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>> Mayor Reed: (gavel strike) Good afternoon. I'd like to call the San José city council meeting to order for August 24th, 2010. Start the meeting with an invocation, Councilmember Nguyen will introduce the invocator.

>> Councilmember Nguyen: Well thank you Mayor Reed. I am so delighted to welcome pastor Sean Choi from the Korean Baptist Church to provide the invocation for today's council meeting. The Korean Baptist Church has served the people of San José for more than 38 years. It is the second largest Korean Baptist church in the United States. This church also provides free meals to the homeless monthly and to the students of all ages on a daily basis. I want to thank Pastor Choi for all the work he and his church have done to improve the quality of life for our residents. Once again pastor Choi thank you for being with us today.

>> Thank you. Councilmember Nguyen, thank you mayor, thank you, everybody. Ladies and gentlemen, let's pray. Dear lord, thank you for this great day, lord. Thank you for all the people here who are serving the City of San José and the people here, lord. Father, I ask you to bless each one of us today, as we are having sessions and having taken care of businesses, lord, father be with them, guide them, give them wisdom and understanding, lord. As we read your scripture lord, teach us lord, guide us lord. With your heavenly wisdom, lord. I pray in Jesus name, amen. I want to read the scripture from second chronicles chapter 7:14. It says, if my people who are called by my name will humble themselves and pray and seek my face, and turn from their wicked ways, then will I hear from heaven, and will forgive their sin. And will heal their land. That is scripture from the second chronicles chapter 7:14. We believe that God, he once healed the land, and he wants to leave us while we are living in this earth, in this land, he want us to be happy. That -- but because of our sins, and our wicked ways, all this problems came along. And God wants to forgive us. But he wants us to repent, humble ourselves, and pray before the lord. And he will hear, and he will heal, the land and he will forgive the sins of the people. I know that it's a difficult time. Especially in the history of the United States, economically and everything, especially at this time. I think we need more prayers to God. In proverbs chapter 16 verse 9 it says, the mind of man plan his way. But the lord directs his steps. People here, we can plan a lot of things for City of San José and for the people of City of San José. But I believe the lord, he has to help us, and he has to direct us, and he has to bless us. Then I guess we'll be fine. Let us close with a prayer. Let us pray. Dear lord, thank you for the people here today, lord. Father, bless each one of them, lord. Father, remember their names. And then as they take care of

businesses, as they serve the people in the City of San José, father, give them understanding, wisdom, and heavenly knowledge, lord. Father, bless them, lord. Bless the people here. Bless the City of San José, lord. Bless this country, lord. I pray in Jesus name, amen.

>> Mayor Reed: Thank you for joining us today. We'll now do the pledge of allegiance. All please stand. [pledge of allegiance]

>> Mayor Reed: First item of business are the orders of the day. I have one change from the printed agenda, item 2.1 actions related to Councilmember Liccardo's travel to Seattle, recommending that be deferred to September 14th.

>> Councilmember Liccardo: That's 2.10, I believe.

>> Mayor Reed: 2.10? Okay 2.10 deferred to September 14th. Any other changes to the printed agenda? We have a motion to approve the orders of the day. All in favor opposed, none opposed, those are approved. Closed session report. City Attorney, anything from closed session report? All right, no closed session report. Ceremonial items. I'd like to invite Councilmember Herrera, Campos, Nguyen, Chirco and Pyle and the League of Women Voters Santa Clara County to join me at the podium. It looks like we're getting the league of women voters and the league of women councilmembers here together to celebrate women's equality day here in San José. I'll let Councilmember Herrera introduce it.

