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>> Mayor Reed: First question is, is had anything we have to take out of order or any other change to the agenda? Let's start with the city council agenda for August 17th. Any modifications or anything on page Wynn? Page 2 or 3, this is an evening meeting agenda. Yes, it is. Page 2 or 3? Page 4 or 5?

>> Lee Price: Mr. Mayor, item 6.1, staff has suggested this morning on agenda review, that this item, the appeal of the south plain installation, be heard first in the evening.

>> Mayor Reed: Okay. Anything else on 4 or 5? Page 6 or 7 which starts the land use items. Ah or 9, we have a whole bunch of drops to be noticed which we end up with the consent calendar with two items on it and one other item, looks like. Oops, there's one other page, I'm sorry, overly optimistic.

>> We need to ask for sunshine waivers, on 11.1 G, ruby avenue item, 11.3 grand oak way and 11.4 the Guadalupe mines road. There ordinances were posted online Monday and the staff reports were up last Friday. So --

>> Mayor Reed: Staff reports are out so --

>> It's just the ordinance.

>> Mayor Reed: All right, I don't see any problems with those. Anything else on 8 or 9 or 10 which is the last pager.

>> Lee Price: Mr. Mayor, on 11.2 the applicant has requested a deferral to September 21st. And your office has received a copy of this. But this is from William Priest on Sharon Lane on Item 11.2, rezoning real property located at the west side of North Third Street.

>> Mayor Reed: So this is the applicant that is asking for more time?

>> Lee Price: That's right, and planning staff has no objection to that and is recommending that we go ahead and defer and re-notice to September 21st.

>> Mayor Reed: Okay, so we would to renotice. It is always good to renotice these things, otherwise, the community doesn't track the continuances very well. Anything else on page 10 to discuss? You had sunshine waivers on three owners, that includes 11.3 and 11.4? Okay. Requests for additions, I have a request for little league to be heard in the evening, the outrigger canoe club, recognition at the Lake Cunningham marina keeping it open. And then we have to add a whole bunch of minutes to be approved in April. A school zone speed limit on Dana avenue between Hester and Naglee avenue, that we discussed here I think last week and we need to do a sunshine waiver.

>> City Attorney Doyle: Sunshine waiver request.

>> Mayor Reed: In order to get this done.

>> City Attorney Doyle: Get this done, yes.

>> Mayor Reed: Any other additions or changes? Any objections to any sunshine waivers?

>> No, huh-uh.

>> Mayor Reed: Motion?

>> Councilmember Chirco: I would move approval with the sunshine waivers as requested.

>> Second.

>> Mayor Reed: All right, we have a motion to approve with the changes in sunshine waivers. All in favor, opposed, none opposed, that's approved. We'll move to August 24th council agenda. Anything on page 1? Page 2 or 3? 4 or 5? 6 or 7? 8 -- there's nothing on it. We have some requests for additions, proclamation declaring August 26th as women's equality day, excused absence request for Councilmember Pyle for today. Councilmember Liccardo's travel to Washington, D.C. September 27th, as part of our Silicon Valley leadership group trip. And travel to Seattle as part of a chamber of commerce city-to-city trip, annual trip. Any other requests for additions? Changes?

>> Councilmember Chirco: I would move approval.

>> Second.

>> Mayor Reed: Motion is for approval as amended. All in favor, opposed, none opposed, that's approved. Redevelopment agency meeting for August 17th, have we already cancelled that one?

>> Mr. Mayor, Gary Miskimon of the agency, we have not. And we would recommend cancellation of the afternoon session for the agency, keeping in mind that if there are any things on the closed session that morning or on the City's agenda joint session that afternoon, we would be there for that.

>> Mayor Reed: Okay. That's for the 17th, just to cancel the agency portion of the agenda.

>> That's correct.

>> Mayor Reed: Motion?

>> Councilmember Chirco: So move, cancel the meeting.

>> Second.

>> Mayor Reed: Motion is to approve the cancellation. All in favor, opposed, none opposed, that's approved. August 24th, I have a note we have nothing on the agenda at this point, we'll deal with cancellation next week if it stays that way.

>> That's correct, we'll allow the committee to make the decision next week.

>> Mayor Reed: All right. One item we have on here is review upcoming study session agendas. We will have a study session to talk about after we deal with the schedule for the redevelopment agency budget, I suppose. Nothing else on that. Legislative update. Anything on state and federal? Harry, I think you had something about what's not or not -- what's in or not in one of the budget proposals with regard to redevelopment agency.

