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>> Mayor Reed: This is Rules and Open Government committee meeting for August 18th, 2010. Any changes to our agenda order? None, okay.

>> Councilmember Pyle: Move to approve.

>> Mayor Reed: We'll just go through it in order, then. August 24th, agenda. Anything on page 1? Page 2 or 3? Page 4 or 5? Page 6 or 7?

>> Excuse me, mayor, on 6.1, the high speed rail project update, we would like to recommend deferral to September 14th.

>> Mayor Reed: Okay. Anything else on those pages or page 8? I have some requests for additions and excused absence request for Councilmember Campos, on August 16th, due to illness, Councilmember Constant's travel to Seattle as part of the chamber of commerce city to city trip. Any other requests for additions or changes?

>> Councilmember Constant: Motion to approve.

>> Councilmember Pyle: Second.

>> Mayor Reed: Motion to approve as amended. All in favor? Opposed? None opposed, that's approved. The August 31st council agenda. Anything on page 1? Page 2 or 3? Page 4 or 5?

>> Mr. Mayor, on 4.4 --

>> Mayor Reed: That's rezoning on Guadalupe Mines Road that we discussed last night.

>> Didn't quite make it last night. Can we ask for a not-before time on that?

>> Mayor Reed: Well, we're going to be heard last but it probably would be helpful if we had a time on that. So when we get to the end let's try to figure out how long the rest of the meeting will be and put a time on it.

>> Councilmember Pyle: Right, I just wanted to put in a plug now.

>> Mayor Reed: So next week we'll look at the totality of the agenda, a not-before time so people can --

>> It looks fairly light and there's one item.

>> Mayor Reed: Okay, let's tag that for next week to determine a time.

>> Councilmember Pyle: Okay, thank you.

>> Mayor Reed: Anything else on page 4 or 5? I had a question on 5.1, the may or may not agreement with the Viet heritage society on the park project. What's the status of the staff report on that?

>> It's ready to be released by Friday in the packet.

>> Mayor Reed: All right, so that will meet the schedule. Anything else on page 6 or 7?

>> Lee do you want to make notes?

>> Lee Price: Go ahead.

>> Just 6.1 we'll be deleting it from this agenda because we're deferring it to cement 14th.

>> Mayor Reed: That's the high speed rail project update. Anything else on 6 or 7? I have no requests for additions. I think.

>> Councilmember Constant: Motion to approve as amended.

>> Councilmember Pyle: Second.

>> Mayor Reed: Motion is to approve as amended. All in favor? Opposed? None opposed, that's approved. Agency, redevelopment agency meeting for the 24th has been cancelled. August 31st, redevelopment agency agenda.

>> Mr. Mayor, members of the committee, Gary Miskimon with the agency. We have no items at this time for August 31st and come back next week if it remains the same we'll schedule a cancellation at next week's rules committee.

>> Mayor Reed: Okay, no action for today.

>> We haven't cancelled?

>> Mayor Reed: We haven't cancelled it yet.

>> The 24th is cancelled. We'll publish a cancellation notice probably tomorrow.

>> Mayor Reed: Okay. Nothing on upcoming study session agendas specifically to talk about. We'll get back to the redevelopment agency budget schedule which includes some study sessions later in this agenda. So the next item for us is legislative update. Betsy is here. I'd like to get just a little bit of an update on the bills that are running through regarding compensation of local governments. I know our staff has been working on that. There are a couple of bills moving in response to problems in other cities.

>> Betsy Shotwell: Thank you, Betsy Shotwell, director of Intergovernmental Relations. If I could, if I could ask the City Attorney to given a summation of -- I know their office has been reviewing the analysis and proposed amendments from the league on these two measures.

>> City Attorney Doyle: Mr. Mayor, members of the council, there are two bills pending, you've probably seen some press on that. It is really in reaction to, I'll mention the City of Bell case, but there's a lot of discussion out there on compensation and disclosure and limitations on salaries. There's two bills pending, one is SB 501, which is really a disclosure bill, it would require certain city employees and officers to disclose their salaries online, file them with various filing officials. These bills, SB 501 and then the other bill is AB 1955, which is a little bit more restrictive, it would limit the salaries of councilmembers, and other officers and employees. The -- there are certain exceptions, one of them is really charter cities, that have full-time councils. We are very much engaged, Roxann Miller is very much engaged in working with the committees on these bills and shepherding any comments or concerns we have. And those are in process at this point. The bottom line is, I think at the end of the day, disclosure is going to be something that's required and really is the breadth of the disclosure, on how many employees there are -- I think the concern has been key officials and elected officials and high-level employees and that's I think at the end of the day what we're looking towards. With respect to the limitations on salaries, where you have a process similar to what we have in San José, or we have full time councilmembers, those are what I don't think are intended to be covered. It's really the small cities that have part time councils and where the salaries seem to get out of hand and ala the city of bell. I have nothing more to say other than we are following this and very engaged in the process.

