in giving back to our community, to get them fired up about helping, and offer them the chance to see how good it feels to give back. I would like to thank the mayor and city council members for giving us the opportunity to speak with you regarding our neighborhood improvement plan amendment. I would also like to ask Mr. Mayor could you please give Luis Gonzales one of our community members more time to speak as he will be having an interpreter.

>> Mayor Reed: It's up to you. We will do it.

>> Thank you.

>> [Spanish] good afternoon, honorable mayor and city council members. My name is Luis Gonzales. I'm married to my beautiful wife, Pilar of 16 years, and I have three beautiful children, Alan 16, Jana 11 and Axel, 6. I currently serve as the co-chair for the Hoffman Via Monte neighborhood action coalition and also serve as president to the Hoffman Via Monte committee. [Spanish] the Hoffman Via Monte SNI is a wonderful and ongoing story of sustainable hope and transformative change Throughout the successful relationship between the Hoffman Via Monte neighborhood and the city of San José we have been able to address the needs of the community while at the same time create leadership opportunities for people like myself, to learn and also mentor new and emerging leaders. SNI is an opportunity to give back through the public service. [Spanish] the Hoffman Via Monte SNI collaborative has given us opportunity to hope for something better. Throughout the SNI we have been able to create the neighborhood plan amendment you see before you today. [Spanish] your approval of the neighborhood plan will help us realize the following. A neighborhood center that will house ESL citizen and immigration classes to continue to reach the relationship with the police department, is important for our community but it's more important for the relationship we have with our beat officers. Enhance the ability of El Comintada Resindario to create a welcoming entitlement environment that educates the residents to make informed decisions that will improve their family's quality of life. [Spanish] I'm extremely proud of the confidence we have meeting our neighborhood, but I'm more proud of the lessons my children have learned, that their parents' public service is indomitable and transformable. What we do is change life. Our approval of this plan amendment will ensure that the indomitable is there, of the Hoffman Via Monte community will spread and become stronger. Thank you for your time and consideration.

>> Good afternoon, honorable Mayor Reed and city council members. My name is Carmen Varallo.

>> And my name is Brenda Perales. We are students at Pioneer High School -- go Mustangs -- and a resident and youth leaders in the Hoffman Via Monte SNI community. We are here not only on behalf of our community, but we are also here representing the voice of the Hoffman Via Monte youth and young adults. We'd like to start out by thanking you for your past support, and ask for your future sport of the Hoffman Via Monte top 10 list of priorities and giving a shout out to Councilmember Pyle. The Hoffman Via Monte youth were very proud to provide available input during the community wide meetings we had last year in developing the Hoffman Via Monte top 10 list. Some of the priorities that are important to the youth and that are now on the new top 10 list are:

>> Establishing recreation programs. Recreation programs that provide and promote healthy lifestyles like being part of sports team orderly, will give the youth a chance to feel good about themselves both physically and mentally. Establishing residence training classes. Having these training classes will help adults and youth alike in developing valuable life skills like ESL and computer classes. Building the Hoffman Via Monte neighborhood center with recreation of programs and resident training classes, in place we will also need a place to host these programs. Brenda and I also currently serve the Hoffman Via Monte neighborhood center steering committee, working with city staff and the architects to ensure that the neighborhood center represents the needs and the desires of the Hoffman Via Monte youth.

>> Again, these are just some of the priorities that are important to the youth of the Hoffman Via Monte community.

>> Lastly, we would like to thank the mayor and city council for giving us the opportunity to speak with you about the Hoffman Via Monte neighborhood improvement plan amendment. Thank you.

>> Good afternoon, honorable Mayor Reed and city council members, my name is Lila Jiminez.

>> My name is Cecil Shromo.

>> My name is Oscar Perez.

>> We are also residents and youth leaders of the Hoffman Via Monte SNI community. As you heard from Carmen and Brenda, the Hoffman Via Monte, passionate about getting back to our community. We recognize the impact of -- that the youth leadership has been in our neighborhood. We are determined and continue to lead by example as we move forward with the implementation of our neighborhood plan. We now like to highlight some of our priorities that are important to the youth on our top 10 priorities list.

>> Increase police presence, every day we, the youth in Hoffman Via Monte community, recognize the challenging and dangerous work that the San JosÉ police officers do in keeping our neighborhoods safe. Though the community policing process, our neighborhood has enjoyed a great working relationship with Captain Edwards, Lieutenant Bowen and their staff, and we look forward to continuing a strong collaborative relationship. Improve neighborhood lighting. Continuing on the theme of safety, we recognize the importance in having ample lighting is to enhance safety and security in our neighborhood. Increased lighting will make it easier for drivers to see pedestrians, especially small children and the elderly. Improve Chris Haase park. Having a place to go and something to do for teens is sometimes a challenge. However, our community is very lucky in having a park within our community. We think that by adding a basketball court, a group picnic area and a new seating area will make Chris Haase park a more welcoming environment for teens and adults alike.

>> We would like to thank the mayor and city councilmembers for giving us this opportunity to speak with you about the Hoffman Via Monte neighborhood improvement plan amendment.

>> Thank you.

>> Thank you.

>> Mayor Reed: I think that concludes the presentation from the community. Any additional staff presentation or comments?

>> No additional comment.

>> Mayor Reed: Councilmember Pyle. I believe this is in your council district.

>> Councilmember Pyle: It is, I'm proud to say. And I want to tell you, the difference that these young people have made in their community is astounding. They have really risen to the occasion. They are going to be super leaders as of tomorrow. I want to tell you, we never used to have a lot of people attend our community get-

together. We do now. We had gang activity. We don't now. The contrast between what Hoffman Via Monte is today and what it was a couple of years ago is absolutely amazing. I want to give many, many thanks for all of you for coming down here today, you're all dressed so nicely and you wrote such wonderful pieces to deliver to us. I'm hoping that it will be in the near future that you will all become employed by whole foods and we will be working towards getting you ready for those jobs. You are future leaders. I'm very thankful for you and I'm also very thankful to Harry Mavrogenes who understands our situation, and he is working diligently to deliver the community center that I think will be a welcome, welcome spot in Hoffman Via Monte. And with that I move for approval. [applause]

>> Mayor Reed: Okay, we have a motion for approval. I want to congratulate our staff for getting another one over the goal line, and Councilmember Pyle.

>> Councilmember Pyle: Yes.

>> Mayor Reed: But more importantly, it is the people in the community that make these things possible, and they make them happen, and they make sure that they get implemented. It's the people that make a difference in the community, and we're just empowering them to do what they want to do and can do and that's one of the great successes of our strong neighborhoods initiative program. So we have a lot of things that have been accomplished here, and as we know there are still things to do. And we'll be working on them with the community, so I want to thank our redevelopment staff for doing a great job out there day in and day out and the community for making it all happen. With that, Councilmember Liccardo has a comment.

>> Councilmember Liccardo: Thank you, mayor. I just wanted to reflect on, I think the first speaker praised Monica Lemas and the great work she's doing. I just wanted to comment on SNI and what it's doing in our neighborhoods. Monica, proud to say, is a resident of south university within the university NAC. And she became introduced to SNI as a resident, as a neighborhood leader. And because of her leadership, and leadership of others in that community, they've made incredible gains, including formation of a neighborhood watch, and really is transforming that neighborhood. And as a result of that, now she is part of SNI teaching other neighborhood leaders how to do the same thing. So it is a wonderful democratization that's happening in our city right now because of Strong Neighborhoods, and I'm grateful to Monica and all the other great folks at Redevelopment.

>> Mayor Reed: We have a motion to approve. All in favor, opposed, none opposed, that's approved. Congratulations. That concludes that item. Our next item is 5.3, our early care and education strategic plan.

>> Jane Light: Mayor Reed, members of the city council, Jane Light, library director. I'm here to present for your approval, the 2009-2014 early care and education strategic plan. With me is Dawn Perry, who is the manager of our early care unit. And a great deal of credit goes to her and her staff in developing this. I also want to acknowledge the work of the Early Care and Education Commission, several of whom are here today, who have - especially Mia Cruz and Elaine Curran, who really led this effort from the commission's point of view. The previous plan just expired this year, and the commission and staff began to gather lots of information on early care and education, Santa Clara County early education local planning council that showed childcare needs assessment zip code by zip code in our city. And it showed a continuing need for childcare both quality -- a lot of quantity but of course we want quality in that, too. We also had information from the Santa Clara County partnership for school readiness and it provided local data on children's readiness for kindergarten. And in addition, the commission and the staff had three public input sessions, including one targeted at stakeholders, and an online survey to gather community information perspective. From all of this research we found that the four goal areas we had already established in the previous strategic work plan were still in alignment with what the community needs and wants. And those four goals are to number 1, increase the number of quality early care and education spaces to meet the diverse needs of San José families. There's still a need for affordable high quality childcare and early education spaces in the city, the local planning council report suggests that a current gap of nearly 15,000 spaces for infants and preschool aged children. Secondly, we need to retain, to increase the supply of trained early educators by providing and facilitating professional development so that we can retrain -- retain the highly trained early educators and paraprofessionals because it has such an impact on early experiences for children. Third, we need to increase public awareness and advocacy on the importance of quality childcare. We know that parents and caregivers still have a lot of difficulty finding the information they need to

make the choices about where to place their children and what kind of early education they should give them.

And fourth, we want to integrate the strategic work plan with local, state and national initiatives to ensure that a quality early care and education is available to all the children in San José. The strategic plan answer goals and outcomes provides the flexibility to meet the changing economic, funding and social environments over the period of the next five years, and it will form the basis for the annual work plans for both the commission and the staff. Dawn is here, as am I, to answer any questions and I believe a commissioner or two would like to speak.

>> Mayor Reed: Okay, let's see if we have any questions. Okay, we have a motion to approve. I think there are a custom people we'll take now who want to speak. Elaine Curran and then Corazon Tomalinas.

>> Good afternoon, mayor and members of the council. I'm Elaine Curran, one of the commissioners on the early care and education commission. I am, as Jane mentioned one of the committee members for the strategic plan preparation. We recognized early on that this City's role is not as a major provider of childcare but the city has the ability to play an incredible influence in terms of leveraging both the quantity and quality of care. There are just a couple of things that I'd really like you to take away with you in terms of the things that I think the strategic plan does really well. It focuses on encouraging and enabling childcare providers to adopt quality standards, and allows every provider in the city to meet this -- meet and be recognized by the smart start quality guidelines. It makes parents knowledgeable consumers, and the more knowledgeable our parents are, the more they put pressure and encouragement for our providers to provide really high-quality care. It provides training and support for city staff that might not be in the childcare business but provide direct services to children such as the library story time, and recreation preschool programs. And allows them to meet the smart start guidelines. And lastly, and I think one of the most important things it does is really to working to coordinate the gang prevention initiatives and recognizing that the earlier we can provide the support and education for our children, the less likely they're to get involved in negative behaviors. We appreciate the City's ongoing support for early care and education. You've got many, many difficult decisions to make in terms of how to spend very, very limited resources in this sometime, and we recognize that you've made this a priority. Thank you very much.

>> Mayor Reed: Corazon Tomalinas,.

>> Hello, it's plea again. On behalf of the early care and education commission I'm here to urge you to support or to approve the motion that's in front of you today. However, I also would like to thank you personally for the opportunity to serve in the early care and education commission. This will be my last term, yeah, this month, anyway. I think that you don't see what you do for the families. Yes, we have a long ways to go in terms of improving our quality of childcare, and early care and education centers and also the spaces. But please remember that you are providing a service that's unique, even, to this community and this city. I would like you to know that last month, with Councilmember Chu and Mr. Duenas there, there was a graduation of 72, 72 individuals there. Many of them, for many of them it will be their only graduation. For several of them, it will be a stepping-stone to self-sufficiency, and a dream, a business of their own. So please continue your support for the early care and education services in the city. We need it so very much. Thank you.

>> Mayor Reed: That concludes the public testimony. Councilmember Liccardo.

>> Councilmember Liccardo: Thank you. I know I can't put it any better than Cora Tomalinas just put it, but I wanted to highlight one aspect of this, and that is the role of the redevelopment agency, because I know we're considering budgetary proposals in the coming weeks. And as I understand it over \$5 million is being invested in childcare, childcare facilities. So when we talk about using redevelopment funds for other kinds of purposes, particularly for operation and General Fund type priorities, we should keep in mind that RDA money isn't simply going into tall buildings. It's going into this pretty vital, critical needs like this one. And certainly when we talk about childcare it's not just the social needs, because those are overwhelming, we know the depth of that need already. But there's also an economic development purpose in all this, because it enables parents, particularly moms, to get out there in the workforce. And it's substantially improved the standard of living for themselves and their communities. So I want to highlight the role that RDA plays in all this.

>> Mayor Reed: We have a motion to approve. All in favor? Opposed, none opposed, that's approved. Next item is 5.6, actions remitted to the neighborhoods commission.

>> Norberto Duenas: Mr. Mayor, members of the council, Norberto Duenas, deputy City Manager, along with Laura Lam, and also joining us for this item are Ernest Guzman, community services supervisor. For this item, Mr. Mayor and members of the council, you have the staff report, the staff report from City Clerk Lee Price, director of housing Leslye Krutko and myself, at the outset before I forget I'd like to give credit to Leslye. She would have wanted to be here. I know she's out of the city on city business. And certainly, want to acknowledge her leadership working with Lee and myself to put together the staff report that you have before you. You also have a supplemental that has -- that was released after the neighborhood services and environment committee approved this item, which is -- which includes all the list of the neighborhood commissioners and the alternates, that is part of the action item on the agenda, if you were to decide to move forward with this item and appoint the neighborhood commissioners. And at the same time, you also have a supplemental from our City Attorney, Rick Doyle, that includes information on their review of the applications. With that, I'd like to turn it over to Laura to give you some additional information on this item. Laura has been following this project from the very beginning.

>> Laura Lam: Thank you. Information gathered as part of the review of the boards and commissions is really helping to prepare the foundation for the neighborhoods commission, to ensure that they'll not be overlap in responsibilities between the neighborhoods commission and existing boards and commissions. Really, the best practices and lessons learned that we've identified going through this analysis will help inform the neighborhoods commission, the development and training, both for staff and for the commissioners. At this point we've identified a staff structure to provide support to the commission, utilizing existing city staff and the strong neighborhoods team and the neighborhood development center and will not be looking to seek additional funding to support the commission's effort. In improving the neighborhoods commission pilot the city council develops checks and balances to help the commission really add value to the city organization and help fulfill its mission. As a two-year pilot effort the work plan will be ultimately approved by the neighborhood services council committee and council with records and check-ins provided. What you have before you is a preliminary work plan really to get the ball rolling with the neighborhoods commission. Starting off with a series of extensive trainings working in partnership with the City Clerk's office and the city attorney's office we hope to really lay the foundation for a successful work relationship with this commission. Also, looking to establish the commission structure, communication protocol, and ultimately working on a scope of work and a work plan for this neighborhoods commission. I think it's important to note that we've been working and engaging senior staff, engaging the council committee, engaging neighborhood leaders to think about what that scope of work might look like with, again, the attention paid to not duplicating existing boards and commissions. Some of the items that have emerged that don't appear to currently have a home in a commission, things like urban forestry, disaster preparedness, volunteer recruitment, and looking at additional roles of community participation in the budget process. It also looks that the neighborhoods commission could add significant value to city departments and how they shape civic engagement strategies around policies and projects and programs affecting our neighborhoods. We're continuing to help engage your staff and council committee and the neighborhoods commissioners in developing a scope of work that works. With that, concludes our comments and be happy to answer any questions that you may have.

>> Mayor Reed: Questions on comments? I had one. I just was looking back at the memorandum from 2007, signed by Councilmember Pyle, then councilmember Judy Chirco and myself, regarding the neighborhoods commission. And the first one was will not duplicate the mission or work of existing committees and we're not make budget decisions. In these difficult times of budget we don't want to add another layer of bureaucracy nor more expenses. Crafting that work plan and the scope of work in order to fit this in where it is needed, I think is really an important thing and looking forward to seeing the neighborhood services and education committee develop that work plan along the lines of what we've said, as the staff has described. We're not trying to add layers, we're just trying to add value. And I think there's a role for that. And we can do that and not spend a lot of extra money or it. Councilmember Herrera.

>> Councilmember Herrera: Thank you, mayor. I need to abstain from part B if that is going to be part of the motion. Because I have a relative that's --

>> Mayor Reed: Part B.

>> Councilmember Herrera: Part B. The actual appointments.

>> Mayor Reed: The actual appointments of the commissioners. Okay, why don't I suggest we'll separate the motion, we'll take everything else first, and then we'll take the motion, the appointment of commissioners, and you can abstain from that if that works, I think. Okay with the City Attorney? It's okay. All right. Any other comments? Councilmember Pyle.

>> Councilmember Pyle: Thank you. I wanted to congratulate you, because despite the fact that we have hardships monetarily, this is a way to keep things moving ahead. And I want to thank all of you, Mr. Guzman and of course Laura and Norberto for bringing this about. This is a wonderful prototype. It's not been done before. I wish you all the success, and I think we're going to have that, thank you for all your hard work.

>> Mayor Reed: Councilmember Campos.

>> Councilmember Campos: Thank you, mayor. I'd like to thank you, as well. I know I thanked you in the committee, but the work that you've done in reviewing the short bios on the different people that will be sitting on this, very impressive. The fact that we are like my colleagues said, adding another layer of community involvement I think is wonderful and hopefully, some day we'll see some of the young people who were here earlier sit on this commission because they understand the importance of community and civic engagement. So with that I'll be supporting the motion.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: I echo the prior thoughts. I also just want to express the view, I'm hopeful that this neighborhoods commission will ultimately absorb some of the functions of other commissions as we're looking to sling the size of our pretty substantial number of boards and commissions. I understand that's never a very popular move but it seems to me that this is probably the most representative sample of residents we can find in terms of the process that's been undertaken, and probably the best vehicle for taking on many of the other issues that maybe currently being taken up in other boards and commissions. Particularly, I think we need to have some really brutally honest conversations with people who are investing many, many hours of their time to participate in civic life in various boards and commissions who have been very honest with me in saying, gee, I think we're spending a lot of time, we're very knowledgeable about these issues but our insights aren't being taken seriously. Because we're just one of many boards and commissions and council doesn't seem to be paying attention or the staff is not paying attention. And you know, this is clearly a commission where people are going to be taking some -- paying serious attention and I think we ought to treat it that way as we look about how strategically to best align our limited resources our boards.

>> Mayor Reed: Councilmember Herrera.

>> Councilmember Herrera: Thank you, mayor. I just want to thank staff for all the hard work in putting this together, the countless hours, I know I've met with Ernest and seen him out in the caucuses putting all those things together throughout the city, and doing all the testing of how it would work out. A lot of time and effort has been spent on this. I just think there's a lot of really great neighborhood folks out there who are going to be able to make contributions throughout our city and look forward to the commission's work.

>> Mayor Reed: Do we have a motion on this? I don't think we do yet, we don't.

>> Councilmember Campos: I think, mayor, you said we needed to have it separate because Councilmember Herrera can't vote on that.

>> Councilmember Herrera: I'll make a motion on A. Can I do that?

>> Councilmember Campos: Yes, absolutely.

>> Councilmember Herrera: Move to approve recommendation on A.

>> Mayor Reed: All right, I just want to clarify. We have a supplemental memorandum from the city staff, and the recommendations are on a different order than they are in the agenda order. So your reference to section A is the

agenda order A, which is three items, which is the same as in the staff supplemental memo. It does not include the appointment of the neighborhood commissioners. So the motion on the floor is everything except the appointment of neighborhood commissioners. Discussion on that motion, anything further? All in favor? Opposed? None opposed, that's approved. Okay now we'll take up the appointment of neighborhood commissioners nominees.

>> Councilmember Campos: I move for approval of the commissions nominees.

>> Second.

>> Mayor Reed: Okay, motion is to approve. All in favor? Opposed? One abstention, Councilmember Herrera. That's approved. With a couple members absent. We still got enough votes for the approval. That concludes item 5.6 regarding a neighborhoods commission. Thank you very much. Next item is 6.1, actions related to the station area plan for the Diridon station.

>> Hans Larsen: Mr. Mayor, members of the council, I'm Hans Larsen, Deputy Director with the Department of Transportation. The item before you recommends a series of actions that will initiate created an updated transportation and land use master plan for the Diridon station area at the west edge of Downtown San José. The planning effort is largely funded through a \$750,000 grant provided by the Metropolitan Transportation Administration. Their goal is to help San José facilitate transit oriented development around the Diridon Station, as well as to help plan for expansion of the Diridon station to accommodate BART and high speed rail. I'd like to present a few comments as a supplement to the staff report. First, this planning effort builds on the past planning work that this council has approved and been involved in. There was an initial planning effort known as the Diridon arena strategic development plan that was established in 2002. This plan will build on that. As well as address other new developments in the area. Namely, the planning for the BART project, the high speed rail project, and the ballpark plan, which council approved an EIR for in 2007. This effort will go a little bit further than the previous planning study and will look at a half-mile radius around the Diridon station. That is one of the requirements of the MTC grant. Secondly, this effort will update our multimodal transportation plan for the area, looking at the variety of transit modes that come together at Diridon station, looking at creating a great area for environment for walking, biking, it will address driving and particularly, parking. There will on a new parking strategy for Diridon area that addresses the amount of parking, where it's located, how it's managed, priced, and will look specifically at parking needs for transit, special events centers such as HP Pavilion and the ballpark, as well as in-fill uses in the area. With regard to outreach, this effort will be coordinated with the good neighbor committee that the city council recently established to address public input related to the ballpark as well as other issues. And a big part of the other issues are the efforts that will be addressed in this planning study. There will be three public workshops in terms of the land plan, that will include initial input from the community, a review of alternatives, and then, present to the community a draft plan for community input. There will be other specific meetings with key property owners and stakeholders such as the downtown association, arena management and the Alameda business district, just to name a few. With regards to schedule, this is intended to be a fairly quick process. The planning work will be developed over the course of the next year, and then subsequently, there will be an environmental impact report prepared for this. So the entire process is intended to be complete within two years, really, from this month, and that's also a condition of the MTC grant. The big benefit of doing the EIR is that the land uses around the area will have environmental clearance in terms of traffic and environmental -- other environmental issues, so that private development that's attracted to the area, we can streamline the implementation process for that. Lastly, it goes without saying, the Diridon Station area is a very unique and tremendous asset for San José. The station is recognized as grand central Silicon Valley and has the potential to be a major transit hub of national and international significance. The MTC planning grant helps us work with our community to create a smart plan that is environmentally sustainable and economically beneficial to San José and the entire Bay Area. I believe there's a representative from MTC here as well that would like to speak with you and be happy to assist with any questions that you have. Thank you.

