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>> Mayor Reed: This is the Rules & Open Government Committee meeting for October 17th, 2012. Any changes to our agenda order? None, all right, we'll start with the October 23rd council meeting. Note we're starting at 6:00 p.m. for the evening session. We'll come back to that when we get to the end and look at all the other scheduling items. On page 2, ceremonial items, so we have seven, that's one two three four in the evening and three in the afternoon, right? What it looks like. Do we have any other requests for additions? This is an awfully long set. So don't want to add anything to it. Anything else on page 2 or 3? Wage 4 or 5? Page 6 or 7? Page 8 or 9 or 10? We have one item to add, a request to add the consent to Fairmont hotel refinancing request. Any other requests for additions?

>> City Attorney Doyle: Mr. Mayor, the add item is proposed to be on 3, it's really up to the committee whether you want to put it on consent or put it on. I'm just thinking of the length of the meeting.

>> Mayor Reed: I think we'll just put it on the consent calendar.

>> Councilmember Constant: All right, I'll make that motion.

>> Mayor Reed: It is a consent agreement. It should be on the consent calendar, it seems to me.

>> City Attorney Doyle: Good logic.

>> Mayor Reed: Perfect logic.

>> Councilmember Constant: I'll make the motion to put that item on the consent calendar. Does that need a sunshine waiver as well?

>> Ed Shikada: Yes it does.

>> Councilmember Constant: That includes the sunshine waiver.

>> Vice Mayor Nguyen: Second.

>> Mayor Reed: We have the motion to approve the agenda with the 6:00 start. We have a lot of things on the evening. Do we still have a lot of things on in the evening? I don't think we've lost any of them right?

>> Councilmember Constant: Neighborhoods commissions and consolidations.

>> Mayor Reed: We have all the commissions and not very much on the afternoon department for the ballot measure discussion. That's still the case I believe. Which is how we structured this agenda. Anybody's guess as to how long it is going to take? I still think we'll have at least an hour break for dinner based on this review. Dennis is planning on bringing in dinner, is that the plan?

>> Dennis Hawkins: Yes, that's --

>> Mayor Reed: Okay.

>> Councilmember Constant: Good to see you're still an optimist, Mr. Mayor.

>> Mayor Reed: Always an optimist. Anything else? We have a motion, all in favor? Opposed? Sorry. Before we take that Mr. Wall you want to talk about the agenda.

>> Item 2.8, contract with the emergency housing consortium for homeless prevention rapid rehousing. This is an amendment adding 46,446.70 to a total contract amount of 2,673,440.70. I wonder if there is any type of competition within this type of framework to provide these homeless services, one are illegal aliens being served on taxpayer expense? Is there veterans preference in other words veterans move to the top of list and we don't give housing out until all our veterans are taken care of? 3, how much money is left to keep amending for these homeless programs with reference to looking at the people's criminal backgrounds, I mean, are we housing

criminals that have been released that have warrants on them or whatnot? And there's a lot of ancillary questions that will be dealt with later. Item 3.6, this is amendment to the pay plan and benefit structure for the command staff at the fire department which I support completely. However, I continue to raise the issue, it looks like the firefighters themselves are being left out of the process, not even being participants in the discretionary period on how the fire department is organized. And two, no pay, benefit or amendments to their hiring plan. So I'm very concerned about that. Thank you very much.

>> Mayor Reed: Concludes the public testimony. We have a motion to approve with a sunshine waiver. All in favor, opposed, none opposed, motion carries. October 30th agenda. Anything on page 1 to talk about? Page 2 or 3? Page 4 or 5? I have one request for an addition, a proclamation, October 30th as Los Epinos day. Any other changes or requests? One request, for the public to speak, we'll take that now Mr. Wall.

>> Item 2.9 is an increase in funding for EHC, life builders downtown homeless outreach and engagement program. Now, this compensation is increased by \$40,000 to amount not to exceed \$210,000. I think this entire program should be researched. I think this is an incredible amount, waste of money. And I don't see how councilmembers can sit there smirking. When it's taxpayer money going to pick up people that may not be in the country legally, may be criminals that are released out in jail, may be homeless veterans which should be taken care of. And Mr. Mayor, I don't see with your impeccable record in the United States military how you're not more of an advocate for veterans in stomping out the criminals and illegal aliens from our city. It would be a very simple thing for to you do. However you just don't do it. And you also don't speak with the highest regards any type of formal type behavior or conduct for housing our veterans in a very forceful and administrative way because you wield an enormous amount of authority here as you should and with your background it should be a secondary nature to make sure that our veterans that are this this area are housed properly and getting rid of the criminal element and illegal aliens which are part of the criminal element from our midst, with use of United States military police and putting these people in stockades until they can be formally dealt with. Thank you.

>> Mayor Reed: That concludes the public testimony. Is there a motion on this agenda?

>> Councilmember Constant: Motion to approve.

>> Vice Mayor Nguyen: Second.