>> Mayor Reed: Seems to me we are way ahead on disclosure, what requirements of that disclosure bill we have already done that. I believe that somewhere, I'm not sure where. I guess that's my question, is our salaries are posted online today. Anybody wants to know what they are. Not just the council but the senior staff and I don't know, probably every employee in the city is --

>> City Attorney Doyle: If you go on the mercury, not to pit in a plug on the Mercury News Website, they have all of the salaries in the database.

>> Mayor Reed: Which they got from us. That is a good practice. The other thing we do of course is when we discuss our salaries it's done in a public session as you all are well aware of. We have lots of discussion in a public way about our own salaries and the salaries of our council appointees. And our unit 99 groups and everything else. As well as the bargaining units. So I think we're well ahead of whatever they might require on disclosure.

>> City Attorney Doyle: And I'd also mention that the council salary setting commission is a very -- it is a formalized body that does in a public hearing set salaries and you can't exceed their recommendations. Not that you've even gotten --

>> Mayor Reed: We can take less, in fact councilmembers and -- or council appointees have taken pay reductions the last two years which I don't know if we're the only ones in the state that have done that, but we certainly haven't got the kinds of pay raises that have been reported in other cities. There's no action on that. I just wanted to make sure everyone understood that our staff is engaged in whatever they do at the state legislature doesn't adversely affect what we're trying to do there, just because they are reacting to other cities, which certainly deserves some reaction. Anything else on state and federal?

>> Betsy Shotwell: No, thank you.

>> Mayor Reed: Next thing would be the public record. Anything the committee would like to pull for discussion?

>> Councilmember Constant: Motion to note and file.

>> Councilmember Pyle: Second.

>> Mayor Reed: Motion is to note and file the public record. On the public record, Mr. Wall, you want to speak on the public record items?

>> David Wall: I don't have the agenda but I believe it's -- what's the first card on the firefighters?

>> Mayor Reed: You said you want to talk about the firefighters and begin grants.

>> David Wall: Briefly on the firefighters, most citizens do not know or are not aware of and that's to their discredit for not paying attention to their own municipal affairs. But there are sections of this government, San José city government that could be virtually eliminated if the taxpayers knew what these functions were and the redundant systems and such revenues be transferred to the fire department or to the attorney's office. For example you could eliminate in entirety, employee relations, that's an attorney's function, they do all their work anyway, so why have them there? The office of economic development has failed to perform. That is a very costly endeavor. That money could go to the fire department as well. But you have to ask yourselves, what are you going to say to the public when they are burned to death? Because the firefighters aren't there to rescue them? Literally, carrying out mayor little kids, crispy critters because there's not enough firefighters. And then you find out that you fund employee relations, or Office of Economic Development. Now, with reference to the begin grant program, there needs to be clarification from you, from this page 2 of this memo, from the director of housing and budget, and I'll quote it. Further, all begin, and begin is this -- let me read you the actual acronym. Building equity and growth in neighborhoods. So that's begin. We'll repeat. Quote, page 2. Further, all begin loans are structured as 3% simple interest loans with no monthly payment requirements for 30 years. Or, until the home is sold and/or transferred to an ineligible household.

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

>> David Wall: Okay.

>> Mayor Reed: I don't think there's anybody else who wanted to speak on the public record. Anything the committee wants to discuss? We have a motion to note and file. All in favor, opposed, none opposed, that's approved. Next item would be, item H-2, the redevelopment agency fiscal year 10-11 operating and capital

budget calendar. We talked about this a week ago or so, about revising the calendar. We got a memo here with new dates that start with September 7th, with an agency budget preparation session. And then works through the -- sort of the usual process of proposed budget, and hearings, and study session, and things getting us to November 2nd, to adopt the agency operating and capital budget. Any comments or changes? I think staff has had a chance to look at this schedule, and it seems to fit everything else we're trying to do. And then we will look at the agenda for that September 7th budget preparation session at some point here in the next --

>> Mr. Mayor, we'll be bringing the September 7th draft agenda to next week's rules committee. I'll provide it to the Clerk's office, it will come out with the packet this Friday.

>> Move approval.

>> Councilmember Pyle: Second.

>> Mayor Reed: Motion is to approve this capital budget calendar. All in favor uh, opposed, none opposed, that's approved. H 3, authorization of Councilmember Liccardo and acting deputy director of transportation, Manuel pineda, to participate in the bikes belong crowd bicycle transportation project in the Netherlands. That's proposed to be paid by somebody else, Hans Larsen is here to speak about it.