>> Mayor Reed: Thank you. We do have Justin Freed from ABAG who wants to speak, I believe. And is there somebody from MTC? Okay, Justin will cover that ground, probably.

>> Justin Freed: Good afternoon. Mr. Mayor, members of the council, my name is Justin Freed. I'm representing the association of Bay Area governments and the other regional partners of through the focus program. As a

former city employee I'm happy to be here today, to speak in favor of the Diridon Station area plan. The focus station area planning grants are intended to support cities in their efforts to accommodate future growth in the region in areas that are well served by transit. And the Diridon Station is a prime example of that. It's a major node in the regional transit network and it is just going to increase in its importance with the extension of BART down to Silicon Valley and the development of high speed rail. And so the station area Planning for it will be important. One to provide quality growth and development in the areas around the transit station, and to improve the access for San Jos  and the surrounding areas to these transit services that will be coming through Diridon station. We are excited about this plan, and we look forward to the approval of the funding agreements and this effort getting underway. Thank you.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thanks, mayor. I just had one quick question, because I know yesterday's meeting at T&E, we had conversations about Diridon and all the activities going on around it related to planning in some way. I know we've got a set of Harvard graduate students who have already taken a cut at this. We've a good neighbor community that will be starting up soon. Green Belt Alliance, I know, is leading a community effort. And my concern is that everybody's sort of working in parallel, or I guess in individual silos, and maybe not talking to one another. And I'm wondering, do we have any mechanism for ensuring that one effort is informing the other, particularly in these community-led efforts?

>> Hans Larsen: Councilmember Liccardo, you're right. There is an extremely high level of interest in planning the Diridon area. And you mentioned all of those. Staff from Department of Transportation, redevelopment agency, Planning, Building, and Code Enforcement, really have been working together with Harvard University students, the urban land institute effort as well as the great communities collaborative's effort so that all of these other entities that are interested in providing input are doing so in a way that adds value to the planning process. And I think we very much respect the input from all of these stakeholders who want to help us put together a smart plan. And I can assure you these are not sort of happening independently without the common glue of staff that's helping to work with these other stakeholders as we put this all together.

>> Councilmember Liccardo: So there's going to be a very concerted effort, making sure for instance that ULI and field Paoli are doing work that is informed by the community effort, for instance?

>> Hans Larsen: Actually, what these other groups are doing is trying to get a little bit ahead of the formal process. Which is our consultant led by field Paoli. And then we will have a formal planning process that will take these others efforts as inputs and then there's really one official effort that really becomes the formal planning. We have a lot of folks that we want to sort of get in with the early feedback to us and we certainly welcome their efforts to do that.

>> Councilmember Liccardo: Thanks, Hans. I'll move to approve.

>> Mayor Reed: We have a motion to approve. Councilmember Campos.

>> Councilmember Campos: Thank you. I will be supporting the motion, but before we vote on it I wanted to ask you a question. On page 3 of the memo it talks about the matching grant and it talks about the City's contribution of 100,000. Do you see where I'm talking about? So my question to you is, can this 100,000 contribution be transferred to the redevelopment so that we can free up money to the General Fund, so in other words, can the redevelopment pay for the 100,000 in contribution on our end for the match?

>> Hans Larsen: Yes, thank you, Councilmember Campos. Let me address that. The \$100,000 city contribution is coming from the city's capital traffic improvement program, and city council had created an appropriation for this purpose out of the traffic CIP to help leverage grants to do land use and transportation planning in the Diridon area. Because these grants are with transportation agencies, that's sort of kind of the nexus that we've used. It's MTC funds, it's VTA funds and it's San Jos  D.O.T. funds. That is not to say that the redevelopment agency couldn't contribute towards this. That would be another source of funding. I might add that the study area that we are covering does include areas outside the redevelopment boundaries. There might be some limitation to doing that. I might add that redevelopment is participating in the study in terms of the staff efforts and particularly the

planning related to the ballpark. I might add, this is the way we've set it up but to your point I mean there is some flexibility on other funding sources including redevelopment sources that could cover the city match.

>> Councilmember Campos: And the only reason why I brought that up is because we know that our General Fund is hurting, and if we can use money, free up money for critical services within the city, and we can have the redevelopment take that portion, but I'm not clear. I hear your explanation, but I'm not getting whether it's something that we should move forward on, or the recommendation is not something that you support. I'm not clear.

>> Mayor Reed: City Manager.

>> City Manager Figone: If I can just help, I think what Hans is saying, councilmember, is that the allocation is coming from capital funds and not General Funds. So that's not to say the capital funds aren't precious also and would be valuable to free up, it certainly wouldn't be a General Fund savings at this time, is that correct, Hans?

>> Hans Larsen: That's correct.

>> Councilmember Campos: Okay, thank you.

>> Mayor Reed: Motion to approve. All in favor, opposed, none opposed, that's approved. Our next item is 7.1 regarding an agreement for sewer alignment. I'd kind of like to get a staff presentation on a 60 inch brick interceptor phase 1 sewer project, but kind of running out of time, so we'll have it on another day. I know everybody is anxious to get the details of a 60-inch brick interceptor. We do have a motion to approve. All in favor, opposed, none opposed, that's approved. Next item we'll take up is a joint city redevelopment agency item, that is 8.2, cooperation agreement between the redevelopment agency and the City of San José.

>> City Manager Figone: I believe staff is here just to respond to questions. We don't have a presentation on this, do we Harry?

>> Mayor Reed: It is part of the agency agenda, but it's a joint -- joint item. Cooperation agreement between the city and the agency, but the documentation is in the packets as part of the agency materials, if anybody is looking for the staff memo. Any questions for staff on that? No. Then we need a motion. All in favor of having cooperation between the city and the redevelopment agency? Anyone opposed? No one's opposed. Okay. That's approved. I'm sure we'll show great cooperation. All right, that was the joint item. We're now set for the open forum, which we'll take before we do the redevelopment agency stand-alone items. On the open forum, I'll call a few names at a time. Please come on down to the front, there's plenty of places to sit or stand down here so you're close to the microphone. Steve Mahan, Marcus Erickson Lila, keep people moving come on down. Steve. Steve Mahan. Take it away. You be the first.

>> Thank you, Mayor Reed and city council for allowing us to speak. My name is Marcus Erickson from the Albolita marine research administration. We study waste out in the ocean. You are considering fees on plastic bags and styrofoam cups and so forth. I want to give you information on what's happening 2,000 miles from the San José coast. I've gone there three times. Myself and Anna Cummings. When I first got involved in this ten years ago had a chance to go to Midway Island, halfway to Japan, small island went there to study birds. All these plastic items and bottle caps I pulled out of bird skeletons. Also the whole list of animals impacted by our waste includes 44% of the world sea bird species. 22 different kinds of cetaceans whales and their kin, very long list of fishes, and all kinds of marine sea turtles. The environmental impact is enormous. What we would like to do is share with you what's happening out at sea. What we do as researchers we go out 2,000 miles at sea, drop our nets and skim the ocean's surface. I brought one sample to give to you Mayor Reed if possible. This is an area as big as the wooden floor here. These were plastic forks, knives, particles of plastic bags, bottle caps, pieces washing off our watershed increasingly quickly accumulating in the mid Pacific ocean my colleague Anna Cummings will talk about some of the human health impacts. I'm a scientist, investigator and what the right thing is to do understanding the environmental impact of all these plastics. As well as our current science looking at the human health impacts, it's the right thing to deal with this plastic waste that we're using every day and allowing to go on the ground and end up in the world's oceans. Mayor Reed may I provide this gift to you?

>> Mayor Reed: You can give it to the clerk.

>> Okay, thank you.

>> Mayor Reed: I don't promise to keep it.

>> Thank you so much.

>> Mayor Reed: Thank you. Anna Cummings.

>> My name is Anna Cummings with the Alameda science I want to share with you the impact on fisheries and ultimately human health. Around the world fish are a critical source of protein for humans but increasingly we're finding plastic, our toxic plastic particles in the stomachs of fish that humans eat. Identified seven new species of fish that are ingesting plastics. The stomach of a fish we caught this year with 17 fragments of plastic in its stomach. These plastic particles are not harmless. They are shown to be bioactive in the marine environment. These plastic PCBs, DDT, pesticide, stick to plastic like a sponge. A single pellet can have up to a million times of concentration in these chemicals that are known to be human carcinogens, lead to birth defects, miscarriages, obesity and other toxic impacts. We know now that our plastic particles winding up in the ocean are attracting particles that get into the fish that we eat. We attest that no amount of recycling or public education can solve this problem. We need legislation to stop the flow of plastic oops bag fee or ban we think this is the only way to solve this problem. Thank you very much.

>> Mayor Reed: Steve Mahan, followed by Lila and then Aaron Racindas.

>> How do you do. Mr. Mayor, councilmembers and staff, my name is Steve Mahan and I'm the director of Santa Clara Valley blind center and I'm here today to advocate on behalf of our blind center as a unique and critical resource for the City of San José. The since 1953, and in this discussion, of critical needs in our community, I think that I can say without fear of any kind of difference, that we are the only agency in San José that services this particular population. I realize there's been discussion of safety of crossing guards and things like that. We're the only people that teach blind people to cross the street. Of emergency services, we're the folks that teach people how to have access to their phones and to civic services that keep them safe. There's been a great discussion of education in our community. We're the people that teach those whose lives have been impacted by blindness. We're the folks that teach them to continue to be able to read and to communicate with their friends, family and community. As we look at the budget I realize that sometimes we think that the funding for services such as ours come from many different pots Hoffower we're very, very reliant on the support of the community to continue the important work that we do. Our services are absolutely unique. We -- people in terms of blindness think they can go to hospitals, they can go to doctors. However there comes a point in blindness that what happens is there are no more medicines, no more surgeries, no more procedures. The doctors and hose can tell you you're blind but they cannot tell you how to cope with blindness or conduct your life. That is what we do we beg the City of San José, the councilmembers that are present today and the staff to keep in mind that we continue critical work with a growing population --

>> Mayor Reed: I'm sorry, your time is up.

>> That up for your attention today.

>> Mayor Reed: Lila and then Aaron Racindas and angel Luna.

>> Hi, good afternoon, day received a link which led to a youtube which the San José police department has made a channel from youtube and the first video then use rouge and pretty much making him seem like he was a big threat to our community when in fact I know Raj personally and he has not just been a threat he's been a positive image and positive for all of our community and he has helped me. And I believe that's profiling somebody without even knock him. That goes on in the neighborhood, in the streets and you know in the very low income neighborhoods it goes on like that. And I can speak and say that I've been witness to that and I have film, I have footage and actually my sister she got beat up by the SJ PD for no reason. And I'm going to tell you straight up that needs to stop. I'm here, I'm talking about it and we're spreading the word and we're letting you

know that my little sister she's 4-11, she got beat up by four police officers, you think that's right? I was in the back of the cop car, watching everything. She went into a bike accidents, twisting them, profiling us, the case was dismissed, what can we do now? Can those police officers get arrested? No, one officer was taking it down, he was a rookie and he was Hispanic. All I'm saying is the SJ PD is profiling not only our community but profiling those that are helping our community and I don't think it's and we're going to speak our minds because this can't be happening to me or my children or our future generation and I wanted you guys to hear what I had to say about that. Thank you. [applause]

>> Mayor Reed: Aaron Racindes followed by angel luna and Darlene Walk.

>> Good evening, mayor and councilmembers. My name is Aaron Racindes, to all you know me and I was the main organizer of Cinco de Mayo rally outside, you know, against City of San JosÉ police officers bad behavior. You know, I got so mad when I saw this videotape that they took about rush in this podium talking about his freedom of speech. And this is not right, what police officer association you know did with this video on youtube. Many of those who rally were scared to come, they're scared of police. That's not right. We should have freedom of speech and come over here and speak the truth. Before the rally my wife was in El Paso teem, her man was having heart as you recallary. You're not afraid because you're talking about police they are powerful they have all the things that you know we don't have as a community. And I say you know what? Every time you speaking the truth, myself, I'm not afraid. Even to die. But I, today, that video that they put on youtube, it's nasty, it's to death and they're make we are citizens yes but we are speaking the truth. So please take a look at that video. And that is no professional work from PO amp. Thank you. [applause]

>> Mayor Reed: Angel luna. Darlene Wallach and then Richard Kondit.

>> Good afternoon, city council, good afternoon everybody. I'm here because I'm a very concerned citizen. I watched the video on youtube. To be honest, I was surprised. I thought the police officer association would be really like professional association, a professional institution. But it seems like they are very, very, very trying to manipulate the public with this type of videos targeting community members that are helping to create a dialogue between the police, between the police and the community. And I'm talking to about constant over here councilmember, you were speaking on the video. There is some stuff where you're talking about like the community loves like the large police presence in San JosÉ. And to be honest, that is -- that is not true. I don't -- I don't like to see a lot of cops. I would like to see the cops engaging more into talking to the community and to talking to the citizens, citizens like myself or citizens like the people who is trying to make a change in this community, to make a better San JosÉ for everybody. Not a San JosÉ where we have a police state. I'm just talking about the -- I'm very concerned that the police association is targeting citizens, is trying to create fear. And if you don't believe me you can go and watch the video on youtube and there is channel 5 piece on it. So I'm just a concerned citizen and I want -- I want the police officers association to apologize to rash. Thank you.

>> Mayor Reed: Darlene Wallach. Richard Conda and Bethcy Wolf -- Graves.

>> I think it's deplorable and abominable about that article and the youtube video that the police who were supposed to protect the citizens who were supposed to protect our free speech are attacking and threatening people who are eloquent and articulate in talking to the police and talking to the community and I think it's deplorable that with that has happened and I think that that should be removed and the police ought to be reprimanded for what they did. Raj Jaidev is an upstanding member of the community and he really contributes to dialogue between members of the community and the police and it's just in conscionable that the police did what they did that basically threatened him and threatened be anyone in the community for speak out. [applause]

>> Good afternoon, Mr. Mayor, members of the city council I wanted to add my voice to this issue also. I think that the San JosÉ police officers association has made a grave error in their posting of the youtube video of Raj. I've worked with Raj for many years and I can personally testify that Raj is a peace maker, it is a person that encourages dialogue. In fact Silicon Valley debug is a place where people can go, who maybe don't have confidence in the independent police auditor and so they'll go there to bring their issues to the people at debug including Raj and Raj will try to help problem solve and in some instances he will bring their case to the IPA or to other sources raj is a person I respect personally and I think they need to take it very seriously in terms of the youtube video. I urge all of you to take a look at it. It really is a problem. Thank you very much.

>> Mayor Reed: Betsy Wolf-Graves, fold by A nrvgehtsu Andarilli and Charlotte Casey.

>> Honorable mayor, city council, I'm here because I cannot believe that a professional association of our police would stoop to something as egregious as this. They are threatening Raj and debug, Raj writes, are they trying to silence a journalist? Is this what they're trying to do? Are they trying to stop debug from supporting people who are ignored by most of society? When I think of where we have been, without any support, and what debug has offered this community, I am very grateful. And as a member of the ACLU, Silicon Valley board, this is a free speech issue. And I want you to think about it very severely. Should grass roots people be agricultured, not in a democracy.

>> Mayor Reed: Anu Mondarilli, Charlotte Casey and Fred Hirsh.

>> My name is anu andarilli oop the rks teenly concerned about the actions of the San JosÉ police officers association, in regard to their targeting of Raj Jaidev for his public testimony all for the San JosÉ city council meeting for May 5th, 2009. We are shocked, the arrogance and Jaidev's testimony and fear for the safety of this young activist of color as we do for the members of the community at large that are at the mercy of an armed and dangerous police force. We are puzzled at this belligerent response to a established mechanism of democracy such as public comment. Is the SJ PD not aware that in a address members of the public are fully empowered to question abuse of power by the police? Or does the SJ PD not realize that as public servants they are in fact always accountable to the public? In this connection, I would also like to note Mr. George Vidi's shocking statements on the Website of the police officers association where Mr. Beatty questions, that Mr. Beatty equates all public dissent to threats against the police department. Public dissent I know is part of democracy and cannot be automatically qualified as a threat. I would also like to note that this action by the SJ POA raises important questions about the integrity public servants accountable. It seems to us that this video is meant to intimidate, and serve as an example of retribution by the police officers association. Should any individual dare to question the actions of the police. This is hardly conducive to public debate to say the least. And deserves to be condemned.

>> Mayor Reed: Your time is up.

>> Strongly thank you .

>> Mayor Reed: Charlotte Casey followed by Fred Hirsh and then Brian helm. Gls I'm Chart Casey, continue reading the statement which also has been mailed to all of the city council members and to Mayor Reed. We note with regret that this action by the San JosÉ police officers association will lead to a further erosion of trust between the people of San JosÉ and the police department, in a context where so many questions are already being raised about the police department's abuse of power. Reactions such as this video also lend further credence to allegations of racist and discriminatory behavior that have been made by the African American, Filipino Vietnamese communities and many other residents of San JosÉ that the video on question has been put on public display by the police officers association via youtube and intrert portal upset worldwide audience in perpetuity seems to indicate that these tuts are not the actions of an isolated few but in fact share widely upset surely a cause for concern. Given the above we demand an apology from the police officers association to Raj Jaidev around the people of San JosÉ followed by a detailed splains as to the circumstances under which the video was produced and circulated. We would also like an immediate clarification from city council members Pete Constant and Ash Kalra whose comments have been used by the police officers association and the association. Further, we ask city council to issue an official motion of censure against the police officers association to strengthen institutions of police accountability and facilitate public participation in these initiatives without fear of reprisal by the police. And finally to pursue all means to ensure the safety of Raj Jaidev and members of minority communities who are all too often victims of a hostile and police force. Thank you. [applause]

>> Mayor Reed: Ed from Hirsh followed by Brian helmly and Jesse.

>> Good afternoon, mayor and members of council. I didn't put my true address on this card because I've experienced some of the raj Jaidev has experienced. He has been targeted 50 P OA, the San JosÉ police officers association. In 1971 or 2 I was an active critic of the police department, and found a box on the police vanguard,

which was then edited by Hal Ratliff, the man whose name is now on the new headquarters of the POA, I understand. That box in the police vanguard said, Hirsh is alive and living in San JosÉ. It did to me what youtube is doing to Raj Jaidev. I don't want them to come back to my house and put search lights on it. I don't want them following my family as they did then. Raj Jaidev has been put in danger by the police officers association which is representative of the entire police department. It represents everybody but the top officers, the very top. It is a spokesperson for the San JosÉ PD, I believe that it's incumbent on this council to censure the POA for what it is doing to attack critics in the private citizens in the community, and either you will censure them and show who is governing this city, whether it's the police department or the city council, if you don't censure them, this will go on and on and on and not stop. Thank you. [applause]

>> Mayor Reed: Brian helmly and then Jesse and then Donna Wallach.

>> Hello, my name is Brian helmly, I'm a member of San JosÉ cop watch. cinco de Mayo we crowned an SJ police officer, is that a camera or is that a gun and that's a direct threat on that person who happens to be a person of color and was basically threatened at that moment either you put that camera away or we might shoot you. That is a direct threat, I take that very seriously, San JosÉ cop watch takes that very seriously. We put the video of that up on youtube, if people are interested in seeing this threat, go ahead and search for San JosÉ cop watch, Cinco de Mayo, 2009. It's kind of quiet, but both hands go up in the ire. we wrote a letter to the city council regarding this, it was dated and signed on May 28th but it was shunted to the public safety committee. I don't know why. But I would like the letter to get to you all as was intended. I have a copy of it here if you'd like. And that's to basically give you all notice that we hold the San JosÉ police department, the San JosÉ police officers association, and you all, basically accountable or directly in charge of anything that might happen to city or to cop watchers in the city or other police accountability activists like Raj. Furthermore, you know, now you can see these -- this video from the San JosÉ police officers association up on youtube and I -- I guess it's not necessarily directly speech by you guys but I would be curious if the San JosÉ police officers association is speaking for you and if you feel the way that the San JosÉ police officers association seems to feel which is like public comment is a threat against the city that it's the threat of riot, that it is a threat of destruction, that it's a threat on the police department. If that's the case I would say you will be dealing with a lot of that and you should maybe tell the police officers association to be shubt shunting.

>> Mayor Reed: Your time is up.

>> And the fear and the anxiety --

>> Mayor Reed: Your time is up. Jess ervetion then Don wall Al.

>> Let me get this quick, I took dime out of my workday to come down here and let you know that I'm severely dissatisfied with this council's lack of action towards the police department. There have been many, many cases, many, many for ups. Mr. Reed, there were many different forums, and I've been up here many times, I've been up here so many times. The last time my friend Raj came out here he wore a shirt like this. The POA said it was a tee shirt dude. It's a tee shirt dude, I'm wearing this because they're going to probably target me as a thug also. If I'm a thug ooms some members and the way they act then so be it. I must be that thug. But I let you know I am not a thug and you can run the background check on me and you'll see I'm cleaner than I don't know what. I pass whatever kind of background check you can see that. Or else I wouldn't be bloid. raj and a lot of people of debug take time out of their own personal schedule, spend their own money. Without any refunds or rebates. You guys are all paid. Loved one has been beat or loved one's been tased or killed by San JosÉ PD, that's what we do when we're out here working with the community. We're not causing riots, we're not causing violence. We've all been about nonviolence. If he's a thug then I'm a thug too . [applause]

>> Mayor Reed: Donna Wallach, Kurt Charis dming oh and Bonnie love.

