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>> Mayor Reed: Rules and Open Government committee meeting for February 3rd. First question is, whether or not there are anything in the way of changes to the agenda order that we need to make? Okay, we'll just plow through it starting with item number 1 which is to review the February 9th final agenda. Anything on page 1? Page 2 or 3? Page 4 or 5?

>> Councilmember Pyle: Mr. Mayor, I'd like to speak to 2.9.

>> Mayor Reed: 2.9, the Westville Oakridge winter walk.

>> Councilmember Pyle: This has been wildly successful, and this year we hope to increase the attendance even more so. It's a fun thing, and we just really attract a lot of seniors who get information that they wouldn't normally get, so it's a great event.

>> Mayor Reed: Good. Anything else on 4 or 5?

>> Yes, mayor, on 3.2, the board governance structure item, we would like to note not before 3:00 p.m.

>> Mayor Reed: Okay.

>> And on page 5, on 3.5 we would recommend this be heard first after the consent calendar because we do have a consultant coming in.

>> Mayor Reed: 3.5 is the budget survey results right after consent. Items on page 6 or 7? Page 8, not much there. I have some requests for additions. Proclamation for African American history month. Proclamation recognize future business leaders of America. Some excused absences, three or four excused absences all to go on the consent calendar. Any other additions or modifications?

>> Councilmember Pyle: Move to approve with the inclusion of the additions.

>> Second.

>> Mayor Reed: Motion is to approve as amended.

>> Sorry mayor, sorry to go back. Excused absences showed us that we'll probably not have a quorum next week for Rules, so we were recommending maybe a Rules in lieu. I'm not sure if this is the place you wanted to take that up.

>> Mayor Reed: Hold that thought, I think we'll take that up then, because the excused absences are for a trip to Sacramento by one two three four councilmembers here including one two three members of this committee. In other words, we'll come back to that.

>> Okay.

>> Mayor Reed: Anything else in the way of additions or changes? All in favor opposed, none opposed. Council agenda February 16th, no meeting due to the holiday, president's weekend, president's birthday holiday. Let's take up the question about next committee's Rules committee before I forget it. So the requests are for Chirco, Constant, Pyle, that's three members of the committee. What about -- I'm not sure -- I'm not going I think. Councilmember Nguyen are you on that one? So would we have two members here? That will be sufficient to deal with what we need to do.

>> City Attorney Doyle: You can have the meeting, you just can't take action, just forward it to the council. But you know to the extent you want to have the meeting --

>> Mayor Reed: Let's schedule it that way. If there's something that we need to get on the council agenda, we'll have it. If we have a five minute meeting, as long as Councilmember Nguyen and I are here. If something happens on our calendars, then we can call a rules in lieu. Is there a noticing time requirements for rules in lieu?

>> City Attorney Doyle: No, I think we would have to post a cancellation of the rules committee and we maybe want to be safe and just do a rules in lieu, just sort of on a parallel track, just in case it happens. But rules in lieu is open to the public too, so they are welcome to -- they have to be -- we have to keep it open anyway.

>> Mayor Reed: Okay. Redevelopment agency, February 9th agenda.

>> Mr. Mayor, members of the committee the agency has no items scheduled for February 9th. And we'd recommend that we cancel that meeting, dependent on whether there's a need for the closed session in the morning or any joint items that would be heard on the council's agenda that afternoon.

>> Mayor Reed: Okay. 23rd is going to be a big meeting.

>> Yes, sir.

>> Mayor Reed: Save some time on the 16th. Is there a motion then on the redevelopment agency cancellation?

>> Councilmember Pyle: So moved.

>> Second.

>> Mayor Reed: Motion is to cancel except for closed session any joint items that we might have. All in favor opposed, none opposed, that's approved. February 16th, no meeting scheduled for redevelopment agency due to the holiday.

>> Right.