>> Hans Larsen: They're putting together a study tour of best bicycle transportation practices in the Netherlands. And Amsterdam in the Netherlands is considered to be the best place in the world for biking. What bikes belong is doing is inviting elected officials and senior staff from cities in the United States that are considered to be progressive in the area of bicycle transportation. So it's quite a compliment to San José, to be invited as part of this other cities, includes San Francisco, Boston, a few others. The -- and it is all expense paid by the organization. What they are striving to do is to improve bicycle design practices, and understanding of what leading areas are doing around the world to help shape a stronger American agenda for bicycling, both in terms of design practices, but also in terms of investment and funding. And so we think that there's some strong advantages for San José to participate, as part of it, to learn more, to help us be one of the best biking cities in

America, but also, be part of this coalition at the ground level in helping shape a bicycle agenda for the country that we see that there's some opportunities to get funding to help further our goals for our trail and bike way system development. I'm happy to answer any questions that the committee might have on the topic.

>> Mayor Reed: Okay, well I like that part about all expenses paid by somebody other than the city. That's a good thing. Either questions or comments on it?

>> Councilmember Pyle: Well when we ever get anything free I want to ask, what does Amsterdam get out of this? Do they have a lot of bicycle manufacturers in the Netherlands?

>> Hans Larsen: The trip is being sponsored by U.S. based organizations. So they want people from the United States to see the best practices around the world. So there are I think Amsterdam and three other cities that are part of the tour. And it's an opportunity to meet both with elected officials and staff on what they are doing both within their jurisdictions and as a nation to get the kinds of bicycling that's happening. If you are not aware the city of Amsterdam, 40% of the people ride their bikes for the regular travel. So it's the majority, main form of transportation within that city. And the other cities that they have there also have some very stunning percentages of bicycle use.

>> Councilmember Pyle: I've traveled there and it is a very interesting city. It's all kinds of wonderful things to see. So it just happens that Amsterdam is just the site, they aren't necessarily --

>> Hans Larsen: It includes Amsterdam but I believe also it's at least three other cities in the Netherlands that are a part of the trip. It includes cities that have developed you know Amsterdam you know developed 500 years ago and walking and biking and canals and all that. But there are other more modern cities that we can learn from as well in terms of how they've developed their bicycle transportation system.

>> Councilmember Constant: I'd like to make a motion that we approve both H-3 and H-4, and perhaps, Sam can do some research on some of the marijuana and legalization issues that we are going to be grappling with over the next several months here.

>> Mayor Reed: I think bicycling will be topic enough for that trip. Vice Mayor.

>> Councilmember Chirco: With the comment by the mayor, you know, to move the first part of the motion.

>> Mayor Reed: City Clerk.

>> Lee Price: And we'd like to move both these items forward to your August 24th agenda for approval.

>> Councilmember Constant: That's what I meant.

>> Mayor Reed: August 24th agenda for approval by the council on the consent calendar I presume, for both of these items which are the authorization to travel and designating them as representatives. We have a motion on the floor, we have a request to speak, David Wall.

>> David Wall: I always enjoy when there's moments of humor here. I think this is a great thing, a free trip. And -- but I don't know why they don't just go full-out and go to France. I mean they have the tour de France. They don't have the tour de Holland. Any excuse to go to Europe on somebody else's dime, go for it. I haven't been there for 40 years. For recognition of this, to bring a little bit of San José to Holland, a training regimen should be enacted 50 participants, documented, of course, in Alviso, that's a place that's below sea water and they could get some training and be able to tell each other well, Holland is all underwater, under sea level and Alviso is undersea level, right? You would be able to ride the levees and share, a little notebook for everybody. I think it's funny, one of the analysis, opportunity of recognition, San José's leadership in the area of green mobility and sustainability, how much jet fuel is going to be used to transport our honorable people to the Netherlands, just looking at the atmosphere?

>> Mayor Reed: That includes public testimony open this item. We have a motion to approve. All in favor, opposed, none opposed, that's approved. I think the only thing we have left on our agenda for today is open forum. Mr. Wall, you want another chance?

>> David Wall: Do I get one?

>> Mayor Reed: Okay.

>> David Wall: Remember the garbage bill that I bring back now and again about the little box you can check off to give the animal control money? The poor and downtrodden, I couldn't stop that. We still don't have a way to donate to animal control so it should be on the garbage bill. Now, another thing about animal control, which you could shift funding to water pollution control, in reference to the habitat plan, which nobody of all your experts yesterday discussed, what kills off the little owls? Make staff do a report, simple. I already know the answer. Feral cats. People dump off feral cats and dogs, because they don't want their dogs or cats killed. Well not feral but they turn out to be feral and they breed out there and they feed on all these endangered species. This is a perfect opportunity to have justification done, have animal control be on station with vector control, along with our biologists. Now back to this begin funding, you know the developers of these condos, they have large families, right? Each one of those that haven't bought a home is capable to qualify for this low-interest loan business that I read about. Then they could flip it. All at taxpayers' expense. There is a lot of unjust enrichment that could go on here. I'd stay away from this stuff. Other than that have a great day, remember to fund those firefighters so you don't burn to death.

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