>> By the San JosÉ police officers association. Debug has been active in all the San JosÉ neighborhoods, promoting equal rights for all and encouraging people to speak out about inquealts and especially about excessive use of force by the police. Last year debug initiated a campaign to ban tasers by the San JosÉ PD. Raj is well-known throughout the Bay Area, the entire Bay Area and he promotes dialogue with everyone. Beyond his peaceful way -- he is been known for his peaceful ways. His ability to bring all communities together in all aspects

of community life. He along with others have opened the door for many people to express themselves through journalism, community radio and community television. I am appalled and outraged by the San José police officer association, as well as their VP George Beatty, making dlets on Raj in particular and the debug community at large, calling us thugs, that we engage in criminal behavior using the youtube which can be viewed by all police throughout the entire United States which basically is making light on Raj's life endangered wherever he travels throughout the United States. The accusations are beyond ridiculous, commit complaining about police behavior and complaining about excessive use of force by the police. I'm afraid that the members of the San José PD will now target Raj and other debug members and their lives are now in danger. I call on each and every one of you on the city council to censure the San José police officers association for these gross lies and mischaracterizations, it is also vitally important that the city council inform the San José police officers association, Rob Davis, the Chief of Police, and each and every one of the police officers of San José.

>> Mayor Reed: Sorry your time is up.

>> That all and any retribution will not be tolerated.

>> Mayor Reed: Your time is up. .

>> My name is Cher East dming oh and I am a proud member of San José Silicon Valley debug. Last and only stop for families who are facing issues within the criminal justice system. We don't just represent the community, the community is us and represents us. And that is why the san José police officers association tactics are particularly offensive because they're attacking the community. Since when has calling for police accountability and transparency a threat and a call for physical violence? And their video does nothing to quash any kinds of fears or concerns that families already have. The families that I know have been beaten and mistreated by the cops once, they don't need to be targeted twice. And so I ask the city council to send a message to the SJ POA that they need to be censured for these kind of tactics. that they need to come out and that you will protect them as city leaderships. As for the SJ I dare you to stand up and say this is not the kind of SJ PD that you signed up for. Debug has always been procommunity and that is the side of history that we will always stand by. Last thing is I would like to thank Councilmember Liccardo and Councilmember Campos's office for actually responding very quickly and looking into this matter. Thank you. [applause]

>> Mayor Reed: Vinnie love, Gail Noble, David Wahl.

>> How you doing, man, my name is Vinnie love. I'm the victim of police brutality. I got tasered by the police when I was on the ground, laying on my back, and they put me in jail for 53 days. I was losing my truck, I lost my business, I lost everything because I white female officer. I'm homeless because of all of that. If it wasn't for debug Sherea and the whole company, I don't know what I would do I'm still homeless because I haven't recuperated from all of that. The police even though I was in jail for 53 days, they defied charges they trumped up against me they dismiss all the charges. And when they dismissed all the charges, that's when I filed the lawsuit against the police department. I'm in the process right now. Like I said if it wasn't for debug and Raj and all them people, I don't know what I'd do. I think the police department need to be checked on all some way. None of you people probably deal with them but we be targeted, blacks, next cans, I don't think none of them is thugs. They try to help anybody that's need. Anybody that don't have the funds to get a lawyer when police brutality and all that stuff is against them. And I don't even know why we're here today only y'all talking, got to trying to help people out. That doesn't make sense to me. This man going out of his way, they haven't charged me one dime for the thing they done for me and just because they watch police and their activities y'all want to target them? I think that's crazy. I'm out.

>> Mayor Reed: Gail Noble. [applause]

>> Mayor Reed: Followed by David wall and chip brown.

>> Hello everyone. I just -- I'm just going to take a couple of minutes. I want to start with January 1794. Richard Allen and Epsilon Jones were the first black men to write about racist and stereotyping. Then I'm going to bring you up to date with Richard Allen, James fortune, frederick justice, sojourner truth. Petered Brown, these were all people that fought for civil rights, Raj Jaidev is no different. He stands up for the community and law. police do

with police reports. And for this, this man is degraded. It's always when it doesn't go the police way then they create confusion. And that's what the police association has done, is divide and conquer. They have created confusion. So I'd like to say that Raj Daidev has brought opt knows the law and is not afraid to stand up against anyone for justice. Raj Jaidev is a blessing to everyone in the community. What we don't know, he knows. And what he doesn't know, he finds out. He should be awarded, not targeted. That's all I have to say. [applause]

>> Mayor Reed: David wall followed by Chip Brown and Aaron James.

>> Good afternoon I have two issues for today . First it concerns district 6. One of your constituents called me in regards to a hair salon on Lincoln Avenue, I believe you have her name. I gave her the opinion that you are at the highest regard and your office will follow through with it. I believe her name is Sharon Serante. My Italian is hampered with these rubber bands. As to the issue that's surfaced here with Silicon Valley debug, I want the world to know that I have seen this group in action. Orchestrate their opinions, in such a fashion that I've just witnessed. I had no intention of coming to here today but to speak to Councilmember Oliverio. When they don't get their way, they throw temper tantrums. They threaten our City Manager and that task force, when they did not get their way, they walked out. They gave up their right of social credibility because of their opinions. As far as the San JosÉ police goes, there's no finer police department in the nation in my opinion. And Councilmember Constant, in my many decades of council watch you are without a doubt one of the finest councilmembers ever to sit and serve in this city. Your attention to detail, on infrastructure and the budget, is without question to be heralded with some form of monument somewhere in this city. But once again, the San JosÉ police are not the issue here today. The San JosÉ police are the finest police department in the nation, bar none. And as far as this group that sits before me, or behind me, rather, I have seen them in action, I have no regard for their tactics. They're welcome to enjoy the liberties of free speech. Their threats of riotous behavior and destruction will hopefully be met with the appropriate force measured out by the appropriate authorities. Thank you all.

>> Mayor Reed: Chip Brown. [applause]

>> Mayor Reed: Arom James, Sandy Perry.

>> Good afternoon council, mayor. I'd like to start by personally saying that I feel very thankful to live in San JosÉ. I think that for a city so large, and with the police department that isn't that large a number compared to other cities as large, we have a tremendously low crime rate, low murder rate, we all live in a pretty decent situation. Let's put that aside. What I'd like to talk to you about is this video and this article that was written. You've heard a lot of different opinions. I just want to say this. For those of you that are familiar with this, you know what kind of work we're trying to do. For those of you who might not be as familiar with us, we encourage you to come by and see what kind of work we do. We are not an antipolice group. We are not an antigovernment group. We are a nurturing community group. That's what our basis is and that's all we want for everybody. If anybody does wrong for anybody else we are concerned. We are not only concerned if the police do something to anybody. If that is only the case. That is what is being presented today, that is what is being addressed. But overall we have done some pretty interesting things. have more conversations about how we can work together to make the city work better. Thank you. [applause]

>> Mayor Reed: Arom James, Sandy Perry, Gene Melecene.

>> Good afternoon, axrom James, spent 22 years at a public defender, Santa Clara County public defenders office. The last two years I've been privileged and honored to work with Raj Daidev and debug. Come every Sunday we have away I call a community law clinic. Starts at 2:30. People who feel like they haven't been getting a fair break from the public defender's office the district attorneys office the police department the city council person they're all welcome. We do what we can to shepherd those folks to place wrest they will get a fair share and a measure of their constitutional rights. We sat down with Rob Davis, the police chief of San JosÉ at the debug office. He came to that office. I've had harsh words for Rob Davis on many, many occasions, including in front of this council chambers. But he had the good common sense to know, nobody was going to do physical harm or make physical threats when he comes down to debug. The nature of the constitution, the nature of accountability, is often strong words and from those strong words, hopefully we can create change. But Mr. Beatty, George Beatty from the police officers association, the words that he put out on the Internet in his statement suggest to me a penal code section 422, thinly veiled, a terrorist threat. I'm not going to tolerator

that. As a friend of Raj's as a person of the constitution, when we have officers that are paid by the public, they have a higher responsibility. They have a responsibility to protect all citizens, including those that they may have a tendency to disagree with. It's a shame, if folks stay silent on this issue. Mr. Liccardo, Ms. Campos, thank you very much for reaching out. I know that you know that the work of debug is not about hate, is not about thugery. It's about the constitution. Thank you.

>> Mayor Reed: Sorry your time is up. Sandy Perry. Gene Melecene and Mark Peterson Harris.

>> Good afternoon, my name is Sandy Perry, I'm from Chum Christian ministry that serves the homeless. for the record I'd like to say we love America, we're pro-police, we have a long history of cooperation with the police in management of the shelter we used to have next door. We're a nonviolent ministry, we try to 99% law abiding the other 1% we have been involved in some civil disobedience demonstrations which were very peaceful handled very peacefully by ourselves and the police. There's some confusion what's meant by the term street response. Street response is an old American tradition, and it's made most famous in the case of Martin Luther King, in the South. We've seen it here in San JosÉ, in the immigrant marches. The demonstrations by the Vietnamese, and in numerous other groups from all across the political perspective in San JosÉ. Silicon Valley debug is an organization I have a lot of respect for. I've known them since I believe since about 2000 when they were over here on seventh street. They've always reached out to youth that no one else was relating to. They reached out to homeless teenagers who were in our shelter and they've involved them in constructive community and cultural activities and not once in nine years have I ever heard a threat or seen a whisper of of an act of violence and in my opinion, they need to be commended or given an award rather than being slandered. So I'd like the council to investigate why these slanders are being made, and in any case, don't allow them from -- to divert you from continuing to look into the problems of police oversight of the police force. [applause]

>> Mayor Reed: Gene Melecene some Mark Peter SOP Therez, Raj Daidev. He.

>> I'm representing and the people. I'm here to speak on behalf of my good friend Raj Jaidev. There was a video put out there was a link I got by the San JosÉ police officers association from the youtube account in which he used terms when he was speaking to you guys a couple of months -- couple of weeks ago where he used the terms problem solving bridge building and conversation. And those were looked upon as a threat. And those are actually probably the same tactics that you guys used to use to get into your position in office right now. Problem solving, bridge building and conversation. So if that's looked upon as a threat from the San JosÉ police officers association, then I think that they want the opposite of that which is problems, no bridge building, and no conversation with the people. So I don't know if there's going to be repercussions for the SJ POA, but this was tax money used to make this video to slander someone from the community. And I think it's pretty embarrassing, if you don't feel embarrassed that these people are getting paid from you guys and the people, I think that there should be an apology to Raj Jaidev and also the community members that come speak over here because it's pretty embarrassing. It's my first time talking to you guys and it's like talking to a wall. So peace. [applause]

>> Mayor Reed: Mark Peterson Perez, Raj Jaidev, Moses Davilas.

>> Good afternoon, ladies and gentlemen. I'm visiting from the City of Palo Alto. And I guess that you would describe me as a person or a police thug. The reason I'm here is because I'm truly concerned about Raj and the possibility that he has been where the creating harm. I queried, I would like to read to you an item I found on criticism. It says this. Criticism in terms of expectations, means democratic judgment over the suitability of a subject for the intended purposes as opposed to the authoritarian command. Which is meant as an absolute realization of the authorities will, thus not open to debate. now, I have visited the facing of Cuba on multiple occasions. And was abundantly made clear is the absence of news media and anyone desiring to criticize the Castro regime. And if they do so, they do so at great threat of either ending up in prison, sanctioned or quietly disappearing in the night. And I'm really really fareful that we're no longer looking at this community as demonstrating a democratic process that is truly the hallmark of our government. So the purpose of me being here is to express my concern for the safety of Raj, as he carries out this democratic process. RF Raj Jaidev, Moses Avilas and Demain Carter.

>> Hello council. I'm going to ask all the folks that are here today to stand up on the side for democracy and accountability. And I want this council to look at them in the eye. Who these people are that you heard from and

are looking at are described by George Beatty the VP of the San José police officers association as thugs who attempt to get their way by threatening anyone who opposes them with physical violence. That right there is enemy number 1, according to the police department. We didn't even know we were in a fight much less anyone's enemy. These are the community that they attacked and I'm simply one of them. The San José police officers association paid a lot of attention to my words. Some of them that maybe I made up last time I spoke. And I'm going to use a particular word right now, and that word is dangerous. I'm not going to talk about the political issues because the people that are here that are my heroes and inspiration and teachers have spoke to that much better than I could. I'm talking to you person to person as someone who is concerned about the safety of my pierce, my community and others I think had a lot of courage to step forward. Ash Kalra on the last video said something around, if the police -- if he has an issue he calls the police to come to his house. If you've been singled out, targeted, and attacked with venom, I guarantee that that will not be the rational action. I am fearful for the friends that are here today, that others that will be taking their place, because of how blatant the hatred was by armed officers who also have the power to arrest. We often hear about few bad apples. What if those few bad apples are at the leadership of the police officers association? Has much more implication. I'm worried about what happens when someone from debug gets pulled over. I'm worried about the weaponry, I'm worried about the violence, I'm worried about the future of their lives.

>> Mayor Reed: Sorry, your time is up.

>> I'm asking you to do one thing very, very courageous. One second.

>> Mayor Reed: Sorry, your time is up. Moses Avilas, Demain Carter, followed by Vick touser Guindelaine.

>> My name is Moses Avilas, I work for Silicon Valley debug. know remorse for what they did. They all deeply apologize and I think you ought to really do something about it. Keep your head in the game, just do something about it.

>> Mayor Reed: demain Carter. (saying names).

>> A lot has already been said about the video and what has happened. I want to make a sincere plea that this can be a moment when people like Raj Jaidev police officers and the community or maybe the hood as we would term it, medium who don't trust the police, Raj is there to interpret the system for them and hopefully bring them to understanding of what the law is and how they can live within it, and live as decent peaceful citizens. This is all done with no taxpayer dollars, Raj donates huge amounts of his time and everybody at debug does. So I hope this whole controversy which when you get a chance to see the video is absolutely ridiculous. The police are here to serve us not one segment of the community. Hopefully the SJ POA will come to their senses and put out some sort of public apology and use this thank you.

>> Mayor Reed: Victor Gwendolyn. (saying names).

>> Good afternoon, I was also here on May 5th and I spoke about the issues of police brutality as many of the members of the community did. Now as I see this video portraying Raj as the police officers association did, immediately it came to my mind that this is an intimidation tactic. Loooot of people spoke to it also. But it's not also in the intimidation tactic, it is very disrespectful. The San José police department is at a point right now about the light is being shown on them about their misbehaving, about their attack the community. A week after I spoke here, San José also happened to me in front of my house, which was very -- very weird. And you guys will get a letter regarding that. I'm sending it to the mayor and to my councilmember. Now, for Raj, I mean, this is when someone speaks and speaks about issues that are important, and people respond with such ignorance, it's something that trains the democracy. I thought San José was a democratic city. I really thought it was. But now seeing that the power is not in the councilmembers, is not in the council chambers but is in the police department and through the police officers association, I mean, this is -- there is something really wrong here. And I think that if you take something from today, like councilmembers, Councilmember Constant, if you guys take something from today, then you guys got to take in the concerns about community members speaking about this issue, which is very important. This issue is very important. And it's up to you guys, it's up to you guys, since you guys are elected officials to do something about it. You know, Councilmember Campos and Councilmember Liccardo, commenting on this, but it's up to you guys for the rest of you to take this on your hands and take the appropriate

actions needed. We're not just speaking out of our heads and just speaking to a wall like one of the other community members said. We're speaking to you guys and that should demand that something be done.

>> Mayor Reed: Sorry your time is up. Danny Ping Emmanuel veal ages cease, Elizabeth Gonzales.

>> Good evening, I'm make this quick. Because I was a victim, broanl arm, shattered nose and bruises. Still don't have an answer why they did that to me. No one else would listen to me but Raj. Everybody else wanted to hear my story wanted money in front. So I appreciate Raj for being there helping me out and just hear my issues and what happened, and same as for Liccardo, taking his time to listen what happened, too. That's what I got to say. Thank you.

>> Mayor Reed: Ramon Vasquez, Elizabeth Gonzales and then Adrian Avila.

>> My tame is Ramon Vasquez, I'm here to lend my voice and support to debug and Raj. I recently seen the video and I actually feel like the San JosÉ police department threw down the gauntlet for an organization that doesn't help the community because they have to, they help the community because they want to. Last year, in 2008, of March, I was arrested and being charged by the San JosÉ police department for murder. I have no criminal history. I've been with a great company, Coca-Cola, delivery driver for eight years. I have no gang affiliations. I was recently -- I served five months in jail. My family, all we were -- we were -- I was brought up to trust the police. When I was interrogated all I did was tell them the truth. I didn't know my words would be twisted into this and into that. My family did not know what to do, where to turn. We found debug, and they guided us, Raj, Aram, the whole team. They guided us on what steps to take, where -- where to two, who to speak to, who to e-mail. And due to their work, I'm here today. I have two kids that had to live their life for five months without me. And I was thrown into the San JosÉ main jail, for what? And all my charges have been dropped, and I was not even given an apology. I looked over and I told -- I told the DA, you know, thank you. Thank you. And what was his response? Yeah, I bet. We bring this to your doorstep today because this is happening on your watch. I thought we were brought up to, you know, respect the police department. We're just asking for something to happen. We're just asking for you guys to just lend your ear to us. You know, we're not threatening anybody.

>> Mayor Reed: Sorry, your time is up.

>> Mayor Reed: Thank you, Mr. Reed.

>> Mayor Reed: Elizabeth Gonzales. And then Adrian Avila.

>> Mayor Reed: Hello. My name is Liz Gonzales. And I'm here today with the hope that our words do not fall upon deaf ears once again. I've never spoken here in front of you guys before but when I heard about this, when I saw the video, I disturbed me down into my gut. And if you haven't seen it I really hope that that same reaction happens in you. This situation is unacceptable. It seems that you have forgotten the ideals of your professions. As city leaders and the police force under your charge, they have also forgotten their ideals. They have noble ideals, your professions. But I see none of that in the leadership of the police and the city council, with this action. We are here to remind you that these are the responsibilities you chose to take on. And that the oath that officers take on graduation day should not be forgotten once they are on our streets. We are here to remind that you there is something very wrong with San JosÉ. Instead of attempting to build trust in the community with the relationship of mutual respect, the leadership has chosen to further shatter an already broken relationship. By taunting and intimidating those who have been courageous and speaking truth and speaking for others who no longer can. And the video put up on youtube by the POA is shameless and underhanded. I ask you to believe that there is another way to conduct this city. That there is a better way, and that everyone deserves to be treated with respect. Just because you have not lived the experience that people have come here countless times to tell you, Mr. Constant, does not mean it does not exist. How long will you ignore the truth? Only brute force is intimidated by peace and truth. And which side are you on? Thank you.

>> Mayor Reed: Adrian Avila. [applause] Good evening council, my name is Adrian Avila and I am a member of Silicon Valley debug for eight years now. I came to the organization when it was actually on seventh street which is not too far away from here. At the time I was not a troubled youth but I had my hand in graffiti, which I felt was a way of kinds of expressing my art. Luckily enough, I found Silicon Valley debug and it helped me mature myself

into a great member of society, staying clear of trouble or any other instances that might stop my future from pursuing. As a result of Silicon Valley debug I've been able to start my own business, become a graphic designer which I am employed at debug. Debug is my life. The has become my life. It is the best thing that could ever happen to me as well as to a lot of people in this audience, and to see a video slandering us and calling us thugs or militant but no proof of it it really hurts me because it's not just talking about my family. It's talking about my whole life. And I really, really encourage any councilmember or the mayor himself to step into our building, have conversations with us to find out the truth to see if any of these allegations are true. I really am disgusted by the video as well and I think it's the responsibility of this council to keep young people's opinions about how they're able to speak in public and I mean just reinforce the fact that we do have a voice and even if we're five foot 3 mexican any other race, it doesn't matter, whether a poorly made video is going to stop us or not is remaining to see. So thank you very much. [applause]

>> Mayor Reed: That concludes the open forum. We'll now continue on with the rest of the agenda. We have the redevelopment agency board meeting and then we have one item on the San JosÉ parking authority to deal with before we go. So on the redevelopment agency board meeting agenda, first item is the consent calendar. Are there any items that council wish to pull off of consent for discussion? We have a motion to approve the consent calendar. All in favor? Opposed? None opposed, item 6.1 is an award of a contract to BCI builders for civic auditorium page 1 project.

>> Harry Mavrogenes: Mr. Mayor, we're recommending for the low bidder BCI builders, we're delighted that the bids came in significantly lower we're proceeding with the project. Mr. Dan Fenton here is a revment from the Niederlander. this is a brand-new energizing project which will help bring a lot of people downtown.

>> Mayor Reed: Why don't we hear from them as to what they're going to do with this building when we rehabbed it. I think it would be interesting for the council to hear, you've set through a lock agenda so why don't you tell us some good news.