>> Harry Mavrogenes: Mr. Mayor, members of the board, counsel, it appears that the new legislature's budget proposal does not include additional redevelopment takes, that's the good news at this point. Of course a lot of things can change. But as of right now, there is no additional take there. And there is --

>> Mayor Reed: That's which of the -- is that the joint assembly-senate sort of approach?

>> Harry Mavrogenes: This is the democratic senate and assembly leadership announcing their updated California joint jobs budget to close the gap.

>> Mayor Reed: But they also don't give us back the \$13 million they're planning to take already?

>> Harry Mavrogenes: They do not. That's still in the budget. The \$13 million -- \$350 million statewide is still in there, but there is no additional take at this point.

>> Mayor Reed: As of this moment. All subject to change. Anything else on state or federal update? Okay. Meeting schedule, redevelopment agency city council budget study session for September 7th. And we have related dates for the budget work around the redevelopment agency budget. Is this the point where we're going to take up all of those? I can't remember. We've got a memo out on the whole schedule. That is, we have that someplace else on here. That's H-4. That's a budget calendar so let's skip E-1 and come back to it when we get to H-4, the study session as part of that calendar discussion. So that takes us to the public record. Anything in the public record the committee would like to pull to discuss?

>> Councilmember Chirco: I just had a question on one of the items. I would second the motion but just on the Bellarmine college prep there is a letter in support of the overhead high speed rail and I read in the paper that the proposed route is above ground in San José. And I thought we were -- wanted that to stay on the table as one of the study routes. I don't know if this is the place for that discussion, but this letter made me think of it. Item B.

>> Mayor Reed: We have somewhere on this agenda a discussion of the -- in fact I think we just did change the date to discuss high speed rail to March 31st. There was a deferral March 31st, right? March --

>> Councilmember Chirco: Nice try, Chuck.

>> Mayor Reed: We'll be back in March I'm sure. August 31st.

>> Councilmember Chirco: Okay.

>> City Attorney Doyle: That conversation will take place at that point.

>> Mayor Reed: On this item I just want to make sure the Bellarmine folks know we're taking it up in a public discussion on August 31st. Just in case they're not paying attention. But they're probably paying close attention, probably find out about it. Anything else on the public record? The motion is to note and file. I have requests to speak, I'm not sure where that's going to be. On --

>> Councilmember Chirco: Yeah, H-1.

>> Mayor Reed: Nothing on the Public Works record. The motion is to note and file the public record. All in favor, opposed, none opposed, that's approved. We have no appointments to boards to consider. Some specific actions for recommendations and approvals. First is each one relating to a proposal for approval and creation of a financial arrangement to suspend a portion of the park land in-lieu fees for future maintenance and operations of newhall park, a memorandum from Councilmember Liccardo and Oliverio. And I do have at least one person that wants to speak on that item. City attorney, do you want to comment on that? I know that we've had some conversations about this, I can't remember when or where. And it may have been in closed session.

>> City Attorney Doyle: Yes, it was, and I think the memo references that. The plan and park staff is here to address it as well. Is that we would come back in October with a proposed program. This -- not to say this is necessarily the cart before the horse, but before -- our view is that before we do an agreement we need to have some kind of a policy discussion, and the program in place. I think the memo would, with respect to saying it would be placed on a council agenda to enable full and open discussion, I think that's when we should be talking about the policy and then any agreements would flow from whatever is adopted after that. The -- I will note for the record that the Sobrato folks have already paid their park land in lieu fees so the city has the money. It's just a program of do we -- what kind of program do we credit have? We've talked about parameters but that program will come before the council for full discussion in October. Albert I don't know when in October you are planning to bring that.

>> Albert Balagso: We are looking at late October, we would like to go to the parks and rec commission in October 6 is the latest we could get to them. We've had discussions with developers in September, moving towards the parks and recreation commission having a public hearing on October 6th. That would move us towards a late October date. And with the posting deadlines that's kind of where it leaves us.

>> City Attorney Doyle: And I take this memo really to let's keep this moving memo, and I think it is. It isn't moving probably as fast but with the policy recommendation coming forward and then the council can decide what type of program it wants to enact, we can go from there.

>> Mayor Reed: Okay, other comments from the committee before I take the public testimony? Councilmember Nguyen.

>> Councilmember Nguyen: Thank you. Just a clarification question. So when this proposal come forward sometime in late October, that's a broader policy that will probably cover some of the other parks that are in the pipeline, right, not just newhall park? Because we have neighborhood parks turnkey parks that have sort of been in the pipeline ready to go, it's just that it's not being built because we don't have the maintenance fees to cover these parks.

>> City Attorney Doyle: I think that's the program that needs to be discussed by council. That's the policy decision. It came out initially with newhall and then the question is how broad based does the council want the program.