>> Mayor Reed: Review of upcoming study session agendas we have none to review at this time. We've already done the review of the study session which will take place on Monday regarding economic development strategy. So that takes us to the legislative update. For the state first. Information on the trip scheduled February 10th. Led by Councilmember Pyle.

>> Councilmember Pyle: Thank you, mayor. With us is Betsy and she's going to give us a general overview of what's going to be happening when we go up there. Thank you, Betsy.

>> Betsy Shotwell: Thank you councilmember, Mr. Chair, members of the committee, Betsy Shotwell, director of Intergovernmental Relations. I just got off the phone with our lobbyist, Roxann Miller, who is busily setting the agenda for next week. We have half of our delegation confirmed, and the other half very interested and are working on dates and flexibility and times with committees and whatnot. Our senator Abel Maldonado is actually having his confirmation hearing right now on being perhaps appointed to the lieutenant governorship or voted, so they asked if we could call him after the hearing today to try to schedule something. They are quite busy, as you can imagine. We are putting together the briefing sheets with the budget office on reflecting the mid year information shared last Friday so we can be up to date as we possibly can on our numbers and information and sharing. And we are working with redevelopment agency on their information. And a lot of it very good. The positive influences, the agency has had on the economic development components of our city, and job growth, and we'll be putting that together as well for those going as well as the entire council will have as well an info memo but background materials. And we are hoping we can arrive early enough to have a meeting with our lobbyist prior to our meeting as well.

>> Councilmember Pyle: I think if we leave here at 7:00 we should be able to be there at 10:30 easily.

>> Mayor Reed: Four councilmembers on the trip?

>> Councilmember Pyle: Councilmember Herrera says she's so slammed in the afternoon she doesn't want to take a chance on missing the afternoon meeting so she has declined.

>> Mayor Reed: So four councilmembers there in total?

>> Councilmember Pyle: And Harry.

>> Mayor Reed: And Harry Mavrogenes. Anything else from the state level? I talked to the governor last week, in fact I talked to him this morning when he was in town but last week he told me he has yet to get a response from the legislature on his budget but that's part of the usual budget dance of ignoring it for a while.

>> Betsy Shotwell: Yes.

>> Mayor Reed: While they try to figure out what to do. But it will be a couple of months before we see what they'll do, but they are going to start talking about some of things they do to us, which is I think a good reason to have some of our councilmembers up there on February 10th to talk about things they shouldn't do to take away local funding.

>> Councilmember Pyle: And if I might, our goal is to give a face to what's happening because of the take aways, and to let them know what effect that will have on the City of San José, the redevelopment agency, which of course plays a huge role in that, and how that will portend to the future years in San José and the income that will go to San Francisco. I mean to Sacramento. So it's I think a very serious role that we'll be playing while we're there and I'm excited about going. We are going to have lunch as I understand with Mr. Beall, assembly member Beall.

>> Betsy Shotwell: Working on it.

>> Mayor Reed: Anything else on that trip?

>> Councilmember Pyle: We will be leaving leave-behinds.

>> Betsy Shotwell: Absolutely.

>> Councilmember Pyle: So they can't say they don't remember what we said.

>> Mayor Reed: As soon as you have those materials prepared that you're going to take circulate those to the whole council.

>> Betsy Shotwell: Oh, absolutely.

>> Mayor Reed: So we're on the same page literally, when we talk to members of the legislature, when we talk to them, even if we're not in Sacramento.

>> Betsy Shotwell: Definitely.