>> My name is Adam Freedman. I'm the CEO of Niederlander concepts. The we are very excite bed this project. In conjunction with Team San JosÉ we have already made gains significant progress and booking on the fifth. Already have ten confirmed shows, a wide range from country to rock to comedy, and in fact, at the end of last week we confirmed both Cross by stills and Nash and Hilaris which is a superlatin rock group. the facility has a great venue as you know, it has great architecture, it is a great size, it is prefer to be in a more intimate setting and it has the most incredible history in terms of presenting from stars, Barbara Streisand, rolling stones, the who, Carlos Santana, buddy holly just to name a few. However what it does need is a significant amount of renovation work. And work with Team San JosÉ and the RDA, we have come up with a program to basically reinvigorate this program and make it an iconic venue like it once was. If you took a look at the facility currently it is basically unrecognizable from the outside, for people who are passing by and even people who are showing up to shows, when you walk into the facility, you don't know that you've entered an entertainment venue. When you walk into the auditorium itself you feel like you've entered a high school basketball gymnasium. The flooring is striped with basketball striping, the seats are orange vinyl and there are blue and white stripes which is basically for a roller hockey rink. The fan walks in and is basically unimpressed. At the same time we have another customer and that's the artist who are touring. They show up and are equally unimpressed with the front of the house but they actually have another problem which is actually accessibility with the getting their crews in and out of the facility, to thank presence for their fans. So imagine this a little bit of a change up. Fan shows up the night of the show, there's a brand-new paint job on the outside, it is illuminated by LED lighting, and they know they've showed up at an entertainment venue of first classical beer. The people who are driving down San Carlos see that the civic is open for business and ready to present first class headliner talent. As these folks walk in there will be life size of Bob Dylan, carr he Los Santana, the who, and that wall of fame will continue down the hallways and create a gallery that will engage the fans and also as a traffic dice to move them off the street and into the facility. Once they're there they have to be engaged with a first class food and beverage service, which isn't currently the case. We have to rip out the concessions, bring in new equipment, increased concession sales are bathroom improvements, increased restroom facilities. All of a sudden the lights start to dim a little bit and everybody understands it's show time. They walk into the facility and are now greeted with refinished wood floors, a brand-new paint job and brand-new seats, that can command the kind of ticket prices that these headlined talents are demanding. So they have this warm theater intimate experience and all of a sudden the lights start to go down and they're on their feet because they're blasted away by an unbelievably brand-new sound system and video

package. Artists come on stage and see happy fans. We need happy fans. We need happy artists but they're also happy because currently the backstage even the loading dock is inaccessible. It's blocked by a custom meeting rooms which are only used infrequently. Those need to be knocked out. They have direct access, their crew can load in quickly, hang in quickly, and the artists have road. All of these improvements will change the face of this building within our industry. We will be able to procure top talent. In order for us to do it we formed a partnership with RDA, under the executive director's direction along with Dean Monroe and Bill Ekern and Dolores Monroe who are enthusiastic about this project support and understand the mission. Once San José civic will be a preferred alternative to the San Francisco venues that now San José patrons need to go to in order to see this level of entertainment. We are already started, we have started to renovate the facility with the funds that have already been established through Team San José. We are looking for approval of this phase but what's also important is this is only phase 1 of a couple of phases. In order to change the image, in order to change the reputation and in order to secure this headline talent into the City of San José, we need the complete package to be done, and we need it to be done on a timely basis. This is a very exciting project. There is no question in our mind that the San José civic can regain its position within the industry. Personally, after 20 years of doing this, I have never seen a history of talent that is played at a facility of this type. We are confident that we can bring it back so long as the improvements are done and done in a first class way. Thank you very much.

>> Mayor Reed: Okay, I think that was an enthusiastic endorsement of the staff's recommendation. Questions, comments, from the council? Councilmember Constant.

>> Councilmember Constant: I had a bunch of questions written down, but you answered most of them in your presentation. So I'd simply like to make a motion to approve.

>> Mayor Reed: We have a motion to approve. Councilmember Liccardo.

>> Councilmember Liccardo: Thank you, mayor. I wanted to thank you and welcome from Niederlander. Mr. Fenton, I think you put a home run bill Ekern who I know have been sweating it out for a couple of years trying to make this happen. And we really appreciate seeing it all crystallize now.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: I'm just thrilled with the economic development that's going to come about as a result of this. That's great. The place has good bones but it needs a over makeover. Ooh theres.

>> Councilmember Pyle: I'm trying to think how old orange is, I think it goes to the 60s or 70s. It's time.

>> Mayor Reed: I think this wouldn't have happened without the enthusiastic support of the redevelopment agency staff. We're going to have a great first class theater, for a relatively small amount of money. But it is not insubstantial. A lot cheaper than building a new facility. I want to thank staff, look forward to seeing the headliners in there soon. I understand you're experienced with working around construction projects ..

>> Yes.

>> Mayor Reed: Any other questions or comments? Motion to approve. Harry, anything else to add.

>> Harry Mavrogenes: I also want to recognize Team San José for the extraordinary things they're doing behind the scene. I really want to thank them for their cooperation.

>> Mayor Reed: On the motion to approve, all in favor, opposed, none opposed, that's approved. Thank you, congratulations.

>> Thank you very much.

>> Mayor Reed: We have completed the redevelopment agency agenda, now we have the parking authority agenda. Which is approval of the minutes from 2008.

>> Motion to approve.

>> Mayor Reed: Motion to prove the minutes. All in favor? Opposed? None opposed, that's approved. Concludes the parking authority work. I believe we are done until 7:00 p.m. Okay, we are going to recess until 7:00.

>> Mayor Reed: Good evening. I want to call the San José city council back into session. As we finish up our agenda, we've been at this since early this morning. We still have work to do. And just an agenda note, we're going to take the land use items after the ceremonial items, before the work on the public intoxication task force report. We will start with our ceremonial items. I'd like to invite Councilmember Pyle and San José district 10 disaster and emergency preparedness conference team to join us at the podium. Tonight we're recognizing members of the district 10 disaster and emergency preparedness conference team. Please come on down and get in a half-circle behind us here. We had a great conference and there was a lot of hard work and planning went into it. We want to recognize the team members for what they have done. Councilmember Pyle will give us a little more information about that.

>> Councilmember Pyle: Thank you, mayor. You know, one could not have asked for a better team than what we had for the District 10 emergency preparedness forum. I'd like to congratulate all of them. Don't they look great? Not only do they look great but they are great. I'd like to recognize the individual team members. Co-chairs, Terry Davis, does that sound familiar? Chief Davis's wife, Linda Spencer, our dear Stephanie Holm from my office who turned her office into a family affair. She had her mom helping her dad helping and her sister Jamie. I'd like to congratulate Helen Castillo. She couldn't make it tonight. Gita Nido, John Ferguson did the thank you Don. Don Dixon he had another volunteer commitment and we had the children's program Rachel Goss and Melissa Bloomquist. I'd also like to congratulate Kim Shunk, office of emergency services for creating the two-hour emergency preparedness course and her strong leadership of the office of emergency preparedness. On April 9th, 2009, the joined co-sponsors Orchard Supply Hardware. For the community preparedness event. and estimated 500 people attended the conference. Took disaster preparedness conferences. Took the fair donated blood to the Red Cross blood drive and purchased 300 emergency go-kits for their families. In addition to preparedness training for adults, the team include baby certification, rescue breathing, rescue classes, games, crafts, canine search, I loved that one, a rescue demonstration, personal safety and other disaster preparedness classes geared for young people. The team is continuing their outreach efforts following this conference at a neighborhood level by organize committees to prepare for a disaster block by block. Beginning with the VEP community association and continuing across the City of San José. And mayor, with that, would you help me to present commendation, I'll begin with the co-chairs. And then we'll make sure -- and a big hand! [applause]

>> Just want to thank the City of San José, and particularly councilperson Nancy Pyle and the office of emergency services in supporting us in this effort. This really started off to be a community effort. Terry Davis came up with the idea. We worked a little bit of Starbucks on it and as we talked to Nancy Pyle's office about it she thought boy, this is really terrific, we need to get involved and we want to support you. I think this is an example particularly in these times of difficult financial environment where we're in where the community can start to work on things and take some responsibility for some of these major task force that we normally look to the city for. This was really done by all volunteers, all within District 10, hundreds of hours spent, over 600 people came. Over 300 people attended classes on how to get prepared for emergencies and disasters in their neighborhood. And it was very well received by the community. If you live in a community, if you live in San José, if you live in a district, I really encourage you to think about doing something similar. If your forte is not disaster preparedness, if your forte is family preparedness or childcare or whatever your forte is, take a look around and say what do I do, what do I have a passion for that I can contribute to the city. And this, more than any other time, is the time to get involved, organize a group, and go out and do something for the City of San José. Give back to the place that's given so much to you. Thanks again to the city for their support on this. It worked out very well. Thank you. [applause]

>> Mayor Reed: Thank you. It's always good to be prepared. And are we going to take a picture? Who's got the camera? Okay. Our next item I'd like to invite Councilmember Liccardo and Wesley Mukoyama to come to the podium today. Today we're recognizing Wesley Mukoyama for his years of service as executive director of Yu-Ai-Kai. Councilmember Liccardo will have more to say about that when Wesley makes his way down here.

>> Councilmember Liccardo: Thank you, mayor. As Wes joins us, he's here with his wife Janet and family and several members of the family. Wes's formal involvement of what is known as Yu-Ai-Kai began in 1984, when he joined their board of directors, became president of their board and in 2004 became the executive director. Under his direction he's brought Yu-Ai-Kai to an exceptional levels. All great nonprofit leaders are builders. Wes has

spearheaded the development of the recently named James Akiyama wellness center. We just named it this morning. He is a tireless dogged advocate for seniors citywide and for the entire Japantown community. Wes has taken sort of the Brett Favre approach to retirement. Although he retired a few weeks ago, I saw him at a community meeting last weekend. We're so grateful for all his great service, sort of his testament to the Japan community. Vick Nakamoto and Teo Cortez are here and several other great members of the community. We want to recognize his great service with this wonderful nonprofit, Yu-Ai-Kai. With that I'll ask the mayor to present him a commendation. [applause]

>> Thank you, Sam, I really appreciate your support. Honorable mayor Chuck Reed, and honorable councilmembers, thank you so much for this honor. But this honor goes to Yu-Ai-Kai Japanese American community service, which is a 35-year-old nonprofit senior services agency, serving the community in Japantown. It really goes to a wonderful staff and a wonderful community. And I also want to thank my wife and my family for supporting me during all these years. Coming home late at 10:00 at night, my body is beginning to wear down. So I need to sit back. And I'm leaving this agency in great hands, with Sophieie Hortiuchi forester, our new director, she's going to be great and we'll take it to the next level with the former boys and girls club which is named now the James Akyama wellness center, we'll make that into an intergenerational center with elders working together. ' and I think it's going to be a great partnership so thank you so much for this honor, it's been an honor and a privilege to be working with the City of San JosÉ who has helped us so much in developing that program. Thank you so much. [applause]

>> Mayor Reed: Now I'd like to invite Councilmember Chu and representatives from California waste solutions and Ed Bautista director of the San JosÉ holiday parade to join me at the podium. California waste solutions, come on down. I see -- I see a couple people coming down. Today we're -- we want to recognize California waste solutions for their support of the San JosÉ holiday parade. [applause]

>> Councilmember Chu: Thank you, mayor. Many of you may know that in District 4 we have the highest number of high-tech company. But we also have the highest number of the recycling, waste management and waste solution company. And tonight, we're honoring California waste solutions as one of the top 100 solid waste company in the nation. California waste solution provides recycle, waste management, material brokering services to public and private sectors throughout California. As a testament, California waste solution was here a year ago to receive a commendation from the city council recognizing their effort in contributing to the social responsibility of their -- of our society as the best transition of solid waste service in the 15-year history of recycle plus! program. CWS has been distinctively recognized as a strong supporter for the San JosÉ holiday parade by receiving the international festival and event association's gold award for best sponsor. CWS is not only a well respected organization in the City of San JosÉ, who is devoted to the well-being of its residents, but is also acknowledged for their commitment of bringing people together from all walks of life by preserving the spirit of celebration through their support and sponsorship of the San JosÉ holiday parade. So here today, with us, we'll also ask the mayor to present the commendation to Victor Dong representing the California waste solutions, and also today we have Ed Bautista, the executive director of San JosÉ holiday parade to present the international festival and event association gold award for the best sponsor. So Ed.

>> Thank you, councilmember, I'm pleased to be here to present this award. California waste solutions as you know is part of the San JosÉ holiday parade for three years. And the holiday parade is an event spectacle volunteerism and community spirit. This partnership really reflects that. Three things they do that really reflect that and brings them notoriety worldwide as a partner that really is committed to helping this event is that they developed a recycling activity both in conjunction with the parade geared towards and specifically to elementary school students to teach them the pros and cons and the importance of recycling at a young age. In addition, before the far aid, CWS sponsors 40 young women and their children at a breakfast which helps sobriety in the holiday season and most importantly they support the employees involvement by helping them donate over 150 hours of volunteer international festival and events association I want to present to them the best sponsor award, the gold award, it's an international award presented among many top organizations like the rose parade and San JosÉ holiday parade and so forth. So congratulations Victor. [applause]

>> Good evening. My name is Victor Duong. On behalf of my dedicated staff from California waste solutions we want to thank you, mayor Chuck Reed and all councilmembers who have support, and acknowledge for this recognition. And also, thank you, Ed, from San JosÉ holiday parade, who have give us opportunity to participate

and become the co-sponsor. But more importantly, to deliver a recycling message to our communities. We are committed, continually to support the community, and continually providing the best recycling service to the City of San JosÉ for many more years to come. Thank you all. [applause]

>> Mayor Reed: Thank you very much. We appreciate the support for the parade. You still need a photo. Okay.

>>> As many of you know, the most famous falcon family in the world had babies and they've actually been trying to learn to fly over the past few days which is pretty exciting. Tonight I want to invite the winners of the falcon naming contest, along with Glen Stewart from the Santa Cruz predatory bird institute. So come on down, kids . [applause] We had four babies, and we had five winning names. Just two people submitted the same name. Come on down, come back here behind me. Right over here. Okay, when I call your name just wave so people can see who you are. Trisha. [applause] Trisha's a fourth grader at James Franklin Smith elementary school. Natalia. [applause]

>> Mayor Reed: She's a third grader and brook tree elementary school. Alejandra [applause]

>> First grader at elementary school. Jonathan he's a fourth grader at village school and Raol. [applause]

>> Mayor Reed: What's your name? Okay, so Jonathan's at village school. Okay, and Raol is first grader at village school. All right, we've got it right. [applause]

>> Mayor Reed: Now, they didn't just come up with a name. They had to submit either an essay or drawing or something. So these kids did some research to come up with their names. They got involved in figuring out what falcons do and some of the teachers around the city used it as lesson planning and they're using data and I want to thank Glen steurts from Santa Cruz predatory bird research foundation for letting the world see what's happening oop pps what's going on now with our famous falcons?

>> Well, thank you Mayor Reed. I'll say a very few words. As an educator at U.C. Santa Cruz and as an endangered speshz biologist, I'm really proud of these students and the City of San JosÉ for impresing these peregrine falcons the way they have and particularly the more than 60 community volunteers who have stepped forward to help us and to help the birds during this important fledging period who have been led by Yvette Lohan and the San JosÉ peregrine falcon association. We are very appreciative of everybody, and thank you, Mayor Reed . [applause]

>> Mayor Reed: And I want to thank all of our falcon fans who watch these birds when they're fledging. Which is really exciting. They don't start out learning to fly, they have to learn to fly. Sometimes like little children they bump around a bit. We have to pick them up and take them back to the edge of the roof, and the volunteers do that. And thank you kids and you can watch our birds on the Web, the Web cam is up. Thank you. First item on the land use calendar is the consent calendar. Anything council wishes to pull off, discuss? Motion is to approve the consent calendar by Councilmember Pyle. All in favor? Opposed? None opposed, that's approved. 11.3 is an administrative hearing in consideration of an appeal of the Planning Commission's decision to deny a conditional use permit.

>> Joe Horwedel: Thank you, Mr. Mayor. This is an administrative hearing as you have noted on offsale of alcohol. The Muni code does require that the Planning Commission have a mandatory denial. Where findings cannot be made for offsale license. This is a project where the applicant was not able to make the findings. in working with the neighborhood the police department and staff is recommending that city council not approve the proposed findings for offsale alcohol at this location, and to deny the appeal, which would result in the denial of the conditional use permit and the offsale license.

>> Mayor Reed: Thank you. I have some cards from the public who wish to speak. Since this is an appeal we allow the applicant to go first and have five minutes. I have a whole bunch of cards. It's not clear who the applicant is so I'd like to invite the applicant to -- down at this time.

>> Joe Horwedel: Mr. Mayor, the appellatant is not the applicant,.

>> Mayor Reed: I'm sorry, the appellant gets to speak.

>> Joe Horwedel: Would be the first person to speak.

>> Mayor Reed: We'll take the appellant and then the applicant.

>> Joe Horwedel: Does not appear that the appellant is here. Tedra Safadi Shiffra.

>> Mayor Reed: I do not have a card from -- are you the appellant? I'm sorry, I need to know who -- you are the appellant.

>> Yeah.

>> Mayor Reed: What is your name?

>> Tedra Shiffra.

>> Mayor Reed: And you are?

>> I'm just speaking on behalf of the owner.

>> Mayor Reed: Whom?

>> The owner.

>> Mayor Reed: We're going to let the appellant speak first and then the owner speak and then we have some other people to speak. Unless you don't want to do it that way. Do you want the owner to speak? Let's do it that way. .

>> This is an ethnic market. She's interested in selling some goods which are imported which they can't buy in any of the stores that are in that area. She is not interested in selling domestic beer. This is beer and wine imported from another country that can he not buy in those other stores. Sorry. So you know, she does have signatures here from community members, that are specific in buying these products or that are interested in buying these products. She has done everything that she's been told in terms of the appeal and what she needs to do to appeal, to see if this would work on her behalf.

>> Mayor Reed: Okay, anything else to add?

>> Yeah.

>> Mayor Reed: Okay, just pull that microphone over. Anything else, okay. I have a bunch of cards and I may have duplicates here. Anyone else want to speak on this item, either for or against. Please come on down. All right, yeah, please have a seat and I'll let the other people speak. And then we'll come back to you at the end because you didn't use up all your time. Okay, come on down, just everybody will get two minutes. And we'll just take you in the order you come down.

>> I'm Jodin chairingill and I'm chair of the Delmas park NAC and neighborhood association. And the majority of our members are opposed to granting them a liquor license to the applicants, and that is the case for anyone in the area to have a permit to sell alcohol. The feeling in the neighborhood is that there's enough problems already with the sale of alcohol and beer. This came before us a few months ago, and it was brought up again last night at our normal NAC meeting and it's still the case that the majority of folk are opposed and I'm speaking on their behalf. Thank you.

>> Mayor Reed: Next.

>> Hi, my name is Christina Scorolla for the record. I am here for this claim. I believe that it would be in very good interest for this store to have the chance to, you know, sell their product that they're trying to sell. I don't find any kind of harm in that. There are many markets in the area that also sell liquor. And I believe she should have the chance to sell her product. I am one of the people that went around the neighborhood and, you know, during my busy schedule to get many signatures. All the people I spoke to were for this, as well. And I hope that she can have the chance to, you know, do what she's trying to do. Like I said, a lot of people in the neighborhood have markets where they sell liquor, and I don't see any problem in her trying to sell her product. It's something that is not in any of the stores in the neighborhood, and I myself am very interested in trying the product, as well. Thank you.

>> My name is Patricia Beherano and I live in the neighborhood. The main fact is she doesn't want to sell Budweiser or the normal liquor in her store. The liquor she sells is sold in her country. We have a lot of Ethiopians in our neighborhood. She's very good for the community. There have been times when I've seen people who couldn't pay out their tube of butter, she said give me your 50 cents and here is the butter. The license I don't think in any way should affect the community. Like I said, it's not a liquor that everyday everybody wants to go in the store and buy. It's something they have with their meals. It is something that comes from her country. And I know that those that are appealing it are against it basically because they stand to lose customers because they sell alcohol in their establishments without realizing that once again her liquor license is not everybody on the store Joe Shmo's alcohol. She has from her country she has spices, we have something quite tortilla, quite something like it. I'm for it, that's all. Thank you. .

>> Mayor Reed: Come on.

>> Good evening mayor, councilmembers. Abyssinian market, yes there is three other businesses that sell beer and wine. And also within that five-minute location or five-minute walk there's two onsale beer and wine licenses and one is an Ethiopian restaurant which sells the Ethiopian beers, the wines and whatnot. There is also right next door there's some -- there's the Pinoce Espiransa apartments. I know within these apartments there's some units that are dedicated to people who are recovering alcoholics. So if you have a store right next door to the business that's serving the beer and wine, then I believe that's a bad thing for those people who want to get away from the alcohol. So that's why I'm against the situation. Thank you.

>> Good evening, mayor. My name is Eva Reese and I live at 598 Columbia avenue. And I'm against this for the simple reason that we have recovering alcoholics in our building and we have some that have relapsed. And to make it easier for them is, our building, to their establishment is only a walkway. They can walk through our gate and into their establishment. They have already a store on Arizona rays and Joséfa that sells alcoholic beverages. This gentleman across the street has his store where they sell alcoholic beverages. I don't think it's right for someone else just to make it easier for our establishment people to go into their establishment, bless you, into their store and then come right back through the gateway. Because it only separates us, the walkway only separates our building from their door. And I don't see that they should have another place to have alcoholic and make it easier for our recovering alcoholics and people that have already relapsed. And we do have problems with that. That's all I have to say, Your Honor.

>> Good evening, mayor, city council members, my name is Duane Green. And I know some of you probably have seen me before on another thing. But I'm here tonight in support against another establishment to sell alcoholic beverage. Now, in the neighborhood where I'm at, there are already four, okay, now, I have nothing against the other establishments that would like it, but on the other hand we have to think of our community. We have kids. You know, elderly, and it's going to really create a big problem, especially with our apartment complexes and, you know, the Friday night thing and I just think it would be a bad idea to have this thing. So that's all I have to say. Thank you.

>> Hi, I'm Jim Chircus. I also live at that apartment, 598 Columbia. And I don't know, I think the previous speaker said that there was, you know, a bunch of recovering alcoholics. But I think she painted a picture of that building that everybody's recovering alcoholic. It's just low-income. So just -- I don't know how many recovering alcoholics there are over there but maybe just less than a handful. But on this, I was reading 11.3 and it said that the -- it said that they recommend not giving the conditional because they cannot determine -- doesn't say why it cannot be done. It says required finding for determination of public convenience or necessity cannot be made. It doesn't

explain that. And I think it's -- as it says here, the decision to deny is mandated. So I think it would be good to get the conditional use and see what happens. I don't see any negative towards it. So I would say go for it. Judge.