>> Councilmember Nguyen: Right, thank you.

>> Mayor Reed: If there is going to the parks and rec commission, October 6th, when do you anticipate some sort of a staff memo will be out in public on the issue, before that meeting or is it a generic discuss on October 6th?

>> Albert Balagso: That's correct. We usually post for the commission the week before so there would be a public document that would come out at that point in time.

>> Mayor Reed: Okay, I have a couple of people that want to speak on this. Vice Mayor Chirco, did you have something to say before we do?

>> Councilmember Chirco: No, I wanted the policy discussion which has not occurred. And that's where it's headed.

>> Mayor Reed: Okay, Karen McReaden and then David Wall.

>> I live in the newhall neighborhood and I don't know fully how it fits with the other parks but I came to speak in support of the Liccardo Oliverio memo to send their proposal for the park funding using the developer's money. And I think our neighborhood is a little different from the other neighborhoods affected by the park, you know, holding of the parks. One of the things is, our neighborhood is really critically underserved. We are confined by the railroad tracks, 880, the Alameda, and the Santa Clara line. So it's a very concise area. And it was approved for high-density development because one of the developers donated land for this park at the edge of the Pulte development. So these high-density residents were built. They're three stories tall. They have a little four by six foot piece of dirt outside their front door and they have wide areas in the back for the cars to turn. And so these families are living in there, they've been there for a couple of years. Their kids' toys are in that little four by six thing of dirt and they overlook a park that has been fenced in and full of weeds now for years. And every so often once or twice a year they come out and mow the weeds. And I guess you know I've been coming to meetings, this is my time to speak about, there's money there for it. There's money to build that park. We have the design. Sobrato has his share of the money, would cover the maintenance for three years. And I guess each time I come it's always postponed. And so I'm here to say, can we not carve our little park out? Because it's in an intact little area and it has a plan. I don't know, does anyone have questions?

>> Mayor Reed: No questions, thank you. David Wall.

>> David Wall: Good afternoon. First and foremost, I oppose any relaxation of any of these fees. These fees must be collected as a condition of doing business in the City of San José. If the park maintenance is in issue, these fees should be placed in an escrow account where the interest on this money should be diverted to a special reserve account predicated on maintenance of these parks. The land that this eloquent speaker just

mentioned could be utilized as a community garden. In lieu of a park. Until such a park could be constructed. And maintained properly. Furthermore, such high density living projects as they are put forth to the buyers include a certain segment of the cost for a park. So that raises the issue of fraud. The buyers buy something, they expect something, they don't get it, that's not correct. But on the other hand, you could be giving them a park. It's a two-fer. It's an final park. It's green during the winter time and it's brown with weeds during the summertime. That's in keeping with the Green Vision. But I would say that you could at least let them use it as a community garden and recreation area, versus fencing these things off. But above all no relaxing of these fees whatsoever and these developers have been getting away with postponing this insofar as that relates to their sewer service and hookups and their storm drains. So this is all integrated. Thank you.

>> Mayor Reed: That concludes the public testimony. Councilmember Oliverio. Yes.

>> Councilmember Oliverio: Hi. Councilmember Oliverio. I just wanted to ask the Rules Committee that since this is a policy change it would require a policy discussion, and therefore I would prefer the memo to go to the city council to have the full range of options that we have and resource constraints that we have to provide new parks. Thank you.

>> Mayor Reed: Thank you. If this goes to the commission October 6th, when would you anticipate it would be on the council agenda?

>> Albert Balagso: We were looking potentially on the 26th.

>> Mayor Reed: Okay. Anything else on this? Do we need to bring it back to Rules for agendizing? I mean we just -- yes, because -- okay. I guess we don't need to take any further action if it was going to be on the council agenda in October, that was the request to get that on the council agenda, that will do it. Anything else? Okay, no further action on that one. Next one is to designate councilmember Kansen Chu as the voting delegate to the 2010 annual business meeting for the leaving California cities. Motion, second. All in favor, opposed none opposed, that's approved. The next is accept the report on posting of public calendars by city officials on the city's

Website. Looks like we've made some improvement. I don't know if that's just because we changed of time of day, but clearly we've made some improvement on that. Any other questions or comments? Motion is to approve, and I think we're close to 90% compliance. That's good, but we're shooting for 100%. That's right. We have a motion to approve. All in favor, opposed, none opposed, that's approved. Now, back to the redevelopment agency budget discussion. We had two things. One is item to set a budget study session for September 7th and then to look at the budget calendar. And to figure out the whole sequence of getting to a budget starting with the release of the but. So -- and let's just start talking about I guess the schedule. And I have a memo out with a proposed schedule that I'd like to talk about changing that, the sequence a little bit. What I'm thinking now is, it may be better to have the study session first, September 7th kind of a date. And then get the budget proposal out from the executive director. Because I think there's going to be a lot of discussion about assumptions, variables, uncertainties, which last year we ended up having to push it out into December before we actually got to make a decision. And having that discussion first is probably helpful to the staff in trying to figure out what type of budget proposal to make. That would mean the release date of the proposed budget would probably be pushed back a couple of weeks, I think. And I'd like to hear what the executive director thinks about that kind of a schedule. I think it's a place to start.