>> Mayor Reed: Motion is to approve with the additions and amendments, on the motion, all in favor, opposed, none opposed, that's approved. We have nothing to talk about on study session agendas. Now, there's no action on study session agendas. Legislative update nothing, meeting schedules, request to set a study session entitled homeless encampments study session October 29th. We probably won't need that much time but we should probably block it out, until we know how much time it's going to take. Any other thoughts on this?

>> Ed Shikada: Mr. Mayor, committee, just for the sake of clarity, we will be coming back with an agenda.

>> Mayor Reed: Okay. Just blocking the date and preserving it.

>> Ed Shikada: Yes.

>> Mayor Reed: At this point it's not very far away so we'll have an agenda next week or the week after, I guess. And we had --

>> Ed Shikada: Take another look at it.

>> Mayor Reed: We had a referral coming out of the priority setting session regarding homelessness, specific things that were referred to this as well, I think I remember that right. Have a request to speak on this item, Mr. Wall.

>> First of all, there should be an agenda already posted. I mean this is something that's very serious for you council folks to make a decision on and the decision has different variables. One, source of funding for this program, how and what are the discriminatory values you're going to place on who gets the -- how are you going

to deal with these people? Some of these people are inherently mentally ill. Some of them are criminals. Some of them are just plain ordinary vagrants, drunks, bums, hobos, whatever you want to call them and are you going to use the inclusionary housing ordinance to throw these people in our neighborhoods in apartments? What are you going to do with this? Because taxpayers received a diminution of services, and they're not going to take kindly to have this element that is on our rivers and on our creeks hauled off just because you want to play like you're doing something and sticking them in our neighborhoods. Now there has to be a serious way of processing these people, because you have mentally ill, criminals, illegal aliens and others that have to be determined and this is very serious business and how are you going to utilize taxpayer money to deal with these people. So far all we get is the yammering and stammering of gums from the City Manager's Office with reference to no plan of attack on how to deal with this. And if I were you Mr. Mayor being in command, I would take certain steps to light fires under certain rear ends to get with the program and come up with a plan or get the hell off the payroll. Thank you.

>> Mayor Reed: On this study session, this is a date we've previously identified for potential study session date so it should be blocked on councilmembers' agendas or calendars. But we should let them know after today that anticipating actually having a study session, so we're not going to cancel that, just so they --

>> Councilmember Constant: Motion to approve.

>> Vice Mayor Nguyen: Second.

>> Mayor Reed: Motion to approve. City Clerk.

>> Dennis Hawkins: I was just going to say, we'll send out a reminder to the councilmembers and their staffs this afternoon.

>> Mayor Reed: Okay. That would be helpful to everybody. Motion to approve the topic. We have an outline of the study session but we'll come back with an agenda for further discussion. On the motion, all in favor, opposed, none opposed, that's approved. Public record.

>> Councilmember Constant: Motion to note and file.

>> Mayor Reed: Motion is to note and file the public record.

>> Vice Mayor Nguyen: Second.

>> Mayor Reed: Martha O'Connell.

>> Reference letter F. I'm here partly at the suggestion of Dennis who recommended I put in writing my concerns about sunshine. There was a meeting of the mobile home advisory commission and I got a call from a citizen who said there aren't any links to any of these documents so what are they talking about? Particularly something a letter on consolidation. So I went online determined there weren't any links. I called the housing department and I was told well we're going to go ahead with the meeting anyway because these items have already been linked previous in the past. Might I say months in the past. To make a long story short, after a flurry of e-mails, it was determined that they should cancel the meeting and link the documents. Now I'm not always a conspiracy-minded person but I don't think it's any coincidence that all of these documents were relating to consolidation which the housing department has been actively lobbying against for the last two years. So now they've rescheduled the meeting for the very night that I asked them not to do it. At the very time I asked them not to do it. Which is during the presidential debate. So they're going to cut back the attendance, folks are not going to be there because they're going to be home. I also like to add that the housing department did not poll the commissioners and ask if they could be there. The park representative was just told this is the meeting, be there or tough luck for you. So I have concerns about withholding documents from the public. And then, scheduling of a meeting at a very time that makes it difficult for us to be there.

>> Mayor Reed: Mr. Wall.

>> Sir. Item B. It's entitled November 13 study session topics, sewer service and use charge and storm sewer service and use charge. You'll note in this memo I proposed condensing the October 29th and November 13th study sessions because they basically dealt with the housing issues previously discussed on your agenda. Your housing issues have no money, no direction and it's not going to take hardly any time. Item D is where is the pay and benefit amendment plans for City Attorneys and support staff. That speaks for itself because of the fact yesterday the habitat conservation plan you are going to be riddled with lawsuits and you don't have any funding sources or any funding for the attorney to deal with this. So chastisement is hereby given. Item C is councilmembers give financial support to the San José Police Officers Association and San José firefighters to expose Rose. My opinion, district 8 is a bastion of crime and lawlessness due to Councilmember Herrera's substandard ministerial actions. This goes on to show the fire department and the San José Police department's website. You should look at this, because the Police and Fire have found all sorts of very damning evidence against Councilmember Herrera. Look for it yourself. Lastly I'm not a spokesman for the police or the fire department, in any way shape or form. I'm just a grateful citizen and you should look into this matter. Now on the TPAC agenda Mr. Mayor, I wasn't able to be there because of my right hip. Still when I look on the public record I should be there because I was medically infirm due to the decision makings of what I call a social club. A social club means you just pick up \$100 by passing things you really don't understand in my opinion. The only one that doesn't take \$100 is our honorable City Manager who is precluded and I think you guys should start coming to lord Jesus on this matter because you wasted a lot of money at TPAC with that amendment that we're going to talk about later today sir.