>> Hello, Mayor, my name is Shereen Hastings oop pps I have three children. The Abissani market is a very good place of business. I think it's a bad deal because all the other stores that sell liquor, she's not given a fair chance because of the recovering alcoholics, or whatever, I'm sorry to hear about that. But she not only has her business right in our neighborhood, she lives right across the street from her business, which these people live. She's a very nice woman and I think she's a very important asset to our community. She brings something new, a different ethnic background. She's not like, like they said before, she's not asking to just sell wine and beer, this is for her own culture. I don't see why she's coming here to try to make a living, why she doesn't get a fair shot. Thank you.

>> Mayor Reed: Okay, would the owner and the applicant like to have a couple more minutes to add anything?

>> Hi, my name is Tessa. I'm the owner of the anisinnian market. I have families I am living by this business. Right now, I can't afford to rent, because of the economy. And if some of my customers, they ask me, beer, special Ethiopian, they ask me beer and wine. And I have a lot of staff, like I have chili powder, Ingira but I don't have beer and wine. They don't want to come to my place to buy beer and another place to buy Ingira and another flies buy beer. That's my problem. They need all together, established in my store. And I told the people here, and they are against me because of they say this is most of the persons who speak the first, and he's the other than of the save mart. And he is -- what is the -- okay,.

>> I think the bottom line here is that she's not trying to sell the same product that they're trying to sell. You know, I don't know if, you know, the way that this has been ruled out, I don't know if her appeal is going to go through because of you know the things that she's supposed to meet. But in her case, you know, she's not trying to sell Budweiser, she's not trying to sell products that other owners are trying to sell. And they're -- you know, a lot of them, the people that spoke up here a few of them own the stores and should be a direct competitor. But in reality she wouldn't be a competitor because she's attracting a completely different market. She's already selling to a different market. So -- and in addition to that, you know, she's gotten over 200 signatures of people in her community which she lives in that are willing to support her for this. And this is what she makes her livelihood on.

>> Mayor Reed: Okay, thank you.

>> And it does make a difference --

>> Mayor Reed: Your time is up. Thank you. That concludes the public testimony. And to have some council discussion and a decision. Councilmember Liccardo.

>> Councilmember Liccardo: Thank you, mayor. I wanted to thank all the members of the community that came out to speak on this, including Ms. Testa. Because I know she has a very good reputation in the community by being a responsible business owner and being an important member of the community. And generally the Abyssinian market is well regarded store that provides food that is focused through a particularly nationality for people in the valley who are looking for Ethiopian food and goods. The challenge is we don't have the authority as a city to decide you can sell one kind of beer and not another. And I think that the problems that arise from the offsale of alcohol really are not constrained by nationality of the -- either the goods or the purchaser. This is a community, like all of our strong neighborhoods communities, that has struggled with different challenges. And certainly, in this community, you know, down the street we have a Lano club which is an area where we expect recovering alcoholics to spend a lot of time. We have two affordable housing developments immediately adjacent to this store, one of which does have single room occupancy which we would expect, again, from, I can tell you from my own conversations with the manager, does have a significant number of persons who are recovering. And we expect, in recovery, that it is inevitable that part of recovery is relapse. And the challenge in many of the communities around the downtown is that we have a very high proportion of establishments that have offsale permits and sell alcohol. And while some of them are very responsible owners and some of them are not, it makes no difference on the neighborhood anyway. This NAC, neighborhood advisory council, like virtually every other neighs advisory council opposes this. throughout these downtown neighborhoods for that reason. The report correctly notes that there are only two other offsale permits within a thousand feet but as was

described, there are several other permits nearby, and many of the properties nearby are in fact industrial sites, where you're not going to have commercial or residential activity. So the numbers are somewhat distorted in that sense. We know that a future ballpark is contemplated for nearby. Neighborhood has been concerned about many of these ongoing exogenous impacts and I think it's important to that we can assure the neighborhood that whatever other things may happen here in the neighborhood we're going to stand by them when it comes to basic issues of quality of life. And this is an area where I think for many years now our neighborhoods have been very unified in saying we simply don't want any more offsale permits. So this is certainly no knock on Ms. Testa or her establishment. It is an ongoing concern we have throughout the downtown core and in many other neighborhoods throughout the city. For that reason, I move to approve the staff recommendation which is to ultimately deny the permit.

>> Mayor Reed: We have a motion to follow staff recommendation and to deny the permit. Further discussion? All in favor? Opposed? There are none opposed to the motion. So the motion carries. And so the permit is denied. That concludes that item. Our next item is 11.4, conservation area designation request.

>> Thank you very much, Mr. Mayor, members of the city council. Aconi Daniel, Planning, Building, and Code Enforcement. This is neighborhood was the subjective an intensive historic survey in 2007 and additional survey in 2008. The item has been the subject of a variety of community meetings and outreach to property owners. The council initiated the designation process at its March 24th meeting and subsequent to that, the landmarks commission and Planning Commission have both recommended that the council approve the designation. And so staff is available to answer questions.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thank you. I just wanted to thank Aconi and all the staff who have worked so hard on this and mayor, are there any cards at this time from members of the philanthropic speak?

>> Mayor Reed: Not on this item.

>> Councilmember Liccardo: . Not on this item. Well, I wanted to thank Linda Cortez and Steve Barenta and others, it is a neighborhood that is overwhelmingly Latino and Spanish speaking. My grandmother lived there a few decades ago when it was entirely Italian. Many of the poor immigrants from Italy had chickens and geese in the yard they called the area goose town, it's since abandoned that name. Historic preferential isn't simply for wealthy neighborhoods, it is for the entire particular neighborhood. I think one personage that was missed in the staff memo was what I was told by somebody in the neighborhood, I could be wrong about this, Stephen Piso of Stephen's meats fame, the dancing pig which currently sits over there not far from Delmas park, that had its origination of Stephen who lived in that neighborhood i'm told. In any event I wanted to move to approve this item as well.

>> Mayor Reed: We have a motion to approve. All in favor? Opposed? None opposed, that's approved. We take up item 5.5, distinctive neighborhood program policy options. We do have some cards from the public to speak on that. Staff presence.

>> Thank you, Mr. Mayor, my name is Hadassa Lev. From the past ten mops planning staff have been disopg the distinctive neighborhood program and as part of that process we have been conducting extensive outreach with the San JosÈ community. We've listened to what neighborhoods like, what residents like about their neighborhood. What their concerns are regarding the loss of neighborhood character, and we've reported on the initial outreach results to this body on February 3rd of this year. Since that time, staff has been developing and analyzing various policy options to address the concerns that we've heard. The purpose of today's presentation is to give the final report on the policy options that we've come up with. This slide is an overview of the four policy options proposed, and they will be detailed in the slides ahead. The focus of the program is on neighborhood specific policy options, because we feel that that would address the unique characteristics of San JosÈ's neighborhoods and it would balance the existing citywide policy currently in place to handle single family development in San JosÈ. However we are proposing one citywide policy option to address the issue of demolition. As part of the city -- as part of the neighborhood specific policy options proposed, we're proposing to create a tool kit of overlays that will be available to the community if they wish to submit an application. And if they

met certain minimum criteria. It's important to note that implementation of any of these policy options would require revisions to the Municipal Code. Currently no resources are available for that process. If some amount of resources were allocated, planning staff is proposing that the citywide policy option to address demolitions and the conservation study area should be implemented first as they are variations on existing legislation, are easier to implement, and address the more urgent concerns of residents. The zoning overlay and the design guidelines overlay could be more appropriately implemented as part of the general plan update process currently underway. The first policy option is a citywide policy option to address the issue of demolition. Planning staff is proposing that proposals for demolition of homes that are over a certain age, or demolition of homes that are built before a certain date be added as a threshold for requiring a single family house permit. Through the single family house permit process, planning staff would review the proposal and we would make a determination of how significant the house is to the characteristic of the neighborhood. If a determination was made that the house is significant, the application would go through a public hearing process and the neighborhood would be able to weigh in. The determination to choose option A above or option B and the exact age and date would be made in the next phase of the program when we'd be working out the details of the ordinance and that would be taken back to city council for consideration. Now, I'd like to discuss the neighborhood-specific policy options, the first one of which is the conservation study area which is a variation on the conservation area, which provides neighborhood with an additional layer of regulation through the single family house process. The conservation area requires a substantial survey before designation, and that is often a roadblock for neighborhoods. The survey neighborhood, the history and the appearance of development of a neighborhood, and the important events and people that have existed in that neighborhood. But it also consists of individual evaluations of every single building in the area. And the proposal for the conservation study area is that we would require the context statement only for the designation and ask for individual evaluations as development proposals come in for review, and only if they don't meet the historic guidelines. In this way, areas could become conservation study areas in a much easier way through streamlining the survey process. And at that time they would be able to collect the individual evaluations, and the city would be able to study the area. In the meantime, they would get the same protection as conservation areas. The second tool kit option is the zoning overlay, which would allow neighborhoods to have -- to request fixed development standards for their particular area that would differ from the base zoning districts standards. Examples could include single story districts that are prevalent in other neighborhoods such as Sunnyvale, Fremont and Palo Alto where second stories are simply not permitted. The second example could be setbacks that are different from the base zoning district setbacks, either larger or smaller. And a third example would be how to treat attached garages on streets that have primary detached garages. These are some examples that staff has put together in response to community input but the community could come up with their own proposals for development starts that they felt would be applicable to their neighborhood and they could apply for a zoning overlay if they were able to meet some minimum criteria. These are some of the criteria that we're looking into. The first one would be agreement of at least two-thirds of property owners because we would want to make sure that there's overwhelming agreement for these development standards. The second is that the neighborhood should be clearly delineated by streets, roadways or natural courses such as creeks. The neighborhood must consist of a minimum number of homes and that could be based on the original tract. And that the characteristic in question must be present in at least 75% of the homes. We'd be working out the details of these criteria in the next phase of the program as we're working out the details of the ordinance, and that again would come back to city council for consideration. The third tool kit option is the design guidelines overlay, which would allow neighborhoods an additional layer of protection through single family house permit process where development applications would be reviewed according to neighborhood-specific design guidelines that would be drafted ahead of that, ahead of the application submittal. The criteria for designation would be the same as the zoning overlay, however it would result in a more flexible process where, for example, in a neighborhood residents could decide that they want to allow for second story eichler specific design guidelines. However, the implementation implications of design guidelines overlay would be significantly greater than the zoning overlay because drafting of design guidelines would require a significant amount of resources and time. So if residents were able to allocate funding for this type of work, they would be able to apply -- submit an application for the design guidelines overlay. That concludes staff presentation and I'm happy to answer any questions. Thank you.

>> Mayor Reed: Councilmember Oliverio.

>> Councilmember Oliverio: Thank you, Mayor Reed. I wanted to, number one, thank the council for allowing this to go forward last year in 2008, for staff to go do the outreach citywide on the way to preserve residential

character. And then when we started this back in '07 to try o-- to garner input and gain feedback. but we needed a star studded feedback from Hadassa and attend those meetings whether they were in Edenvale or Willow Glen or district 5, et cetera. I think we just saw 11.4 which is an example of one of our existing tools of a conservation area but as mentioned in your presentation it's a long process, it's expensive and we're really looking through the distinctive neighborhoods program to allow more options so people can preserve the residential character that exists in many distinct areas of San JosÉ. But I think this was all good idea and we should incorporate a lot of these things. Some of it will be a matter of resources and what we can do, so we're trying to be pretty fair in these times of need and that will come out through its process. But I certainly think that it's garnered a lot of feedback. And what I specifically like is that it allows one street or multiple street, depending on the configuration to have some self determination, in what they feel is important but at the same time respecting private property rights. As hadassa says , gar nerd from all the input from the residents and would I put a motion on the table to approve it and then allow for any comment.

>> Mayor Reed: Okay, we have a motion to approve the recommendations. I have some requests from the public to speak. I think I'll take those now. Laurie bird, Terry Bellandra, Larry Aames. Please come on down.

>> Good evening, my name is Laurie bird. I am a member of our neighborhood board and I live in an historic neighborhood. Tonight I'm here to express my support for the distinctive neighborhood program and to share a hot off the press success story. Last Saturday our neighborhood hosted the first annual Hanchett park historic homes tour. We are raising money to recreate some original entrance pillars that used to exist in our neighborhood. Since this was our first-time effort and knowing how tough the economy is we had set a reasonable goal and were hoping to attract 400 people. Well, I'm thrilled to tell you that the tour was a smashing success. Not only did we blow by 400, we had in excess of 1250 people who took the tour on Saturday. The feedback we received from the tour attendants was overwhelmingly clear. There is a lot of interest in historic neighborhoods. In addition to the tour we also partnered with the adjacent business district to promote shopping and dining along the Alameda. So that businesses could also benefit from the influx of neighbors. People are willing to travel and spend money in the community for events like this. We had people from as far away as San Francisco, Oakland, Santa Rosa, and Monterey as well as many Bay Area communities for our six-hour event. And while our neighborhood has been fortunate enough to retain many of the original homes that were built almost 100 years ago, many historic neighborhoods throughout San JosÉ have not been so lucky and need help. The distinctive neighborhood program has worked collaboratively to develop potential solutions to assist neighborhoods in retaining their own distinctive charm and appeal. Please support the program so we can have many fine historic neighborhoods throughout the city, where visitors can come and spend lots of money. Thank you.

>> Mayor Reed: Terry Bellandra, Larry Aames, Kevin fish.

>> Terry Bellandra. Thank you mayor. There are many distinctive neighborhoods that are situated all around San JosÉ. As a Realtor for more than 20 years I have shown and sold homes in all areas of San JosÉ where each neighborhood has its own characteristics. It can be an Eichler neighborhood, a downtown neighborhood of skyscrapers, a vintage home neighborhood or a ranch style neighborhood. Each community has its own style, flavor and charm. This policy gives each one of them the opportunity to preserve those qualities, if the majority of the neighborhood so desires. I applaud Councilmember Oliverio, for seeing the need and putting together a study to address these neighborhood concerns. It will be a process platform on which the neighborhood community can build in order to preserve the very characteristics and qualities that led them there in the first place to purchase their home. I urge the council to recognize this long overdue need to enable any distinctive neighborhood to pursue the preservation of the unique qualities of their community. Thank you.

>> Mayor Reed: Larry Aames, Kevin fish, reuf Cavaner oo.

>> Yes, I'm speaking on behalf of history charming and character. We have been fortunate so far that most of the original homes on my street remain intact and those that have been replaced have been replaced with houses that fit in well. The distinctive neighborhoods program will give us additional tools that help us preserve the distinctive character of our neighborhood. While my historic district or something, this distinctive neighborhood program appears to be simpler to apply for and easier to implement. The program also can be applied to

significant number of other neighborhoods that each have their own distinctive characters character and the vibrancy of the city. Please continue to support developing this program. Thank you.

>> Mayor Reed: Kevin fish, Ruth Cavanero, Jean Dresden.

>> Geefn, mayor, members of council, I'm Kevin fish. I highly endorse this program. not just to preserve it but to learn from the past. You're as much about our neighborhoods, each neighborhood has a unique history and unique character all contributing to the city. And also, many of the people that have lived in San Jos  in their different neighborhoods have a national significance. I can point to people like Sara Winchester and Norman Mineta. And I like the idea of the conservation study area. So at least we remember the past, we preserve it, but then we can learn from it, and advance as a city, and as a community. Thank you.

>> Mayor Reed: Ruth Cavanero, (saying names) .

>> Good evening, mayor city council members, my name is Ruth Cavanero, I sit on the board of directors of the Shasta Hanchett neighborhood organization. I'm sure you all received my letter earlier, I'm not going to repeat what was in the letter, you all received it. What I do want to say today is thanks to people like hadassa and Sally for really working on this so tirelessly. We really, really appreciate it. Mr. Oliverio, we thank you for being the protag Kniss on this. It has been wonderful and we hope all this evidence you have seen and heard from us proves that your vote to approve this is overwhelmingly welcomed in our neighborhoods. All of the neighborhoods within San Jos . Again, thank you.

>> Mayor Reed: Jean Dresden, Brian grayson Richard Zepelli.

>> Good afternoon, my name is Jean Dresden. What I hope you're able to fund for this next year is the continued development of this tool kit. While many of the neighborhoods we think of right now are in D-3 and D-6 it is a fact of life that all of the neighborhoods of the city will eventually become historic, because they are aging just as we all are. In wandering around I found neighborhoods over east hills, Ponderosa's very first development from 1969, marking the transition from ranch homes to those with great interior space, fully intact and with owners that adore their neighborhood. They don't yet think of it as an historic neighborhood but they will, and they could have a tool kit like this to protect it and give another sense of place. We're moving in the general plan towards hubs and villages, and this kind of tool kit which you used as an RDA board for Washington, and for other areas in the city, is a strategy to create a sense of place destination, something more than just, plain urban sprawl. And that will be important in attracting the next worker generation, a place that's desirable with neighborhoods that they can identify. I hope you can find the modest amount that planning is talking about for next year. Thank you.

>> Mayor Reed: Brian grayson and Richard Zepelli.

>> Thank you, Brian grayson representing preservation action council and I echo the thanks that has been given to Councilmember Oliverio and to planning staff. We attended several of the community outreach session and staff did a great job in getting this out to the community and listening to the community and bringing this back to listen to you erks potentially when your final decision is when this does come back to you with more of the details to make this program a success which obviously we and people speaking to this tonight are very, very supportive of. The two-thirds vote to enact the program is of concern. As all of you know, two-thirds of vote to get anything is pretty difficult if not impossible. And we'd hate to have that as a requirement in there that could kill the program before it ever gets going. Something along the lines of 55% might be more reasonable. We ask you to take a look at that real closely. Also the 50-year-old homes, using that item line instead of the, I think before 1945 and have a rolling 50 years, because otherwise you're going to lose a lot of potentially historic homes by going with the other figure. So we ask you to look at that as well. And also the I think it was the 70% characteristic for a neighborhood, looking at that figure as well, too, if the idea is to save these neighborhoods and keep them strong, and keep the historic characteristics of them we'd hate to have the requirements be so onerous that we may lose some of them as a result of that. So we'd ask that you look at those very closely when it does come back to you but in general we're very supportive of this program and urge your support, thank you.

>> Mayor Reed: Richard Zepelli.

>> Good evening mayor and city council, Richard Zepelli with the neighborhood association and I'd like to you continue to support the distinctive neighborhood program and I want to thank again Pier for supporting us as well. Willow Glen neighborhood we also have an excellent walkable neighborhood, a real sense of place. Our downtown is kind of tied right in with our homes. I represently live in a home that's 55 years old. It was built back in 1954 by the Reghetti family whose son went to play little league and went to play for the San Francisco giants. preserve and take care of and also preserve that sense of place that walkable community and sense of community in Willow Glen. Thank you very much.

>> Mayor Reed: That concludes public testimony. We have a motion on the floor to conclude. Councilmember Liccardo.

>> Councilmember Liccardo: I just want to commend Councilmember Oliverio for taking this on. I think this is a real innovative approach and preserves a need. I live in a 97-year-old home myself and homes nearby of a similar vintage. It is challenging when you look at the cost, survey work alone is really daunting this is a great proax. I want to thank hadassa and sail and Aconi, a lot of outreach went into that so I applaud you for that. I also echo Brian grayson's remarks with regard to get overing the two-thirds hurdle. I think that's awfully challenging. Two-thirds to agree on anything is remarkable at times and it's -- because there is always a lot of speculation about what a regulation may or may not do, it takes a lot of work to get to the point where you can get that kind of concurrence. So in any event, I just would suggest maybe we take a look at that one. But otherwise, obviously I support this wholeheartedly.

>> Mayor Reed: We have a motion to approve ton floor. All in favor? Opposed? None opposed, that's approved. We'll now go to item 8.1, report of our public intoxication task force. Take a minute for the staff to switch. I think the City Manager is going to start this one.

>> City Manager Figone: Thank you, mayor, members of the council. We have a lengthy presentation for you this evening which I'm going to kick off. In November 2008, the city council directed that I convene a task force to explore policy options for two issues. Noncriminal sanctions and alternatives to arrest under penal code section 647 (f) and procedures that an officer should satisfy to obtain objective evidence to support findings to arrest under the same penal code section. Task force met five times over four months, and the item before the city council this evening represents the options identified by that body for your consideration. The task force process was comprised of three phases which are outlined on the slide in front of you, the lower half of the slide. And during phase 2, we did cancel two meetings to provide a representative sampling of incident reports and allow time for task force members to review the reports. Before we begin our discussion of the options which are presented to you by the task force, I would like to talk briefly about the work that the task force provided. As has been widely noted, a number of members resigned before the task force completed its work. And what I believe they expressed reflected a frustration that the task force charge was narrowly focused on two policy areas as directed by the city council. As I understand it they wanted to examine perceptions about past police practices more broadly, not just alternatives to public intox case arrest and objective evidence. And while I was disappointed that task force members chose to resign, I do want to assure them as well as the larger community that they represent that their concerns were heard. In addition to the key themes represented on the top half of this slide, we also heard concern over the disproportionate percentage of Latinos arrested for public intoxication, a general concern over the appearance of buy space policing and a perception that the community's troves and confident in the police department is questioned. Even though the task force work was not directed as they hoped, the concerns they raised have certainly brought changes, and the work of addressing those concerns will continue. I want to focus our discussion tonight, however, on how the options presented to the city council by the task force respond to the charge that we were given. And then more importantly, how we propose to move forward together. As I stated in my transmittal memo to you, the work of the task force marks an important beginning for addressing how the city handles public intoxication arrests. At a glance, and the staff will go into each of these options more fully at the moment, the task force noncriminal sarchtions or alternatives to arrest, those are a sobering station and not seeking prosecution of public intoxication arrests until an individual is arrested for a sixth offense in a rolling 12-month period. In the area of objective evidence, the task force includes three recommendations, all either are operational or have already been initiated and will be ongoing, part of ongoing work of the police department and our police chief Rob Davis will comment on those in a minute. But these include offering preliminary alcohol screening or PAS testing. Conducting field sobriety tests when training. These recommendation are directly responsible to the council's referral, and they do strengthen the

police department's procedures for addressing issues of public intoxication that go a long way towards decriminalizing this issue. Public intoxication and the related arrest data raise very complex issue that directly impact community relations, public perception and workforce procedures. And the administration does value and respect diverse perspectives and desires a protective dialogue as we move forward. I'd also like to acknowledge the police department and specifically our police officers. Our workforce has put forward efforts to pilot two new techniques and approaches and, again, the chief will talk about these in a moment. The chief, the department and I are committed to working with all members of the community to ensure that we maintain the highest standards in delivering police services. In moving forward with the city council's recent approval of the consortium for police leadership and equity or CPLE, I do believe that the city is positioned to address issues of pace pleasing would be which is about to begin and the recent council direction that the Public Safety finance and strategic support Committee meet to gather additional input on this issue, will ensure that the community has an avenue to air issues and address policing concerns. In handing this over to the staff I would like to thank all members of the public intoxication task force for participating in this very important process and while this report completes the task force's work we do look forward to continued partnership during the implementation of the recommendations and identifying further improvements. And with that I'll turn it over to deputy City Manager Deanna Santana and our police chief Rob Davis. Deanna.