>> Councilmember Herrera: Thank you, mayor. Along with my colleagues here I want to introduce the members of the League of Women Voters who are here. This is from San José-Santa Clara chapter. Martha Beatty, who is the president of the league, and fellow board members Sandy and Roy Mori, and Brenda McHenry and Pat Riordan. We're happy to have them here today. Voting equality arrived for women of this country 90 years ago with the adoption of the 19th amendment to the constitution of the United States. We finally won the right to vote. After a women's movement which started back in 1848 at Seneca Falls, New York, I'm honored today to proclaim August 26th as women's equality day. It was championed originally, women's equality day, by

representative Bella Abzug, a leader and pioneer in the women's rights movement. Just to give us an example of where we were when women won the right to vote, I want to read the words of Susan B. Anthony after she was arrested for voting in the presidential election of 1872. Friends and fellow citizens, I stand before you tonight, under indictment for the alleged crime of having voted at the last presidential election without having a lawful right to vote. It shall be my work this evening to prove to you that in thus voting I not only committed no crime but instead simply exercised my citizen's rights guaranteed to me and all United States citizens by the national constitution, beyond the power of any state to deny. Her words are powerful, and a reminder why coming together as a nation to recognize and honor the adoption of the 19th amendment is important. While we have made great strides towards equality with our male counterparts, there is still much to do. And the inequality now is somewhat subtle and institutionalized and embedded in our culture, and it's going to take a continued effort to change it. Just one example is, in salaries we have yet to earn equal pay. Women earn 77 cents to every dollar earned by a man. That is an injustice, and it must change. And to the women leaders in the room, and to the male leaders, if you are at the top, be a role model. Mentor the women around you. Equality will be achieved the way it always has, working together, helping each other. And so in closing I want to quote a leader of today, speaker of the house Nancy Pelosi's remarks about women's equality day. We stand on the shoulders of those who have come before us. Let us remember the fierce determination of the women who won for us the right to vote. The right to engage in the political process. Let us honor their sacrifice in the political process and embrace your right to vote. This day is proof of our nation's longstanding commitment to freedom and equal rights for all, and today we are joined by the league of women voters, very appropriate, an organization that was formed six months before the 19th amendment to organize women's groups around suffrage to prepare them. And since the beginning the league has maintained its commitment to promoting voter education and access for voting for all. And at this time I would like Mayor Reed to present this proclamation to Martha Beatty and her colleagues from the League of Women Voters. And Martha will have a few words.

>> I have to acknowledge that there are a lot of men supporters that passed these laws so we could do this, too. Thank you, Councilmember Herrera, for this commendation. I'm honored to accept it on behalf of the league of women voters and the founders, especially our first president, Carey Chapman Katt, who was very active in the women's suffrage movement. All of these women then turned their boundless energy to the need to educate the

new voters. They soon turned to additional activities that have remained our basic aims today: To discuss important issues, to ask the difficult questions, to demand accountability from our government. We take seriously our legacy of providing trustworthy and balanced resources to citizens and lawmakers. Thank you for allowing us to be part of your women's equality day recognition. [applause]

>> Mayor Reed: Next item is the consent calendar. I have some requests from the public to speak on the consent calendar. We'll take those comments at this time. David Wall.

>> David Wall: Which item number do you want me to speak on first?

>> Mayor Reed: We're considering the entire consent calendar. You can speak on anything you want to and if councilmembers want to pull something off they'll do that.

>> David Wall: There are some items that taken individually on their own. All council trips should be suspended in my opinion. Because you're really needed here insofar as traveling about doing what you think is necessary for the city. I think if you have extra time on your docket, especially your young you are ones you could volunteer your time at the fire stations because we're down 49 firefighters and there is a potential for people burning to death. With reference to Councilmember Liccardo's trip to the Netherlands, this appears to be, it could be a Trojan horse. In so far as it's billed as no cost to the taxpayer, and I believe this to be true. But we've seen the consortium for police leadership and equity, CPLE, say the same thing, only to cut into the police department and cause all sorts of mayhem with staff time et cetera and so forth. So I think this should be deferred, actually just eliminated completely. Because people ride the bicycles in the Netherlands because of the price of gas. I was there as a kid in '65. And my father turned down the road the wrong way and ran into a whole slew of bicycle riders, he said around 300 of them, and whereby they gave him a directional sign with one of their hands, later to be used -- and we can't comment what it was for. Then in 1965 the price of gas in the Netherlands was \$3.65. So that's why they ride bicycles there. And besides, if Councilmember Liccardo needed bicycle riding, he could go on north seventh street and see all the garbage that's out there and get physical wellness program and to service people in his district a little bit better. With reference to the deputy City Manager -- or excuse me. This acting

deputy director for transportation, planning and project delivery. This title alone requires two zip codes. And when you see the City Manager's three-page memo, it's already cost the city attorney's office some time to prepare it just to cover everybody's behind.