>> Mayor Reed: That's it on state, nothing on federal. Meeting schedules we have at this point nothing to consider. Public record, items from the public record, Betsy don't leave because there's something here in the public record. Anything in the public record that the committee would like to pull to discuss item A which is a letter from bay 101 club vice president Ron Warner to myself and senator Corbett. Roxann Miller and I visited with senator Corbett about a month ago reported on that after that happened. These are letters first a letter to me and another letter to senator Corbett which is attached as a copy, and I just wanted to make note of a couple of things. One is the senator has decided not to continue carrying SB 610 in this legislative session. But she's willing to consider doing something depending upon what kind of progress we make on the issues that we have already said we're going to take some action on, the referrals to staff and staff's working on issues and there's regular meetings with the card rooms. So I was pleased that senator Corbett really has a great deal of respect for local control. And she was willing not to push this bill, which is a good thing. But she remains interested, and we've agreed to continue to communicate with her and we'll get back to her sometime in the relative near future. There's an audit that the City Auditor is doing and she's interested in the results of that and everything that we're doing so

she doesn't have to worry about carrying some kind of a bill which we certainly don't want her to carry. We have things we need to do, direction to staff council's already given the staff, we just got to continue to move forward with that and make progress with resolving the issues around permitting and costs and the issues that the card rooms have raised so we don't have to worry about the state telling us what to do here at the local level. But I think the letters are fairly explanatory about the meeting expressing abay 101's feeling for sure but I wanted to express my appreciation for senator Corbett hearing us out and being willing to work with us. I had another question I should have asked under the state legislative thing, the other bill, Florez bill, and whether or not that is moving in this session, Betsy if you know that because there were two bills dealing with card rooms.

>> Betsy Shotwell: Right, I'll have to check ton status what his intentions are with another bill with another number or what. Perhaps Rick knows.

>> City Attorney Doyle: It is my recollection with the Florez bill that he took out the language that we had concern about which had something to do with with getting into local regulation but the moratorium issue I think was vetoed by the governor. I think what ended being passed was vetoed but we can get back to him.

>> Mayor Reed: When I met with senator Florez a few months ago he did say that he was still thinking about doing something. And the particular bill that he was carrying was amended to take out the issues we objected to and we ended up taking I think no position on it.

>> Betsy Shotwell: Correct.

>> Mayor Reed: But I don't know if he's picked up another bill or is doing anything else we just need to keep our eye on that because he too was looking at what we were doing and accepting our explanation that we're working on these issues and going to get them resolved. So if he decided to carry another bill we need to find out about it.

>> Betsy Shotwell: Absolutely.

>> Mayor Reed: Anything else on that on the public record? I don't think we need a response to this letter from Mr. Warner so I think that's just a note and file. Anything else?

>> Councilmember Pyle: Move to note and file.

>> Second.

>> Mayor Reed: Motion is to note and file on the public record. All in favor opposed, none opposed, that's approved. We have some appointments to boards, commissions and committees. Patty Brooks, Nathaniel Montgomery, and Gail Sueki to fill three terms each ending 12/31/11 on the project diversity screening committee by Councilmember Chu.

>> I'm sorry, one of the nominations was from Councilmember Oliverio and two of the appointments should be mayoral appointments and one from council.

>> Mayor Reed: Then let's back up here. On this one, there's three nominations. But they're not from me.

>> Correct.

>> Mayor Reed: So those are at least three nominations for one spot?

>> Correct. Or -- if you felt so inclined you could appoint two of the people as a mayoral appointment rather than a council appointment.

>> Mayor Reed: Okay, why won't we postpone this for a week.

>> Okay.

>> Mayor Reed: So that I can sort that out. Because on project diversity the mayor has a couple of spots and then there's council spots, and I forget how the makeup is ultimately determined.

>> Seven mayoral, six council.

>> Mayor Reed: Right.

>> And so two of these need to be mayoral appointments, and one councilmember seat is up for appointment.

>> Mayor Reed: Okay. Let's defer this for a week.

>> And I withdraw the motion.

>> Mayor Reed: Then we'll just defer it for a week. The next one is recommendations and approvals regarding designation of district 1 annual Greek flag raising event as a city council sponsored event.

>> Councilmember Chirco: Move approval.

>> Councilmember Pyle: Second.

>> Mayor Reed: Motion is to approve, all in favor opposed, none opposed, that's approved. Item I, additions to council committee agendas. Request to add two items to the Community and Economic Development committee work plan for March 22nd, report identifying potential alternative revenue sources for affordable housing development and report on exemptions coming from the housing department, are you ready for that Councilmember Pyle?