>> Thank you, Deb. Before we begin a detailed discussion tonight on the options that the task force explored, I want to just arrive briefly the definition of penal code 647F because you will hear us reference it many times during the presentation. the complete definition of the penal code section is in front of you on the slide and just to paraphrase the key elements of the definition are any person who is found in a public place under the influence of a controlled substance where he or she is unable to care for his or her own self or of that others or by reason of being intoxicated interferes or obstructs the public way. There were four options that the task force considered regarding noncriminal sanctions or alternatives to arrest. Rob and I will review each briefly and provide the task force's final recommendation. The first option that the task force explored was the establishment of a sobering station. The task force discussed the benefits of a sobering station which a facility that provides an individual the opportunity to become sober. The task force expressed interest in a comprehensive model that reflected county collaboration with other cities and/or social services. The task force also acknowledged the City's current fiscal environment and recognized that implementation of this option may have fundamental barriers. For an order of magnitude as is noted in the report we estimate that the ongoing contractual cost or operational cost would be estimated at about \$680,000 per year which is essentially taken from the cost when the facility closed in 2003 and applies a 5% escalation which is an industry standard. And for construction and capital cost the staff noted that the industry, the current industry average is \$400 per square foot. So the final cost for a sobering station would be largely driven by the programmatic elements that the council would decide on as a final design for the sobering station if you will. We provided these costs to the city council and to the public just for order of magnitude of the amount of money that it would take to put such a an option in place. With that said the task force did recommend this option as something for the council to consider but did note the City's current budget environment. The second option that the task force explored was enforcing the 16 municipality sections and imposing a fine for violating the Municipal Code. the task force explored whether to apply a fine to the existing municipal code provision. However did not achieve the goals after evaluation such as dit not cheerve the goal of decriminalizing public intoxication given that violating the municipal code is a criminal offense, they determined that a fine did not address the Public Safety issues or concerns being able to care for one self and it could disproportionately impact lower income individuals. The third option that the task force explored was establishing new Municipal Code provisions or new accountability measures. Wps a businesses should make available preliminary alcohol screening test devices. In the end the task force decided not to explore this option because the cost impacts two business and a business other than cannot require nor has the authority to prevent a person from leaving an establishment. A downtown coordinator is available to provide additional comment ond on current efforts Your Honor way in the downtown entertainment zone to address issues of business accountability. As noted on the slide before you the task force did not recommend this option and from here I'll pass it on to lob to go onto option four.

>> Rob Davis: Thank you, Dee Ann April. Rks prosecuting public intoxication arrests meaning that how many arrests would we actually make before we would be seeking and or the DA would be willing to prosecute these cases? We took a look at these-k mountain view Palo Alto, Los Al tos Morgan Hill and Gilroy. Specifically what they were doing was they would make up to five arrests on an individual up to a rolling 12 month period nd' then they would go and seek prosecution including not just on that sixth case but up to all the cases up to that point in

that 12 month rolling period with the DA's office. One of the reasons for that policy consideration is because it helps to achieve one of the goals of developing noncriminal sanctions and alternatives to the public arrest -- excuse me public intoxication prosecution. Now obviously this is also less costly than a sobering station meaning the individuals would be still arrested, processed at the county jail as they currently are, it would require us to go through a process whereby we would follow up to seek the prosecution of those individuals. If we were to accept this option what we would recommend is a one year pilot implementation with an evaluation and review in about six months. Specifically, too, because this would still require some coordination obviously a significant amount of coordination with the District Attorney's office the Department of Correction or the jail, the public defenders or county superior court. What that number should be and we chose the rolling or the 12 month rolling period with up to six arrests in that time period before we would actually seek prosecution. Because we also were thinking on the task force might that be too many? But the reason we finally settled on the five in going into the sixth is because of what is already being done in the county. So I think at the end of the day we're just seeking uniformity with what was already occurring within the county. If we were to do that, we would estimate it would take us probably somewhere between 60 to 90 days to put this into implementation because of the coordination that would need to take place. And again this is an option that the task force does recommend. What we will do now is take a look at -- or look at the analysis of the options in what we call category 2 or establishing objective evidence for an arrest. The first option we have listed deals with offering a preliminary alcohol screening test to those individuals who are being arrested. We specifically heard this concern even before the task force was created from individuals who stated that they felt like they were arrested without the objective symptoms being there without the objective evidence, or at least if we're doing a PAS device or a preliminary alcohol screening, was in December of 2008 we began a pilot program of doing just this. What we found is that while we -- while I call an unofficial blood alcohol average because it clearly did not take into account all of the arrests since all of the people at that time were offered PAS devices because of a lack of PAS devices and also individuals who did not want to be tested. What we have found so far with the data that we have collected was the average was .17 percent. Now keep in mind if you are arrested in the state of California for driving under the influence or D.U.I. the legal limit or the presumption of being intoxicated as far as a D.U.I. discharge concerned is .08, so the unofficial blood alcohol average that we have with the PAS testing to date is more than double that amount. For example during April 19th to the 25th the blood alcohol levels ranged from .108% to .323% for those submitting to the PAS test. Some of the policy and fiscal considerations for this option are as follows. First of all there is no blood test for a D.U.I. charge meaning the State of California, the legislature has created that threshold limit in California. We know that if it's .08 or above it's automatically presumed that you're impaired and you can be arrested for being D.U.I. There is no such threshold for blood alcohol level in the state of California which means even with these results that we have those results are not acceptable if you will in a court of law to be a presumptive indication that somebody is under the influence of alcohol. This specifically gets back to some of the elements of 647 F which indicate that you have to be not be able to care for your own safety or that of someone else or you are creating that impediment in the public arena. I should also point out that one of the fiscal alcohol screening test devices or PAS devices 70 of them are over ten years old. Now, that would mean most likely that as we're trying to distribute those throughout the city, we're going to need more of them because we have more -- obviously more than 75 officers at any given time on the street and also that they're coming up probably on a shelf life of we need to replace them. The new PAS device have a cost up from \$735 to \$3500 a unit. The real distinction on those costs and I see you're getting a different read on the screen, I don't know if those went up just as we printed the PowerPoint here but I will say this is an approximation. Because there is again not a threshold for 647F we don't know exactly what value we would get out of that versus the value that we would get out of less expensive devices that could give us a reading and we could note that in the report. Also we find itself in doesn't mean that we couldn't phase these in. Where we buy them as we could come up with grant funds or we could develop other funding mechanisms and/or place them in certain specific areas of the city so officers could get access to them if and when they have a 647F arrestee that they would want to test. Option number 2 was to offer blood or urine chemical testing to those individuals being arrested. The discussion in the task force led us to first of all it would really be challenging to ensure that while we're out there arresting drunk in public individuals to find or identify a sanitary facility where they could offer a urine sample or phlebotomists or others to collect samples in the field, there would also be significant workload impact on Santa Clara County crime lab, and this is not an inexpensive thing to do. They also run the risk of incurring other charges that would be necessary to time if we were to seek prosecution for what we found in the test. Meaning if there's been an effort to try to decriminalize some of the this might actually have the opposite effect of identifying more individuals who might have other issues. It also would require more of the police officer's time to be out of the field since you would have to transport people for these tests and there's also the question that comes up depending upon the intoxication level

of the individual involved would they have the capacity even to consent to that test to begin with. So for all of these challenges and reasons this was not a position that was recommended by the task force. Option 3 dealt with improving the field coordination test. Making sure they have been offered to those who are felt to be intoxicated. to the extent that an officer can administer the test in a safe environment, clearly there are times in the field when that is not an option. Where the individual is intoxicated to the level where they would not be able to complete them. Assistant chief Katz and I went on patrol, and there were clearly some individuals that literally could not stand so they would not be able to complete these tests. We also want to make sure that people understand that we would do these to the extent that the officer can do it in a 19 which is also safe to him or her. We have already provided training to the officers and there was a refresher training december 2008 emphasizing the documentation of the field coordination tests when they are we rks improvements on the report that we've made. Again this is not only was recommended by the task force but has already been implemented by the police department. Option 4 deals with legislative action to establish a drunk in public blood alcohol test threshold. I spoke a moment ago about the fact that we do not have that threshold like we do in a D.U.I. case and if we were to seek one this would require a lot. It would require that we would need to establish an intergovernmental strategy to advance this issue through state legislative process which might be difficult also for drunk in public arrest because as we know with alcohol issues, alcohol tolerance per individual varies. 647F, the key element of that crime, the person is unable to care for them cells or the safety issues. Till be able to function and take care of them cells so again how we would divine that or how the state would define that would be problematic. Again it takes us back to the issue of whether or not somebody who was that intoxicated would be able to even consent to a chemical test when intoxicated. Abuse remember here we are talking about offering the test to an individual but if it became a threshold that was required, what clarity of legal consent . Also it does not address the nonalcoholic issues that are involved with 647F, as has been pointed out drugs are also win of the factors that we have to consider in 647F and clearly a blood alcohol testing threshold would not account for those. As such this was not a pokes recommended by the task force. Option 5 deals with police officer training. This was an area that I really give a lot of credit to the members of the task force for. It was extremely informative for me as chief and for other individuals in the department to hear some of the issues that the residents in the task force members brought up concerning how they felt that they were treated during the interaction with the officers. This this was extremely valuable to us and I really do thank the members of the task force who participated in this particular piece to help try and inform us about this. The improved training that we have offered and are already dmoing this area deals with recognizing someone who is subject to arrest for violation of penal code 647F to make sure the officers are documenting that probable cause within the report. We have also stressed that the officers, one of their options not one of their options but one of their vierms they try to out if there's something friend in the area who's sober or a family member nearby who can come and take care of the individual so that they do not need to be processed through the legal system. We also have stressed the dowments dowmtion. Again also there was a significant am of discussion dealing with the cultural or intercultural awareness that some of the task force members raised with the department in terms of how people felt like they were being treated and again it was extremely helpful to us to hear that. 1st of the common things I heard and it's important that the task force members know that I heard is that one of the issues that they had are many times officers aren't explaining why the arrest was made. And that's a difficult thing for officers to do perhaps in the moment of the arrest but that doesn't mean at some point in time after the arrest they couldn't take the time to do that. That was extremely hex to hear as well as some of the wears that the officers interact with them so that they felt they were being treated with dignity and with respect. We also discussed the fact that we would add the Latino community to our list of groups that we are doing these community San JosÈ videos on. We've talked about this in a variety of different venues in the past how we've done these cultural awareness videos for the officers in which we invite people from the community to come and train the officers via video instead of just having San JosÈ police officers do this. We have done this with the Muslim community, with the Sikh community, with the eastern European community,' and task members suggested how we could use their help. this is something that is recommended and we have already implemented many of these changes. I would also like to point out, if you take a look at the very last page of your binders, tab 10, you would see the proposed public intoxication vesting form that we are proposing as opposed to 647F report. I would like to point out that this report creation has been a collaborative effort between Dolores Carr and the DA's office and her staff and our agency and the City Attorney's office. We listened carefully to what some of the task force members were telling us in terms of what they saw in the reports that they did see. We also listed they very carefully to just the way people who had complaints against the PD and these arrests, were communicating with them what they felt was or was not done or the probable cause was not documented or explained to them. This lists upset basis for his or her probable cause for the arrest. The report actually prompts that and requires that within a specific section. There was also ongoing

discussion that we have to try and make sure -- try and ensure that this form could become a county wide form. That will take additional coordination since all resistance to this all since I believe this is an improved form but that will require myself and District Attorney Carr, to see if they will be willing to do that and we will be doing that. Also the use of this form will be reinforced through continuous and having supervisors ensure that when they are signing off or reviewing these reports that they're being complete appropriately. In conclusion, the summary of what the task force is recommending deals with two main areas. First, the alternatives to arrest, which as has been stated would be a sobering station, obviously there need to be a lot of discussion on that since the cost may be prohibitive, but also one of the recommendations is to establish a threshold for the number of arrests that we would make before we would seek prosecution. We also are obviously recommending for the task force to continue offering the PAS testing, to make sure we are encouraging and documenting the field tests that are being given the field training that is important for this process to be successful take place. Now council, I would like to make mention the fact that we've just outlined for you I've outlined for you also some of the technical things that we're doing to try to improve the process for being drunk in public and how we will process those arrests. But would I like to make a special point of highlighting the fact that we care very deeply at our department about how we're perceived by our community and how the people we are arresting perceive they're being treated. We've heard very loudly and clearly from the members of the task force about some of the issues they've raised or heard about or been concerned with. We've heard that loud and clear. It is just important that you hear not only from me but from the task force group some of the technical bureaucratic things we have been doing to process this but you've heard loud and clear what some of the human factors are in this process. That is a priority for me, it is a priority from our department, it is in our DNA to collaborate and cooialt with the members of the community.upset participating with us to help us and inform us on those issues so that we can make sure that we're not just going through the steps of improving the arrest process for being drunk in public but that the community understand that Weaver just as concerned about the human element, the human factor and the perception of how people feel when they're interacting with us. That is a priority for us and it is also on our agenda. With that I'll turn the time back to Deb.

>> City Manager Figone: Thank you, mayor. Thank you Rob, Mr. Mayor, we do have recommendation for the council and again in closing I'd like to thank all members of the task force as well as the staff who have put in countless hours in support of this effort. Thank you.

>> Mayor Reed: Thank you. There are some members of the task force here and I'd like to give them a chance to speak before we move on. Kathy Cordova and Otis Watson I have cards from, I see Dolores Carr, she doesn't have a card in but I'm sure she would answer a question if anybody had one.

>> My flame is Kathy Cordova a.m. pes served on the task force for the past three months. Tonight's council meeting started with the commendation of the district 10 emergency services folks, and I heard an appeal in that for community members to get involved with issues that they feel passionate about. And I definitely feel passionate about the issues of the police community relationships within the City of San JosÉ. As a lifetime resident of the city, I've watched changes in the city and specifically, concerns that have arisen in the last couple of years, in particular, about how community members have been treated by members of the police department. It was for that reason that I got involved with the task force. I also stayed with the task force throughout its meetings, and there were a few other community members, as you know, who chose to resign. But I entered this in good faith, hoping that the other community members and the city and county staff were coming because they, too, saw those department of justice numbers and saw that there were some real problems in the way that community members, and particularly the Latino community, were being treated by the department. I want to speak specifically about the recommendations before you. I want to speak about the sobering station, again, the task force did recommend that, and while staff is concerned about the budget environment, and certainly I'm very aware of the budget issues that face you as councilmembers, I would hope that that is not completely off the table. Certainly, in terms of capital costs, I would hope that perhaps other facilities that currently exist, either within the city or within the county, could be identified for use as a sobering station. Some of the other issues that I, in particular, was concerned about and Chief Davis just spoke to those, were some of the issues about police officer training. And I really hope that indeed the department does take seriously the need for that increased training. And as I spoke at the last task force meeting, I really think that currently, there is some deep wounds on the side of the community and that some healing needs to happen. And that one of the recommendations that was brought forward that isn't actually written here, was that the police department holds more opportunities out in the community where there's an equal exchange between community members and department members to get

a better understanding of each other. I think that certainly, my own experience having worked at the county with the restorative justice program that was around a few years ago, and the move towards community policing, that with budget cuts we see less of that happening. But I really think that that sort of beat officer who knows the neighborhood who the community can engender trust in is so important. So I thank you for the opportunity to serve on the task force and hope that you continue to hear that the issues that were brought forward to the task force aren't going to go away because of the narrow scope of the task force, these recommendations are before you and I hope you take action on them. But to really hear that some of those other issues that have come before you at the May 5th meeting, at other meetings about the community concerns, about the lack of trust, about some of the issues that came before you today about the postings on the POA Website that you take those seriously. Thank you.

>> Mayor Reed: Otis Watson, another task force member.

>> Good evening, Mayor Reed, members of the city council. Thank you for giving me the opportunity to speak. My name is Otis Watson and I served as a member of the public intoxication task force, representing the 100 black men of Silicon Valley. And I'm happy to report the 100 black men of Silicon Valley was one of three community based organizations that remained with the process from start to finish. And the reason is simple. When the legal rights and safety of the citizens of San JosÉ are at issue, you do not run from the table. You go to the table, and you engage in a process to come up with recommendations and solutions that will benefit the citizens of San JosÉ. I would also at this time like to commend City Manager Debbie Figone for leading the city through the she was accommodating but when the tail tried to wag the dog, she did not blink. She was firm. She kept us on track as a task force, and that's what you see tonight is the benefit of the task force results. So I think you should feel good to know that you have a City Manager in this city who can lead a process from start to finish. The recommendations are all in agreement with me. There are a couple of caveats. I am a strong proponent of the sobering station. You're going to hear all the figures as to why you don't need to do it. But let me suggest to you, politically, public relations wise, you need to do it. You need to find a way. You don't have to build a new structure. There are a lot of empty high tech structures around the valley right now that we can go into, and maybe make a sobering station out of. I'm in agreement with the threshold number. I do think that's something we can run as a pilot for a year. But I think you need both of them. I think you need the sobering station and the threshold option as well. If the preliminary alcohol screening test, the PAS, is going to be used, I would suggest to you that you upgrade the current equipment and get the equipment that gives receipts. If you walk to an ATM tonight and take ow \$20 from your account you don't have a screen that just pops up and says ah, your balance is \$180, now remember that figure until you get home tonight so you can where it down. You get ereceipt. It's the same thing. If our citizens have to go through the sobriety tests then bee need to give them a receipt at that moment in time. Lastly, the police training, I think, certainly the cross cultural training needs to take place, and the training on penal code 647F needs to take place every four years. Included in that training is the Chief of Police himself which he already knows is my position. On that note I thank you for giving me the opportunity to speak to you and I pray that would you give the recommendations from the task force your utmost consideration for approval. Thank you.

>> Mayor Reed: Thank you, task force members. Thank all of you for serving on the task force, it took a lot of your time and the pay was not good, I think but we appreciate it. And I want to see if the councilmembers have any questions for the staff or the task force members here before we move on with additional public comment. Councilmember Liccardo.

>> Councilmember Liccardo: Thank you, mayor. I had a couple of questions about the sobering stations. In terms of the cost, I appreciate that we saw numbers in the mid hundreds of thousands previously when the county ran it. Is any of that cost related to space, or is that basically labor costs that we're talking about?

>> As we understand that, that was the cost of the contract to operate the sobering station.

>> Councilmember Liccardo: With CTC or anybody else.

>> Right.

>> Councilmember Liccardo: Is there -- can we identify any substantial savings? I saw one of the documents in the back that allowed officers to get back on the street in 15 minutes and relieved some capacity at the holding Cell. Is that pretty speculative ?

>> Rob Davis: It is pretty splaiive. Remember the costs for probably what happened in the past of hatched in the future in terms of how long it took me to process them through this. Clearly there is some advantages if you could drop them off at the station and go along. But I don't know if you could flex, getting the heart of your question in terms of staff time and the savings we'd realize there. I don't know. That would be something we'd learn as we go along.

>> Mayor Reed: Thanks, chief. On the -- with regard to option number 4, about setting the threshold at sort of six times and you're out, six strikes and you're out, the threshold strikes knee as being incredibly high. I know other jurisdictions do it. It struck me as one of those issues that the DA would probably be resolving anyway, in terms of prosecution guidelines, and perhaps Dolores Carr can correct me on this. But ultimately whatever we do the DA's going to decide about how to prosecute or not. And so I guess I was -- it wasn't clear to me why we had a role in that decision, other than maybe the decision of when it is that the officer actually walks the papers over to court or to the DA's office. Is that really all we're talking about?

>> Rob Davis: Yeah, two points. First of all, there was a lot of discussion on the task force about six. It seemed a little bit high to the PD initially, we thought maybe something better would be on the lines of three strikes and then see through there, at least take that through a pilot program. But again as we surveyed the other departments in the area that were doing it, almost un larlt, they were doing six. We thought all of the to say three there are some distinctions we think we may find in terms of the environments are like, in terms of arrests being made, the issues they have in those other cities of making those arrests. But again, the proposal is that we take a look at this for a year. If we find during a test period of a year it's just too much, we are still having problems with significant offenders, pushing four or five we would be willing to take a look at that again but it was somewhat arbitrary in picking that one number but again it was more to be uniform for track those arrests. So what will happen is when there's an arrest made a copy of the report will be forwarded to the quarterly liaison unit, we will have to create a database and enter that person's name and information there so we can begin to track on a routine basis something real time because of the hours in which these individuals are being arrested but at some point as a quarterly liaison processes those reports, they would get another 6:47F report, hand walk all of those cases over to the DA's office and she would choose what she would want to do with those cases. That is actually how the process would actually work.

>> Councilmember Liccardo: Thanks, chief. Yeah, this strikes me that someone would have to be extraordinarily unlucky to be, to put it one way to actually be arrested within a year, that many times on the charge, and I'd be curious to know how many people ever fit that criteria.

>> Rob Davis: We actually tried to look at that councilman to see if we could get raw data. A lot of that data is actually held by the county, from my own street experience, I'd say a single digit number of people who.