>> Mayor Reed: Sorry your time is up. That concludes the public testimony on consent calendar. Are there any items the council would like to pull off for discussion? Is there a motion? We have a motion to approve the consent calendar. All in favor, opposed, none opposed, that's approved. Item 3.1, report City Manager.

>> City Manager Figone: Thank you, Mr. Mayor members of the council just one report today and that's about our police chief community meetings which begin tonight. We start the first of five community meetings that will help us in our search for San José's next police chief. This is one of the most important positions in the city, as you know. And the information we gather at these meetings will help define the characteristics that we are looking for in our next police chief. Tonight's meeting begins at 6:00 p.m. at that time Roosevelt community center. It will be followed by another meeting tomorrow night beginning at 7:00 p.m. at the Tully library. All of the other meetings next week will start at 6:00 p.m. The meeting Monday will be here at City Hall in the community rooms on Wednesday at that time West valley library and on Thursday at the east side union high school offices. In addition to these community meetings which anyone is free to attend we will be outreaching to targeted stakeholder groups and individuals including our workforce. And we have also established some more direct means of communication. For residents who cannot attend these meetings in person, they are invited to submit written comments by e-mail or fill out a police chief recruitment survey which is available in English, Spanish and Vietnamese by going to the City's home page at SanJosé.CA.gov. That concludes my report.

>> Mayor Reed: Next we'll take up 3.3. Municipal code revisions for procurement, Real Estate services and asset management.

>> City Manager Figone: Staff is here to answer questions.

>> Mayor Reed: I see no questions. Is there a motion? We have a motion to approve by Councilmember Nguyen. All in favor, opposed, got one opposed, Councilmember Campos. On 3.3. All right. That was approved. 10-1. Item 4.1.

>> City Manager Figone: Mr. Mayor, staff does not have a presentation. This item was before you in March. And the action today is the approval of the ordinance which implements the direction of council.

>> Councilmember Liccardo: Is it -- sorry, approval of the ordinance and the resolution.

>> Mayor Reed: Right, Councilmember Oliverio.

>> Councilmember Oliverio: Thank you, mayor Reed. I spoke at length of this last time I will register a no vote because I believe it should be 100% and not just 50%. Thank you.

>> Mayor Reed: Any other -- we have a motion. Get motion, City Clerk, any other discussion? All in favor? Opposed? One opposed, Councilmember Oliverio. Item 4.2, grant applications for development of urban corridor plans. We have a motion to approve. Councilmember Liccardo.

>> Councilmember Liccardo: Actually I don't see Joe or Laurel so I'll save my question for after council. That's fine.

>> Mayor Reed: We have one request from the public to speak on this item. Mr. wall. I have a card for 4.1. Which is what we're taking -- I'm sorry. Well, let me get finished with 4.2 and I'll let you comment on 4.1. Councilmember Liccardo had a question for Joe Horwedel.

>> Councilmember Liccardo: Thanks for running to the rescue.

>> Joe Horwedel: Laurel was talking with me upstairs, sorry about that.

>> Councilmember Liccardo: I think it's wonderful that we're taking advantage these planning grant opportunities. I had a quick question about the community foundation, because I know that they've been especially interested in seeing the City of San José get involved, and they've got some money to help out with planning doing a lot of what we want to do. Have we had any success in submitting an application or --

>> Joe Horwedel: We're working on application right now so we're getting this was the first wave of applications. We've had a couple of more that I think we're asking for and I think we were trying to get \$70,000 from the community foundation.

>> Councilmember Liccardo: Okay so we're submitting something to them.

>> Joe Horwedel: Yes.

>> Councilmember Liccardo: That's great. Okay, thank you.