>> Mayor Reed: Mr. Chair, I'm -- as chair of the TPAC, I'm granting you a permanent excused absence, and I hope you use it repeatedly. I think that's it on the public record. Anything anybody wants to pull for discussion? Was there a motion?

>> Councilmember Constant: We already did it.

>> Mayor Reed: Motion was to note and file. All in favor, opposed, none opposed, that's approved. I believe the next item on this agenda is the verbal report, adding a verbal report on the status of energy generation at the water pollution chrome plant to the T&E committee agenda as an ongoing committee item.

>> Councilmember Oliverio: Motion to approve.

>> Vice Mayor Nguyen: Second.

>> Mayor Reed: Motion is to approve. Mr. Wall you've asked to speak and I'm not sure which one you're talking about. I think this is it. Right?

>> Yes, sir, this is it and thank you for your kindness for permanently excusing me from a committee that I have more expertise than everybody in the room with the exception of certain engineers. This amendment, it was called basically by me for several months, if not years. I'm surprised the T&E committee didn't do this on their own volition. This is very good that ESD did this on their own volition it is to be commended to them. But it is also like so it's disingenuous. Because we look at the \$453,971 amendment you have already voted on to open up that secondary CEQA agreement. On the auditor's work plan that will be discussed tomorrow at Councilmember Constant's committee is the work plan for the auditor and one of which is the plant master plan agreements. Now in this letter they state that oh, out of the blue, the electrical generation of the plant is failing, before our -- before the anticipated time. That's paraphrasing. These people are so incompetent. That there's really no words to describe it. Now, Mr. Mayor when you do your master plan search, go back to the year 2002-2003 and ask for Com Norris to pull up the documents for the Y that's Yankee Echo Ida agreement, the plant master plan electrical plan. So that's back in 2002-2003, read it, and in there does it not contain warnings that the plant's electrical generation ability is going to fail before 2010? Then start looking at the date of hire of the assistant director of ESD and the former director of ESD, look at those dates of hire, and what did they know when it came time for that integration for your plant master plan in which I watched them brown-nose you all over the place for different environmental projects and sit not foreseeable and predictable that if you had an electrical master plan and it was

integrated in or thrown out that they already knew what they were talking about. Therefore this 400, almost \$500,000 cost to the taxpayer. Thank you.

>> Mayor Reed: Sorry your time is up. On this item, we have a motion to add it to the agenda, all in favor, opposed, none opposed, that's approved. Last item we have is open forum. Mr. Wall. And then Ms. O'Connell.

>> In yesterday's bud study session there was some overflow from the T.O.T. tax thing that we could all jump for joy over. But there was no discussion whether or not to start increasing the needed air conditioning upgrades for the civic center. Now, you know the civic center's already going on renovation. But who wants to sit in there, July, August, September, you name the date when it's hotter than hell with a very poor air conditioning system. It was talked about it would take \$2 million. I would start thinking about increasing that air conditioning budget to the civic center to where you almost, you know, freeze to death in there to make people really want to come there and not worry about sweating all through a program. And you have the money. It's just depending on how you want to use it. Secondly, I'm not happy whatsoever on the way the Police and Fire are treated budget-wise, I think they're incredibly taking too much out of their pay to pay for their retirement and benefits that you had already promised them and I think that that has to go by the way side. I think you need to make amends with our troops. Thank you.

>> Mayor Reed: Martha O'Connell.

>> Since the fall of 2004 I have never missed a meeting of the mobile home advisory commission. I have hundreds of files in my house on this commission. Tuesday night you're going to have a bunch of people standing up I predict saying I have to pay a fee. There are 58,000 mobile homes I believe in San José and each of us pays \$6.91. We pay that and the park owner pays it per space. So the housing department is giving the folks the impression that if the commission is consolidated, that why are we paying this \$6.91? They have failed to explain to the residents in an effort to get them to oppose consolidation that the money goes to pay for staff for the mobile home residency guides that go out, for the folks that staff the phone and also at my part, \$4660 was spent this year on postage alone because they had to send it certified because of a rent control hearing. They had to do the

same thing at oak crest. They also had to pay thousands and thousands of dollars to two hearing officers. Why I'm telling you this is because staff has been failing to advise the folks at these meetings which are all on tape of these facts and getting them all worked up into hysteria to come Tuesday night and oppose consolidation. So that is what's going to happen I predict. For the record I am in favor of the Pyle Liccardo, Rocha and Kalra sensible memo to consolidate and I urge you to do so. Thank you.

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