>> Councilmember Liccardo: I'm not sure if this applies or not it's been too long for me they don't get any jail time anyway do they? I'm looking at Dolores Carr right now. Are they getting any jail time anyway or --

>> Mayor Reed: Why don't we have Dolores come to the microphone.

>> Councilmember Liccardo: I'm sorry.

>> Good evening, Mayor Reed, members of the council. Is your question, Councilmember Liccardo, whether or not people convicted of 647F are going to jail?

>> Councilmember Liccardo: Yeah, are they serving any --

>> It's usually credit for time served.

>> Councilmember Liccardo: Right.

>> But let me just clarify a couple of points that have come up in the discussion on the larger picture. The six arrests that happened in the other jurisdictions which are small jurisdictions, Palo Alto I'm very familiar with, generally, their experience is that when you get to that six, what you're talking about is what we might call a chronic inebriate, who is falling-down drunk in the same place every night. And so what they do is gather them up. Now, those kinds of chronic inebriates when they go to court are really being stain very seriously, and we are looking at prosecuting them looking for six months to a year in jail. Because what we're looking for is treatment. Because we have someone who obviously needs treatment, not this type of defendant. So I agree with you. I think the numbers are going to show that there are probably very few people who will rise to the level of getting arrested six times in one year. And the I think the other thing that should be just considered as you look at the various options, especially on the sobering station, is to look at the data on the arrest from the time that the implementation of the PAS device, as well as the training to the police department, because I think what you're going to see is that the number of arrests has decreased. I don't know what the data is. And so before we -- I think the city starts really generating lots of costs for a sobering station, you might want to have a few months under your belt to see what the figures actually show would be using the sobering station. Because the reason it shut down in the county several years ago was for lack of use. So it was used fairly frequently and then was shut down for lack of use. The other thing to consider in terms of the sobering station is that there are exceptions to who can go to a sobering station. That's because it's really run, at least the one that was run before and the one that we looked at in San Mateo County was run by a nonprofit. And so there were rules about who could go there. So if someone needed medical attention, if someone was so intoxicated that he or she was ill, if there was any violence, if there were other charges, they were not eligible to go to the sobering station. So it might be useful, for instance, I think we took at the number of the reports of the 200 reports that were released by the police department, my office went through those in some detail and I don't have the figures off the top of my head. But there were quite a number of those 200. Of course that's just a snapshot of people who would not have been eligible to go to the sobering station because of the threats of violence, violence, illness, medical treatment, that type of thing. And then lastly, the only other comment that comes to mind based on the discussion we've had so far tonight is, again, that these are arrests for 647Fs only and that there are other charges, other arrests for other charges, those go through the regular charging arrest system that come through my office for review. And I'm happy to answer any other questions or come down later if there are any.

>> Councilmember Liccardo: Thank you, dirnt Carr. That's illuminating. .

>> Mayor Reed: In the county documents which we have at tab 8, I can't really tell you where that is, because the pages aren't sequentially labeled the C.

>>> C client visits for a year. And they show about 30% upset of their client visits are six times or more of 70% were you know, one first time to fifth time. But 30% would be in that category of more than five.

>> Councilmember Liccardo: Yeah, thank you, mayor. I also want to thank the chief for the concrete progress, I think, that's been made already. I think we've seen that certainly in the data in terms of the reduction in the numbers of arrests, the revisions to the forms, I think clearly will send a clear message that we want all the information that's available to the officer to be articulated clearly, and saved and preserved. And the supervisory signoff, I think is very important to staff. I think all those things indicate how seriously the San JosÈ police department has been taking this. So with that, I'd like to make a motion to approve the recommendations that staff has outlined on the first page of the binder.

>> Mayor Reed: Okay, we have a motion to approve the staff recommendations. Further questions or comments? Others -- I have some on the report, just going through it. There are other issues that the task force was interested in that was beyond the scope of the assignment from the council. And I want to just make sure that we're not ignoring those. We've previously decided on May fifth, the council unanimously decided to refer those other issues to the public safety committee of this council to continue to work on those. So that would include issues remitted to the arrest made for resisting arrest and disturbing the peace and other issues that the task force identified. One of the things that I want to make sure that happens at the public safety committee is that we evaluate the work that's been done that the chief has already described, and how we do that I don't know. I think that's part of the public safety committee's work planning work that we need to do. But clearly we need to circle back once we get this new form and these new procedures in place and do an audit or a sample, whether we look

at 200 or 100 or some kind of sampling to look at the work that's being done to see if we have made progress on the issues. One question about the sobering station and the cost of that. How do booking fees play into the cost of what we're doing now? I believe it's costing somebody some money for the people who were taken to the jailhouse. And I don't know if it's costing us or the county, but clearly there's an offsetting value there that we might be able to capture.

>> Rob Davis: Well, clearly to the extent that we continue take them to the jail instead of taking them to a sobering station, we would be charged that booking cost for boding an individual at the jail and that's, you know while while there's discussion who that cost clearly should be, that is a cost to the structure, that would continue just as it is now sop rks cost benefit analysis would be, that we don't know. We would need to do the analysis.

>> Mayor Reed: But I know we have an argument every other year or perhaps every year with the state of California about who's going to pay the booking fees and it's millions of dollars to us a year for booking. So it is not an insubstantial amount for every person that we book. So that might be a source of some funding to offset the cost of a booking station that we might be able to capture. There was discussion in the task force about what happens if people don't show up again, more than six or whatever it is. And is in a way to convert their arrests into detentions for purpose of the individuals records, and I know that terminology can be very important, and that other cities arrest people, but somehow they don't book them, and so maybe it doesn't show up on their criminal records and that's one of the key issues for me, is the criminalization of people who may being being young and stupid. Is there a way to deal with with that? You arrest them, there's no prosecution, what happens to the fact that they were arrested, is that still part of a crm record, is it something that people -- I don't know you can ask somebody on an employment application if they've ever been arrested, what happens with that information?

>> Mayor, George Real from the city attorney's office, that is an issue that weigh are looking into, we are researching. We have to discussion that with the we don't have a specific answer for that. We think the arrest could be converted to a detention but we're not exablg certain at this point.

>> Mayor Reed: And then other than a spelling, what is the different tweeness an arrest and a detention?

>> Well, a detention is something less than an arrest. It's holding somebody but not actually arresting somebody. So it doesn't have the -- if for those positions where you can ask somebody if they've been rate offed they wouldn't have to say that they've been arrested.

>> Mayor Reed: So if somebody is walking down the street and the officer stops them and wants to talk to them, it's a stop. It's not an arrest, is that a detention?

>> Rob Davis: Aa consensual encounter. Detention then arrest .

>> Mayor Reed: So if they don't want to stop and talk to you --

>> Rob Davis: You could detain them if you have got the right to do that.

>> Mayor Reed: But it is not necessarily arrest?

>> Rob Davis: Not necessarily arrest.

>> Mayor Reed: The PAS test, you could get a D.O.T. approved PAS test for a couple hundred dollars. We're talking either a thousand dollar model or a \$94 model.

>> Rob Davis: It could be, I know the staff took a long view into that thing to really determine where the cost savings would be, remember we're talking about devices that are used a significant number of times by law enforcement officers in the environment that we operate in. So it's really the quality of the device.

>> Mayor Reed: They do need ruggedized devices because they do get used a lot. It is something expensive, we can't have these 75 things we can't rely on them to keep working forever. How long would it take to implement the new reports form that you've got proposed, the last page of the binder?

>> Rob Davis: I don't think it should take us that long at all. The direction we've begin to staff is to make it happen as soon as possible. We got concurrence on all the different drafts between our, quickly as possible it would require us to do additional traik for those that are not yes, sir familiar with the form so that really San JosÉ PD the oajt lag time is producing some of these reports and make sure that the training occurs. So it could be a matter of weeks. Again, the issue is to try and coordinate with the rest of the counties so we're all on the same page, not making different types of forms from dirnt agencies coming forward but this does not have to be something that takes a long time, mayor.

>> Mayor Reed: All right, in the arrest reports or whatever we're calling them that the task force looked at, it's not clear to me how much of that was from 2009. And so I'm curious as to where we are today with the quality of the reports compared to where we were in 2008, twefer, and I know that there were -- I'm look at the AAKI evaluation report, there is a period of December 2nd, 2008 through February 9, 29. But what I'm cures about if you compare 2007, 2008, and 2009, what progress have we made? Because looking at the analysis done by AAKI, rks ACLU, maybe 20 to 25% of them would be less than desirable, suboptimal, not exactly right or there was something wrong with them, ire boilerplate language is how it was described. It's in the clear how far we've come in 2009 with all the changes you've put in place. I don't know if that's just because we didn't have the data, did we need to come back or wait until the new report form is put in prays?

>> Rob Davis: Clearly, we've been very curious in terms of the quality improvement of the reports themselves. It's a big issue for us, it is one thing that we're definitely going to be track aring some to make sure it's being complemented properly. I would ask can't Gary cairny.

>> Review was done instantly. And then during that, the supervisor had the opportunity to figurey back off the training that was given to the pharmacist to improve his or her scrutiny of that report. That's resulted in quite a bit of increased information, and many of it which I think even the task force recognized there was a difference of improvement, when we went to supervisory review and requested more information to be put in the report than had been done in 2007. This report form is an outcrop of two issues, one to address the request of the task force that we have prompting type questions in the report, so the officers not left to their own demise to figure out what's needed in this report. So some of these things are given prompt and specific information that the task force asked for. Secondly, the supervisors have been additionally trained in developing a process where, when they review the report they don't have the tail of the officers to put more documentation is. Additional sections that the task force asked for in this new report where there is a section for the P samplet device reading, there is a section for other officers who were present or other implement a new form, review that, I think you will be quite happy with the prompting type questions that are going to provide a lot more information than the old form that we used even with the additional trainings that we provided.

>> Mayor Reed: Okay, thank you. I think it's really important to continue to monitor the progress, and you know, I know in government we're really good at deeblg with the things that we're focused on, but after a few months you tend to lose attention and we move on to the next crisis. And we need to make this stuff happen and make it institutional, I think those are most of my questions . Councilmember Constant.

>> Councilmember Constant: Thank you. One question. You've heard a couple of times a reference to a pilot but I'm looking at the memo and the language I think Sam your admonition was the memo dated May 19th, the one that was tucked night the front binder project. It doesn't mentioning in about what we're going to do, I hope that's part of what we're doing.

>> Councilmember Liccardo: Slur, I'm happy to accept a friendly amendment.

>> Councilmember Constant: I just wanted to echo Sam's comments. Six times and you're out, bothers me. You know, anyone who gets drunk six times in a year to the point they've been arrested for it, is a serious alcohol problem. I think that we don't want to sends the mefnlg, just come down and keep getting drunk until you hit five and then cool off for a while. You know, one, two, three strikes I think is reasonable. That allows I think it's a blii different feeling you get when oops, I goat arrested, I got to get my act together, as the mayor said, they were young and stupid, ieft being in the next consent calendar year and can I start all over again. That just bothers

me. I really, I think because of the number of establishments we have, that serve alcohol, which is a greater number than plows of the surrounding smaller communities, I think three is a more appropriate number.

>> Councilmember Liccardo: Councilmember Constant, I'd be happy to accept a friendly amendment if you want to make one.

>> Councilmember Constant: Okay. I think that's important, thank you Sam for doing it.

>> Mayor Reed: Are we okay with the seconder? I think Rose herrera had the second.

>> Councilmember Herrera: I'm a little concerned about that. I think we looked at other cities and didn't find a few amount that didn't go to six. I'm a little concerned here. I'm concerned that we move towards decriminalizing and not catching more people into this sort of criminal thing. And I was liking -- I liked to -- I'm not sure I support that change.

>> Councilmember Constant: Well, for the record that's what I think. I just worry that it gives the impression that we have a large tolerance and come on down and get drunks and don't hit yourself seriously until you hit four or five. Other than that, I want to thank everyone. I think we made a lot of progress, the common sense and that -- except for that six part, a lot of common sense and a lot of good direction.

>> Mayor Reed: Councilmember Herrera. Hz I think also we're going to can't to get feed backs and evaluate that part. And the new forks that are part of this process I think are also important. So there is a lot of differently parts to this that are going to make it 6, I hartd the wasn't a problem in other locations then there could always be changes would I assume.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: Thank you, mayor. I'm really happy about the sobering station. I think it solves a lot of problems. First of all, it's a safe place for people to sober up. It meets the needs for Public Safety, it doesn't scrod our jails or court systems with people who are intoxicated, and it is ideal -- ideal is not the right word. It does help with first time offenders because it doesn't show up often their arrest record which sometimes freefnfts people from getting into the college that they want to or the career that they want to get into. And having been arrested it can negatively impact future career prospects. It sends, publicly intoxicated people to the sobering station rather than the jail, and in the long run I hope we save money. Did I hear that we were going to go a cost process quments.

>> We would need to understand from the council and work through what the program elements or the desired program elements of the subway station would be. In our review, there's different proposals, the San Mateo county model is by far more comprehensive, and that probably, in developing a sobering stailings in San JosÉ would probably be more costly but there's a range of services that, cost benefit analysis was to look at the booking fees and see if there's any opportunities there to yooof set.

>> Councilmember Pyle: My last concern and maybe I'm premature on this but you know we get the reports every week regarding what's been going on downtown and I'm concerned not only by inebriation but also about some of these belligerent people that are hitting people on the head and producing knives. I 19 where are these people coming from? I don't know how much tracking there has been in reference to that. Is are they doing this and showing this aggression because they have had too much to drink, which begs the question, do the people serving them these drinks have some responsibility here? I would definitely like to see that either in the future as a future proposal or to incorporate it now. I just think, you can't have one without the other. There's not going to get as drunk if you pay attention to how many drinks are being served or how inebriated someone lapse to be. Someone can comment on that one .

>> Rob Davis: First of all, it is general knowledge within law enforcement that alcohol plays a part in a significant amount of that. again, arrest was not showing up on that radar screen. I would however like to give some credit to some of the night clubs owners and other groups that have been working with us over the last several months. There's been a real concerted effort to bringing some of those and say here are the issues we're having downtown and to have more of a proactive, classic approach between us then and CBC, how that's impacting

other areas of downtown and on our resources. So yes, there are always going to be issues when you have people drinking but in spite of all the issues we continue to hear about and that we report on because there are a significant number of them, owners as well to try and step in and work with us to address some of these issues. So it's never perfect, there's always more to be done but I'm seeing more positive light coming out of the last few months that I felt I would have seen a year ago.

>> Councilmember Pyle: I'd like to see more economic development downtown. We're not going to see it if people are afraid to go into these bars.

>> I would like to ask Lee Wilcox to add any additional comments.

>> Councilmember Pyle: Well, we get you down here, Lee.

>> Thank you, councilmember. The mayor's budget message that we did put out number 34 does address the new entertainment policing model as part of that cost sharing. Part of it is server. Concentrating on bars and bottle service and do more proactive training around that and try to avoid some of the overintoxication.

>> Councilmember Pyle: Great, thank you.

>> Mayor Reed: Councilmember Chirco.

>> Councilmember Kalra: Thank you, mayor. I assume there's some public comment and I'll reserve the bulk of my comments until the public has had a chance to speak. I just had a comment regarding specifically to some folks expressed concern about it being six arrests as opposed to three. And I know as what is referred to about the completely aspect of it, I think I recall at least in a time when I was in the public defender's office that when you get someone that's at the chronic health, I go through drug court and so on, you know there's a person endangering their lives just by the practical reasons why it would get to six, seven or eight, lot of it has to do with the cost, lot of it has to do with the 647F charges, so there is something data even in the report here, that you know none of the 647F cases weren't to trial, most of them were handled probably the very first court appearance. And so I think that at least in regards to the six, that will clearly show that you know, there is someone that may need some other assistance, get social services involved and get other services to deal with the Public Health problem they're facing not so much the criminal problem because that's essentially what that individual has become, an addiction, alcoholism. And we three strikes law they'll concede, when you are using a law based on a baseball rule it doesn't necessarily make a lot of sense I certainly don't want to extend it to this either. If we have a number that other agencies are using that's problem of to be successful that's better reason than just saying three strikes because it sounds lies. But again I'll reserve further comments after Martin Luther King testimony. I am glad to see District Attorney Scarr here, if we want to go that direction, we want to see all the input, impact it may have and there may be a potential for working together for even looking for some savings as well.

>> Mayor Reed: Councilmember Campos.

>> Councilmember Campos: Thank you. First of all I want to thank the members of the task force for being committed to bringing this -- these recommendations to the full council. I know it's been stated that it was a process that was a little challenging at times, but you are to be commended for moving forward and reaching a goal that the council had tasked you with, thank you for that. The two that were here, I think your comments were very precise and your opinions on the different issues, whether or not it was the Latino community and the other aspect like the soaping station. There are a couple of other people I would like to thank, Deanna Santana, this has consumed you and with the budget challenges, you have still been able to, I rks as well as Norberto Duenas's commitment to solve this as well as yourself having said that I just have a few questions around some of the recommendations and some of the things that somewhere come before us. If I recall, chief, I really appreciate the fact that we have a -- and this is on tab 10, the new form that you have brought before us, and are using currently right now. Is that correct? Or is this going to be San José that we'll be using?

>> Rob Davis: It will be due shortly. Not currently in operation but within a few weeks .

>> Councilmember Campos: A few questions I wanted to ask you. I know that very helpful they're numbered so you know what section I'm talking about. And I want to talk about section 7 of the report, for the officer. And then I'm wondering why the space is one of the smallest spaces when we're talking about, did the suspect obstruct or prevent movement in the street or the sidewalks? I'm just wondering like, and my reasoning for asking the question is, if it's too vague, may not get to the question of why they're being charged with a 647F.

>> Rob Davis: Right, two points. First of all, that's probably not the predominant reason for the 647Fs that are made. That is to say this would probably be more of a situation where you would have that chronic inebriate who is leaping downtown issue and there may be health issues coming up, simply because there's not a lot of space doesn't mean that they'll be talking about suspect's conduct. If they can't cover that in that box in some way, shape or form it doesn't mean they can't use more space to cojtd the narrative.

>> Councilmember Campos: Okay, that's helpful. I wanted to, I know my colleague brought up about the reports that we get from your staff people regarding what is happening in downtown. And I just want to highlight two of them, I actually have several reports, and I believe these are supposed to be weekly reports that come to us after weekend activity. And I'm sure everybody knows what I'm talking about the e-mail that we get on the activity. Around one of them, and I won't read the whole thing but it says the two remaining suspects refused to calm down and continue challenging others to fight. They were arrested for fighting in public. 647F PC and resisting arrest. I know these are just for our information. And I'm going to read the other one and share with you why I think one is a little bit more informative than the other one. I'm focusing on 647F and this is the reason you were tasked to look at this issue, and the other one says that -- I won't say the club -- wrist bands and had been drinking there earlier, blank club had wrist bands and had been districting there earlier, was unable to care for himself and was arrested for 647F. In Santa, you are stating that's what they were arrested for under that penal code. The other one, there are a lot of things why they were arrested, I'm not sure if that was just thrown in there or were they unable to care for thxselves or -- so I don't know if you can explain that to me of how those presented to us, the only reason I'm bringing this up cheech is now that we're going to this form, I hope that this form is able to capture exactly why they're being charged with the 647 (f). Rtd yes, there are a variety of different forms that we use to inform ourselves, you may be getting copies of those.

>> Councilmember Campos: That may be part of what I'm getting. Oop.

>> Rob Davis: Different types of events that happened that doesn't mean that there's obviously not more description of that arrest within the report itself. However I think captain Kirby wanted to highlight some issues on that as well. CSA thank you.

>> Yes ma'am, what we tried to do several years ago many so know where the resources have been used in the activity that we're reporting on and so what you're getting is basically a summary of a summary. And it's not designed in any way to be conclusive or conclusive of the activity for the night but rather a flag or a warning cpts prompt if you want more direction that is a point of direction for us.

>> Councilmember Campos: What would be helpful is just to maybe at the bottom of it say that this is not exactly what you said so we know that there's more -- just so I know, I didn't know that, so that's helpful. I was -- so I won't even go through all the other ones that I have, that's helpful for me to understand. And I think those are all my questions. I will be supporting the motion, and I look forward to being able to hear the remaining public and their perspective and their comments on this proposal and recommendation, thank you.

>> Mayor Reed: We'll take the public testimony now. Please come on down when I quoll your name. Betsy Wolf Graves, Raj Jaidev and Schuyler come on Raj you can make it.

>> Okay, hello, mayor and council, once again, I first just want to say that I commend the task force and the city workers that put a lot of effort dealing with the really urgent issue here in San JosÉ. But the way would I describe the final result of the recommendations is like a mirage, in that it looks real, it looks attractive and pretty, but ultimately, there is no substance, and something that could result in real physical tangible change. And I want to give you a couple of examples. And Mayor Reed, I think you were leading this direction earlier, in ruer response, in that the six arrests and your out type concept, still allows for invalid detentions. Which was the critical problem in that there's an injury just in that, regardless of a record, in that a civilian's personal liberty is taken from them

and stripped from them. That is an injury that causes concern and distrust, even if there is no record. I want you to think back to the big public forum we did half a year ago. The common narrative was people saying they were unlawfully arrested because of their attitude. That vulnerability still exists with all these mirage-like recommendations. It could even manifest in another arrest code a 415 or a 4 task force dispielt all the work avoided the real issue. It did everything but address did issue of police praghts. And that's why it can't lead to real change. The other example I'll of brief is the training issue. Training requires a willingness and it requires the main agents to buy into the process. What we saw this weekend, from the video by the San JosÉ police officers association and the writeup is there's not a willingness to deal with the issues here around public relations with the community and if anything there's a contempt to those that surfaced the issue. The other side of that coin is that the community cannot trust the police.

>> Mayor Reed: I'm sorry your time is up.

>> The police that has such hatred towards them. So thank you.

>> Mayor Reed: Your time is up. Betsy Graves.