>> Mayor Reed: We have a motion to approve item 4.2. We have a couple of motions on this. So far. So we already have a motion pending by Vice Mayor Chirco. All in favor? Opposed, none opposed, that's approved. Back to 4.1. Mr. Wall you wanted to speak on 4.1. That's the low-income exemption modification.

>> David Wall: First off the speaker request cards and their timeliness to Your Honor has been out of control for some time. This has been documented on the record for Rules tomorrow. In reference to 4.1 yesterday there was a discussion with our -- at the Community and Economic Development insofar as equal opportunity under the law. There was testimony tendered about the conundrum about providing that equal opportunity. Here, we have advocates to reduce the ability of poor people to pay for their parks. Now, don't you think that that is not keeping an equality under the law? They're given a break, and the breaks are really for the developers. These are the people that get the breaks, the developers of these projects. And there shouldn't be any type of quarter given to these people. Parks are for everybody. They're funded by everybody. And it's funded by the developers. Also,

people buy into these projects, the affordable housing projects thinking they're going to have a park and they pay a fee for that. And now, we see the fees dealt with in a different way. So there is a big issue of equality under the law, that was discussed in some detail at yesterday's Community and Economic Development meeting. I reject wholeheartedly any breaks for these developers or anybody else who can move in and not pay for their fair share forking parks to add more people to our city. Thank you.

>> Mayor Reed: I guess that concludes the public testimony on that. Anybody want to reconsider the action previously taken on 4.1? It was a motion that was approved. All right then we will move to item 5.1, open space authority agreements with the three creeks trail project. Councilmember Oliverio.

>> Councilmember Oliverio: Thank you, mayor Reed. We have an opportunity to partner here with the open space authority for the three creeks trail. As mayor you said many times trails take decades. Long time dealing with all the levels of government and private property and et cetera and we have some very good partners in the open space authority here and the potential to have this money for land acquisition. Historically the railroad wasn't discussing this with us, and now they're opening to talk to us, which is a good thing. And so we are cobbling the money together from both the Water District and the county for their park trust funds, so that's a very good thing. And I want to thank the advocates from Save Our Trails, they've been very good at keeping things alive for the trails but I'd also like to say that many times they've spoken to the opportunity to help and assist and I look forward to at some point to an MOU with save our trails because if we're so fortunate to collect all the funds, we're only buying the land. There's no commitment or promise to make -- to build it out as people would like to see with lights and all the landscaping, et cetera. So we're looking for in the interim period for the same partnership we've had with the friends of the San José rose garden for the community to adopt the trail, to make sure that it's you know maintained because we in the city may not be able to do such. So I look forward to that date and so a motion to approve this item.

>> Mayor Reed: Okay, we have a motion to approve. I have a request from the public to speak. Bruce Tichman.

>> Mr. Mayor, members of the council. Good afternoon. Nice to see all of you again. On behalf of save our trails, I'd like to say that we'd be only too delighted to enter into that memorandum of understanding with you. We've already adopted a resolution to partner with the city and to adopt the three creeks trail and to find sources of funding other than governmental for the eastern reach. And to provide you per perpetually a violent force to maintain the trail and to help construct it. We support wholeheartedly the motion. I just want to let you know in case you haven't seen it, that this morning a joint communique issued from Supervisor Shirakawa and Supervisor Yeager saying that on September 14th they will propose to the Board of Supervisors to fund an additional \$2 million for acquisition of the western reach from the county park charter fund. And this Thursday, the Open Space Authority is meeting to consider the unanimous recommendation of its acquisition subcommittee to fund another million dollars, which in connection with the money mentioned in your memorandum, we believe will be enough to fund the purchase price that Union Pacific has asked for, for the western reach. So there has been great progress. We urge you adopt the motion. We thank you for the wonderful job that's been done by your PRNS department in bringing this matter to this point. Thank you.

>> Mayor Reed: David Wall.