>> Harry Mavrogenes: Mr. Mayor, members of the board and counsel, Harry Mavrogenes, executive director. Very much in favor of that type of approach. I think having a preparatory session on September 7th that gives the council and board a picture of all the factors in place as well as giving us a little more time to work with the county, as you all know we're working with the county now on a memorandum of understanding. We hope to have some more progress by that time. We'll have our projections for the future as well as historical information on where we've gone in the past in recessions and how we've recovered. So that you can all better understand all these factors and give us a little bit of direction where you think. We'll look at some various scenarios for projection, as much as you do with the city in terms of high, medium, low and we'll use that information then in finalizing the budget which we can then present to you and have a normal hearing process. It delays the whole process about two weeks but I think it's well worth it to give you all a better sense of where we're going and to also get more direction from you.

>> Mayor Reed: So if we were to modify this schedule we'd have a study session on the 7th, a proposed budget released when?

>> Harry Mavrogenes: 17th, ten days later is what I have been looking at. And then a more formal study session on specifics of the budget September 30th. The public hearing for the public in the evening October 5th. And then your schedule for documents due to the mayor's office around the same time. A release of your Mayor's Budget Message by the 15th. Approval of the Mayor's Budget Message and approval of the budget by the 26th of October. And a final adoption November 2nd. It's not really that far off from where we were before.

>> Mayor Reed: Well, I think what we ought to do today is basically pick the starting point and then let you have a chance to talk to everybody that cares about budget and scheduling to make sure all those dates and everything in that sequence works for everybody before we formally approve the whole schedule.

>> Harry Mavrogenes: We'll do that.

>> Mayor Reed: And then we can bring it back next week. And say everybody is okay with the dates because there is a lot of them and they are sometimes time-sensitive about one versus the other date. So if we just said okay, September 7th we're going to have the budget study session and September 17th we'd have the release of the proposed budget. We could set that today, I think and then come back with all the other dates after everybody really has a chance to study them.

>> Councilmember Constant: That would be my motion.

>> Abi Magamfar: Mr. Mayor, per the committee's direction and sunshine we will bring an agenda for the September 7 next week for the committee's approval.

>> Mayor Reed: Okay, that would be the other thing that needs to be done agendize it. So I have a motion to --

>> Councilmember Chirco: Second.

>> Mayor Reed: And a second. So September 7th would be the study session which we would review that agenda then next week. And September 17th would be the release date of the proposed budget. And then the other dates we can consider next week after everybody has a chance to look at them. Anything further on that? All in favor? Opposed, none opposed, that's approved. We have nothing new on other committee agendas. We do have a work plan for this committee. I've got a memo out on that that we need to approve.

>> Councilmember Constant: Motion to approve.

>> Councilmember Nguyen: Second.

>> Mayor Reed: Motion is to approve the work plan for the rest of this year. All in favor? Opposed, none opposed, that's approved. Do we have any other items? I don't see anything except open forum. We'll take that now. David Wall.

>> David Wall: I may have something here that may cause some people to laugh. But others might not. This deals with yesterday. All those five condominium projects, and the millions, the director of housing was truthful, she told the truth that this was money garnered from the state, state of California, an entity run by morons, who has no money, takes our money. Anyway, all this money that was given away causes me briefly to be overwhelmed with joy. So let me dab a tear from my cheek. Regaining composure, I called up the access on the Internet. The access was slated for 2.4 million for giveaway money, for down payment assistance, however you want to couch it. The access is a rather amazing place. This one runs for 2.3 million. Actually \$2,325,000. So somebody is going to get low-interest loan to be able to get this thing. The homeowners association is \$510 a month. But this is where it's going to cause somebody to possibly laugh and that's why I'm glad most of you are sitting down. I'll put this on the public record so there's no shenanigans. Part of this association fee is hot water. Right here. Hot water. But I guess if you don't pay your association fee, the doctrine of the cold shower. Smiles will be taken as laughter. Thank you, by the way.

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