>> I was almost in trance, I have been sitting here so long. Mayor, council, good evening again. As I sit here listening to you, what I want to say here tonight I'm not even sure it makes sense to you. You were discussing the mechanics. And where I come from, I did not hear the human element. And I think this is what was the cause of bifurcation of the task force. You see as a therapist, when somebody comes in with a presenting problem, that's not often the problem, the real problem. Sometimes you have to talk a while, and get a relationship before you really hear what the real problem is. And I think that's where we might have failed. And you talk about compartmentalizing the citations. Like now we're going to put resisting arrest and public safety and drunk in public here . Well, there's a connection with all of these. And the connection is, the human relationship. And I can remember, with Chief Lansdowne, who has a great deal of respect for you, had a large role-play, or psychodrama, where the police and the community came together. And that was where you could get the dynamics. And so, so far, I have not heard the dynamics of the human qualities for the police and for the community. And I think that's what's missing for me.

>> Mayor Reed: Schuyler forest and Donna Wallach.

>> Council, mayor, thank you. My name is Schuyler Porras and I'm the director of the San JosÉ office of the ACLU of most of whom live in San JosÉ, motion of whom are of a demographic who would not face this charge. San JosÉ prides itself on being a leader in many ways. But it is clear that when it comes to police-community relations and the trust that is built between the council and the community on these issues, we are lagging far behind. The reason this task force was created was in the aftermath of a large public hearing where several hundred people attended, 60-something speakers came to you and said, arrests are being made without probable cause. We believe that attitude arrests are happening. We believe that there may be a component of racial profiling. There is no trust in the communities of color that we are representing. Instead, the council decided to add insult to injury by creating a task force which was so narrowly constrained and which so clearly avoided those underlying questions, that 70% of the community stakeholders who you appointed, who you asked to sit at the table with you, decided that it wasn't a valid process. It was a farce. And we couldn't support the process itself. Transparency and accountant cannot just be buzz words. It is a false frame to say that you cannot criticize the police department's practices and also support the rank and file officers. Ultimately the spobled for accountability of this department lies with you. And so I come to you and ask of you, please reconsider the approach that you have taken with these community members, these large organizations who represent thousands of your constituents.

>> Mayor Reed: Sorry, your time is up.

>> Thank you.

>> Mayor Reed: Donna Wallach.

>> The public intoxication task force is not addressing the real problem. The real problem is the high arrest rates of Latinos and other noneuropean people. Arrest for 647F or even they don't even bother to seem to question the honesty of the people who are doing the arresting. I've heard from friends that the police cars set up roadblocks in communities which are largely Latino Latina stopping each' and often the people in the car told as soon as they are stopped that they are drunk. I know someone who is wrongfully arrested for being drunk in public and he wasn't however he was African American, walking across the street in the evening of the annual car race, I'm not remembering the name of it in downtown San JosÈ. I've seen San JosÈ police look on each other's reports as they're writing them out to make sure that they write did same report. I'm concerned about these new forms because the police lie and fill the forms out falsely. Here again is a task force that should have listened to the concerns of the community who is being targeted 50 police. Instead the target, the task force focuses itself on a very limited and specific issue claimed by the San JosÈ police department but which is not the real problem. My experience with police chief Rob Davis is that he is not interested in listening to the community members. In a meeting I attended a few years ago he refused to listen to most of the members -- most of the people who were in the room and then he got up and walked out. Regarding the public task force -- the public task force intoxication task force, again our money was spent yet our concerns were denied.

>> Mayor Reed: That concludes the public testimony. We're coming back I know some councilmembers have some additional comments on the motion which is on the floor. Councilmember Kalra.

>> Councilmember Kalra: Thank you, mayor. Do I have some concerns about the recommendations, and very frankly, if this was a motion to accept the reports of the work, and then have the recommendations further considered, but it is my understanding this is an acceptance of the report as well as the recommendations that are stated. And that's what causes me pause. First of all, you know, I think it -- it's certainly been an issue and the way this came about to begin with it was an issue that created upset a lot of community concern. This issue does not stand alone in a vacuum, not 647F arrests do not sit on a vacuum. It's easy, I wasn't on the council, if I.T. easy narrowly focused the charge of the task force because I think not only did that handcuff the members of the task force, it also handcuffed all of us in terms of really being more flexibility in trying to figure out a way of going forward in making sure that as a city and as a police department we're mor responsive to concerns of the community and to become more efficient in how we apply the law as well. As we've -- you know, as we did previously, we forwarded concerns regarding 148 and other charges now to the committee and the reality is that there is a connection between all of the -- and a lot of it has to do with just building the trust again with the community of community and the police department. And a lot of it, there can be some policy. You know, a policy methods implemented that can have a real impact. I also agree with some of the comments that especially given where this all came from, that it was -- convictions are certainly a concern. And I know, in speaking with public defender Mary Greenwood that that's certainly a concern of her office is that the high number of convictions come of coming out of evolving from 647F arrests. But there is a real concern p about the arrest itself. Mayor I'm glad you brought up the issue of what happens on the arrest on the record, how can we remove it or detention in the future I know that's costly and cumbersome to do dealing with records assessment and so on procedurally, that is something I appreciate you getting clarity on from the city attorney's office moving forward but there is -- the issue started with there's a high number of arrests that are of concern to the community. And I think that some of questions that were asked as the task force put together were relevant questions. I just didn't think it went far enough. Now, the concerns -- speaking specifically as to the recommendations, the alternatives to arrest, I think, are -- can be positive. I think if you have a place other than jail to take somebody, that can be a good thing. It can certainly reduce cost and it can certainly -- it can certainly allow for someone to sober up and not have to be put into a jail which, by itself is an experience that I think particularly if it is someone that's just out and they're drunk and so on and is being stupid so to say, they won't have to go through that experience. Establishing a threshold, I think is valuable as well particularly because what I mentioned earlier that I think this will allow us to track the the folks that really do have some serious quhol problems that we can get into the Public Health realm of the justice system. I know we have 647Fs that we do treat much more seriously, they do look at jail time but just as a means of getting them into a drug treatment program as a means of getting them cleaned up an saving their lives, criminal justice system. I have a concern about the objective evidence in that I -- offering the P samplet test as stated in the report doesn't really give a whole lot of valuable information necessarily in terms of whether one is drunk in public and I think that it really, especially if we're seeing the cost it would take to get new PAS machines I don't feel comfortable at this time supporting that recommendation. If there's more information provided as to a more efficient cost or just exactly how that information's going to be used, maybe. But that's the trouble I have right now in accepting recommendations without knowing how they're going to be implemented. Field coordination

test, I feel similarly. Driving under the influence there is a clear volume to that. If someone's a little wobbly, there is value to that and the District Attorney, to cause someone to believe they couldn't drive safely and they just shouldn't be on the road. That doesn't apply necessarily to a 647F. If someone's falling down drunk and couldn't do the test, there is a 647F and no need for the field coordination test. I believe it's of limited value and again would want to have further review and research as to how it would be used and how the District Attorney's office would use the information, how the officers would be trained on it, and so forth. I'd certainly agree with officer training. I think out of this that's certainly something we all I hope could agree is something that's positive and that we can use constructively to continue to improve. I think officer training is a 24/7 every year year in year out thing anyway. Nature of crimes changes, demographics changes, and therefore it is really important that our officers are given the tools to relate to the demographics of our community and to relate to the type of crimes as those of us who have been in the contractual justice system, there are different kinds of crimes, different crimes in frequency that come and go, and it's important that police be trained in that regard. Ultimately I would really hope that as this task force is -- comes to a close that we can find a way to address some of the underlying concerns. I am in some sense, that although I think there may be some positive results that come out of this, I'm happy for that, in some sense it is dealing with a symptom more so than the underlying issue. And the underlying issue is something that I hope, and I'm hopeful that moving forward we can all work together, and agree is important. And part of that underlying issue is building trust, and there have been a lot of things that have happened over the past year and several months that have not necessarily helped. And so going forward, I, for one, am someone that is really eager to get to a place where we can start doing what some of the issues that the community members have, even if their just perceptions and not fact they're still valuable to acknowledge and address. I'm hoping that by referring some of the issues to the committee, that from there we can find constructive ways of dealing with some of those more important issues. But as to these recommendations since I don't accept or feel that all of them -- that I feel comfortable recommending all of them then there are some I can't support the motion.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thank you, mayor. Just had a quick question to follow up on line of inquiry of the mayor's regarding ensuring that folks don't have an arrest on their rap sheet. My understanding chief is typically when someone's been detained or released without the belief that there's probable cause, there is usually a PCB 49B that appears and PCI rap is that right or something similar?

>> Rob Davis: Well, typically you can just an 849B section. Usually when that 849B section is being used at least in my recollection you are releasing someone before you are actually processing them. It's not usually what will happen is if somebody is bringing a 849B they may bring them down, interview them and not go through all the physical arrest process so therefore you're not hitting that arrest mark.

>> Councilmember Liccardo: Okay, I was wondering if possibly that was an avenue on which we could deal with all these detentions. I know there's obviously more work to be done as we look at this. One thing I wanted to address is, first I want to thank the folks in the task force who did participate who are here and Raj Jaidev, I want to thank our City Manager for leading the effort. This was no easy task. The notion that the charge of the task force was too narrow, the idea of going to a task force certainly was not my preferred option but the notion that -- I mean this was a task force that split over a very narrow issue. I can imagine how incredibly difficult it would have been to move forward on to address larger issues which we know are real and for that reason we've got a group of experts who study police practice, CPLE, who are involved in addressing very challenging issues I think relating to race and policing and bias. And so I'm very -- in my experience, I just haven't seen great outcomes when task forces are given sort of a broad charge of okay, figure out how to solve the problem of race and policing in a major city. I challenge anyone to find a task force anywhere on this planet who solves that problem. I don't think it gets solved that way. I think this is incredibly complex issue. I think we do need input from people who study policing for a living. And then I think we need a lot of public conversation and we need the reiterative training, continuous examination and reexamination. no matter how well or poorly we're doing oop pps I really challenge the issue that somehow or another we should have cast a panel somehow or another go on and take on that endeavor. And then whether or not this is perceived as a charade or a facade, I respect Raj's comments, I understand he's coming at this from a very sincere perspective. But I think addressing the issue of whether or not there are going to be detentions or arrests that are not going to be justified under the evidence is exactly what many of these recommendations go to. The reason why we have a PAS test now is precisely because many advocates of civil liberties. Then we went to a PAS test and a field coordination test because that's

what we do in the case of D.U.I.s. We are requiring more civic articulate on forms, we're requiring supervisors sign off precisely because we are concerned that individual officers may be too subjective. I think before we dismiss these as being merely superficial and not real, let's take a look at what the results are. I know we've already seen a change in the numbers. Let's suspend this both sides of this debate because I know it's inevitably a very contentious issue any time race is involved to take a step back and allow the process to play out, and then to reevaluate.

>> Mayor Reed: Councilmember Chu.

>> Councilmember Chu: Thank you, mayor. I just want to add my appreciation to other task force member and DA Dolores Carr and also Sam Liccardo, Councilmember Liccardo for kind of initiating this proceed. I understand, fully understanding that we didn't really address the underlying issue regarding to the racial, but I will be able to accept this report and the recommendation. But I -- the fact that there's no standard for the alcohol blood level, blood alcohol level, so I do have some concern, if we start spending a lot of money of getting those new PAS testing equipment. So I don't know, Ash, you brought it up to the fact that, I don't know if you want to make a friendly amendment, or if the chief can address this budget issue of spending, you know, tons of money of getting those new PAS devices, where we don't really have a standard to say whether -- to use the result.

>> Rob Davis: Well, you got two major things councilmember. I think the value of it is again in the discussion I had with community members what they were saying to me is, we would like to have a test like the PAS device because a significant number of our constituents are telling us that they don't feel like they have even been drinking or they weren't even close to being intoxicated. At least that device would have been some kind of an indicator as to whether or not they had been imbibing or what level -- how much they have had to drink. I think another thing we need to remember is giving that PAS device is yet another tool of an officer to add to that list of things we add to them, that hurdle for subjectively or objectively in their own mind of knowing if that person was intoxicated. One more piece of the puzzle. In other words smells the odor of alcohol simply making the arrest on that an no less if the P AS reading gives the level of 0.00, maybe it's because they've had alcohol spilled on their clothing, in other words, one more requirement that really holds our officers accountable for making sure that they're checking off the checklist if you will from what we've expecting them to check off in order to make sure that they're doing the right thing for the right reasons so that's another value for doing that PAS test.

>> Councilmember Chu: Thank you very much for that clarification. I'll be able to support the motion.

>> Mayor Reed: Councilmember Herrera.

>> Councilmember Herrera: Thank you, mayor. I also wasn't on the council when this started. And I don't think this task force solves all the problems and answers all the questions in terms of the high number of arrests in specific communities. But I do think it starts to at least put a framework around why we are arresting someone and putting some rules and some subjective kinds of things or objective kinds of things, criteria so that we get away from folks just thinking it's an attitude arrest. And that's what I heard a lot in the community was, you know, people feeling that the arrest wasn't because they were really -- were drunk in public but that because officers were using it as an attitude arrest. So that really concerned me. And the kinds of things I'm seeing put into place with a new form, the PAS testing, I am concerned about the cost, too, but I think the idea of at least being able to say, an officer being able to justify a detention with okay, there is some criteria here, I think that does start to answer that question of why is this person being detained? I think we have a lock way to go with a force of the community and I wouldn't say it's the majority of the community but there's enough folks that we're concerned that many people came down to a meeting so there is some concern out there. And I think we should always be ready to listen to work together to solve those problems and I hear that willingness among my colleagues and among everyone who's testified so hopefully we'll be able to work towards the future with the CPLE and councilmembers and begin to delve into improving other aspects of this and solving problems with their perceptual. our dirt Dolores Car everyone for participating in this, thank you.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: Thank you, mayor. Certainly it's never easy to serve on a task force and I'm sure there are times when you are really ready to pull your hair out. And I agree with Councilmember Liccardo, this is not an

end. This is a beginning. This is a way of starting. This is a way of saying, here's what we've discovered, at this point there will be more, we're not going to answer everybody's questions, or concerns, to the ultimate, but this is a way to get our feet on the ground and begin to look at what the problems are. I think we have to do the testing. Because otherwise, we're not dealing with facts, we're right back to where we were before. You have to be able to have provable data that would indicate that there is not prejudice, I mean that's not to say there hasn't been or maybe that there will be but this will be just show me the facts, ma'am and I think that will all by itself help to alleviate some of the fears in the community. And also it's hard to put a price, it's priceless for community relations. And no matter what we have to spend on these, within reason, I think it all goes toward better relationships with the community. And I think that -- that would help everyone. So thank you for that.

>> Mayor Reed: Councilmember Kalra.

>> Councilmember Kalra: Thank you Mayor. Chief many I meant to ask a question earlier, a procedural question, because one of the recommendations that was not recommended was if an arrestee asks for a test that they can get one if they pay for it, their unwilling to pay for it and there was some procedural issues that were brought up which I certainly understand. However, with the influence let them fight 550 arrest or 2152 with a drunk driving arrest, there is testing that's done subsequently. Few, is that processing done at the preprocessing center?

>> Rob Davis: Yes, it's usually done at the preprocessing center at the police department.

>> Councilmember Kalra: And could that also be allowed for folks who say you know what, I'm saying I haven't been drinking or what have you, and they want to be tested even if they know that might subject them to indemnify to 11550 or something, they say they want to, could that procedure be used, would there be difficulty with that?

>> Rob Davis: There have been occasions in the past where people have demanded a certain type of test. In general what happens in that situation is we would provide them with that test with the understanding they would be responsible for the cost of producing that test. They would be billed for the cost of the test.

>> Councilmember Kalra: So that wasn't recommended as a policy but would that still apply if somebody weighs in adamant and wanted to do it?

>> Rob Davis: remember there is nothing in their circumstances which could-k sobering station they could get a blood test even when they were finished, they could base upon the science say where you were now, this is where you were 54 hours from now, if somebody said I absolutely want one there probably would be some mechanism where that would be provided. Again it would come as a cost to them not the city.

>> Councilmember Kalra: That's my point, if it's going to be their cost, and they want to do it. Evenly after the bureaucratic or procedural hurdles, if they're willing to pay for it, why is that to the city or so son William.

>> Rob Davis: Probably anecdotally, that's a rare situation, as I recall it. I recall something this is not a floral thing really for somebody to ask for that. Again they run other risks for the types of things that are found in their system. I don't know if that would be San Jose that an attorney would necessarily recommend them to do.

>> Councilmember Kalra: I guess buyer beware, if you're going to pay for a test, you're subject to whatever is found in your blood. If someone is adamant --

>> Rob Davis: Be I don't know if there is new law or we could obviously take a look at that and consider that.

>> Councilmember Kalra: Talk. And a couple of comments in response to some of the comments made and I just want -- as I said before I think that some of the suggestions made are constructive things, I'm not, for so on. And the reality is that the task force was charged with very specific guidelines. And for what it's worth, they abided by the rules that were given to them. But I do think that Councilmember Herrera does bring up an important issue about the sentiment or the attitude arrests or folks being arrested for disorderly conduct in public some people being arrested for 647 F so they won't seriously do seasoning nor serious and so on. If there's a policy we can discuss the policy of whether it's valuable to arrest someone because they're showing a lot of attitude or they

could potentially do something more serious. But the problem is and I think District Attorney Carr would agree it's unschools so we have to be very cautious about how the penal code section is used. So that continued training is critical for that to make sure as well as having something that I know that Councilmember Liccardo and I have talked about when it comes to the training of the downtown police officers in general, this goes to the other issue of kind of, the night club issue and the cost-sharing and how we're going to deploy downtown, it also I think is really important the kind of officers you have, particularly the kind of supervisors you have downtown to understand the complexities of policing downtown. I hope that will also go towards when we craft a policy, that is done as appropriate. in regards to the greater issues that -- and whether a task force can resolve the issue of, you know, of per rates and so on, well, of course not. Each the CPLE, a new organization founded January of this year, they encourage dialogue, even dialogue that is difficult, even dialogue of those that are our greatest caretics and do not even though some of the topics pay not be things we want to hear or discuss, that it's critically important that we continue to discuss them even if there is really no answer to some of the perceptions or even if there's 92 answer that we ask tangibly identify, how we evaluate our policing is never going to stop similarly this dialogue should never stop either. No matter how difficult at times it can be. So that's kind of where I was getting at least when I mentioned some of the underlying issues that came up because of the data and so on thras not going to be resolved simply with a task force for certain but at the same time, there does need to be some kind of form or some kind of avenue for us to hear that as painful as that may be and to find out there are practical ways to resolve it and practical ways to heal. Rk okay, I think that concludes the public testimony. All in favor, opposed, Councilmember Kalra. That concludes the item 8.one, I think the remaining item on the agenda is the open forum. There's at least one card for the open forum. Adrian florrest, Jane Lawson, Sylvia Lo Adrian, you want to speak? Come on. It's past 10:00 and we want to go home. I'm sure you do, too.

>> As you know, my name is Adrian flores, I rug a program called building respect through dance. How I came up with that program is because I was an alcoholic and we are addressing some of the issues that we are addressing tonight. one of the things that I did not hear is that education really works. When somebody gets drunk and he goes to court, sometimes they accepted him to AA. I know that when I was in high school, they used to send people to driver's education and that helped. Education really works. There is one of the rules, the 13 steps to a great dance team. Ain one of the rules I address the issue of, if you don't respect yourself, you're going to land up disrespecting another individual. The police department, I see, as like soldiers in Iraq, but they're here protecting our cities. And you know, there are problems and dynamics that exist in the police department, and in the community, that there is a disconnect. And we need to really address the issue ever giving the police an opportunity to talk to kids, and let them know the dynamics that they're under, in order to keep our city straight, so these kids know what it takes to be a policeman. That disconnect we need to address as a community. Thank you.

>> Mayor Reed: Jane Lawson and Sylvia Lowe.

>> Honorable mayor and councilmembers, as the president of the park peace officers association of San JosÉ I would like to say thank you. Your message given through the media regarding your vision for the 2009-2010 budget, and not eliminating the park ranger program, is the best for the citizens of San JosÉ. The natural cultural, historical and recreation am features in San JosÉ's parks are some of the most rarest and most popular for not only our citizens but for those in the state, country and the world. the parks will continue to be cared for and the visitors to them assisted and kept safe while enjoying them and keeping the San JosÉ park rangers. We know the budget is still not final and we continue to ask for your support to keep our San JosÉ parks safe, clean, green and open to all. So once again, thank you for your direction, and our recommendation, to not eliminate the San JosÉ park ranger program. Now I think you can see how dedicated I am. I waited three hours just to say thank you. And we do recognize you. We know the ink is not dry. But we're still talking to our state holders and you may see us all again here in a couple weeks. So once again, thank you. We really appreciate your vision for San JosÉ.

>> Mayor Reed: Sylvia Lowe.

>> Hi, I want to say thank you also, and I'm really dedicated as well to the parks and the rangers. My name is Sylvia Lowe. My mother and father made the Chinese cultural garden at overfelt gardens starting in 1972 so we have been with the rangers for a very, very long time. And my mother who is right there sent me here to say thank you very, very much. The parks, the rangers in the park are the glue to a lot of families and children in neighborhoods. They identify, they grow up identifying to the city through their interaction with the rangers. They

are, you know, like -- it's like -- it is like that for ordinary citizens. They relate to it. The people who don't speak English, or the people who just feel a little bit outside the rangers are often the only sense they get about the general community that they belong to, because so many of these people don't come to City Hall. They don't have an idea of what it's like, about what you do, and how they -- how it all kind of mixes in. So very often, the rangers are their only connection. They are your PR. They are your first line of PR. And it's so important for them. And especially in our difficult times now. You know, because we've been in the park so much we see how the rangers make these people feel safe and give them a place to go to and know that they belong. And I just want to thank you so much for everything that you do. You go through so many complex issues, I don't know how you do it. But thank you so much for everything, and the ranger issue is my very favorite. Thank you.

>> Mayor Reed: Thank you. That concludes the open forum, that concludes our work for the day. We are adjourned.