>> David Wall: This program on its face is excellent. However, there is little or no discussion, insofar as it relates to the Santa Clara Valley habitat plan. I believe that this type of purchases, these type of trails, in their totality, would be of great benefit if linked to the Santa Clara Valley habitat plan that you've endorsed already. And I think you should revisit this as a function of that plan. Thank you.

>> Mayor Reed: That concludes public testimony on this matter. Councilmember Liccardo.

>> Councilmember Liccardo: Just want to give a shout out and thanks to Matt Cano and Yves Zsutty. We appreciate your hard work. .

>> Mayor Reed: Councilmember Nguyen.

>> Councilmember Nguyen: Thank you Mayor Reed. I want to thank publicly supervisors Yeager and Shirakawa for their big promotion and their big push to allocate an additional \$2 million for this project. Apparently staff has done a tremendous job reaching out to the different groups by having all the focus group meetings throughout the past year, and I wanted to thank them for that. But moving forward, I know that this is just a memorandum with the open space authority. But I also want us to be cautious in terms of how we're going to move forward with this trail project. Obviously this is going through the Monterey corridor and so with that, we have -- you know this is a huge heavy industrial area. So here we are trying to put more recreational offices for our residents and I want us to be cautious in terms of how we move forward with this because it is a safety concern I have and it is a safety concern that have been raised by residents who live along the Monterey corridor as well as the Alma avenue. I wants to put it out there so we can be supercautious how we move forward with this project. But I will be supporting it. Thank you.

>> Mayor Reed: I'm not sure all of the signal lights are working. I don't know if there are any other requests from councilmembers to speak. Apparently not. We have a motion to approve. All in favor, post office, none opposed, that's approved. Taking us to item 6.2, actions related to San José international airport terminal B park lot project. We have a motion to approve. I have no requests from the public to speak on this. All in favor? Opposed? None opposed, that's approved. Taking us to open forum. Mr. Wall, no? Robert Cortese.

>> Hey, councilmembers, how you guys doing today? So today, I've kind of listened to you guys talk about opening up new trails. I have a new trail suggestion, I hope you guys like it. At the bottom -- excuse me, I'm really nervous, sorry. At the back of Alum Rock park, there's a road that goes up and there's a sign there that says nobody's allowed to go up here, no trespassing. Most of the kids like myself growing up in Alum Rock, we went up this road, there's sort of mysterious places up there like the mystery airport and Alum Rock falls or cherry flats reservoir. The neat thing about this road, though, is if you take it all all the way up, it will connect up to grant ranch. And right now, there is just no other way to get to Grant Ranch other than by car or bicycle, and that is all Mt. Hamilton Road. And I've grown up in that area. Mt. Hamilton is dangerous enough to drive on, let alone having bicyclists on there. I'd kind of like it if you guys would check it out, see if there's any possibility to opening

this up to nonmotor traffic. Last week there was a meeting for the county, for the park acquisition plan, and I made the same suggestion there. So that's all I wanted to come by and say, thank you.

>> Mayor Reed: Mr. Wall.

>> David Wall: As someone who helped and assisted with the development of the grant ranch park, as a park, as a low low low person, he's telling the truth about that. Now, what has chafed my hide of late, Your Honor, is there's for example, there's 14 items, correct, on the consent calendar? No, not 14th but let's say several. Up to the point, 2.14. They're independently listed. Now, as a point of procedural aspects to our soiree today, or to our future meetings, do not each item require a commentary of no longer than two minutes, is that correct? That's a question.

>> Mayor Reed: This is not question-and-answer period. You have your two minutes. You can use them as you wish.

>> David Wall: Okay, then I will translate my questions to the public record, which brings up the last issue. There's been a censorship of late on the public record at the City Clerk's, specifically in reference to my letter to President Obama referencing the begin grant program, in which people don't have to pay for 30 years to participate in this program and get to buy into a luxury condominium project. Now, the first week I could understand is a slipup. An error due to the fragility of the human condition. But the second time, with the same issue, causes me to question. I will address the other, the prior issue tomorrow at Rules, until we can resolve this matter. Thank you.

>> Mayor Reed: That concludes the open forum, that concludes our meeting. We're adjourned.