>> Councilmember Pyle: Absolutely, that's needed.

>> Mayor Reed: That's been out there a long time waiting for the report so I'm looking forward to reading it.

>> Move approval.

>> Councilmember Pyle: Second.

>> Mayor Reed: Motion is to approve the addition to the March 22nd committee. All in favor. Before we do that, I have a request to speak I think on this item, Mr. Wall.

>> David Wall: I am fundamentally opposed to any breaks given to these affordable housing projects. All this serves to do --

>> Mayor Reed: Mr. Wall, you should come to that March 22nd meeting because that's when they would be discussed for sure.

>> David Wall: I wasn't sure as far as protocol --

>> Mayor Reed: The substance of what you're going to will be at that meeting.

>> David Wall: Okay, thank you.

>> Mayor Reed: We have a motion to put it on the agenda, all in favor opposed, none opposed, that's on the agenda. Transportation and environment committee we have a request to add an item to the work plan for environmental services staff to provide a status report on efforts to reduce polystyrene foam, known in some quarters as styrofoam, trademark, to reduce in the city's waste stream, a request from Councilmember Campos.

>> Councilmember Pyle: Move to approve.

>> Mayor Reed: The motion is to approve. Do we have a date for that? Or do we just ask the committee to figure out a date?

>> Mr. Mayor, talking to the staff, looks like may would be suitable given actions happening at the county prior to that.

>> Mayor Reed: Okay, is that okay with the committee? All right, that's for the May T&E committee. All in favor? Opposed? None opposed, that's approved. I see nothing under open government initiatives. We have open forum. Mr. Wall.

>> David Wall: You have before you another handout that I had given earlier, at another Rules Committee meeting, concerning a phrase that is an untruth. When staff produces untruths, they're either a material misrepresentation or a lie. Material misrepresentations can be just a function of the frailties associated with the human condition. But a lie can never be tolerated and there must be some form of accountability. In this highlighted portion, "preserving and protecting the salt marsh habitat of two federally listed endangered species" was the argument tendered for the creation of the reclaimed water project. This was proven again and again a lie. There's a lot of money involved here and you folks rely on staff to tell you the truth. So some form of accountability has to be here. The date of this memo they still incorporate this lie in their documents. Now to make some money. Bluegrass festivals, bluegrass music, I keep telling you. You can make who knows how many tons of money off of this type of project. But apparently, I just don't have the vocabulary to articulate it well enough to get some movement out of a worthless governmental entity known as the Office of Economic Development, in my opinion. You don't have any money. You have a circus in my neighborhood that should be downtown, for the restaurants. Blue grass music would be welcome in every jurisdiction. Think about it. Thank you.

>> Mayor Reed: Mr. Wall before you go, which part of this memo is incorrect?

>> David Wall: The incorrect portion and I will quote --

>> Mayor Reed: I've got it highlighted but I'm trying to figure out the the incorrect portion or these --

>> David Wall: Well the incorrect portion, the reason it was incorrect was the 120 million gallon per day flow trigger to the plant. That was put on by the regional water quality control board years ago under the Hammer administration. The rationale was oh --

>> Mayor Reed: I understand. Just tell me what is the lie here.

>> David Wall: The lie is the final effluent going into the bay never attacked the salt marsh habitat for the two federally protected species.

>> Mayor Reed: Is it that there aren't two federally listed endangered species?

>> David Wall: There are two federally protected species but the effluent never was the causative agent for any of their habitat destruction or their destruction. As a matter of fact they're flourishing to my last accounts. The final effluent had nothing whatsoever to do with this assertion. And these people knew it time and time again. And the people who wrote this in here know that it is not truthful.

>> Mayor Reed: Okay, thank you. I just wanted to make sure I understood which part of this you were talking about. Anybody else under open forum? No takers, we're adjourned.