

The following transcript is provided for your convenience, but does not represent the official record of this meeting. The transcript is provided by the firm that provides closed captioning services to the City. Because this service is created in real-time as the meeting progresses, it may contain errors and gaps, but is nevertheless very helpful in determining the gist of what occurred during this meeting.

>> Any changes to our agenda order? The first item would be the May 31st special meeting agenda. Anything on page 1? Page 2 or 3? All of the items have to do with Contracts or imposing terms for some of our bargaining units. We have one request for an addition related to the elevation center project.

>> That was an item, Mr. Mayor, that was deferred from yesterday's council agenda to the 31st.

>> Does it have to go on the 31st?

>> I—

>> Time-sensitive, upon the follow-up happening to the new market tax credit, as well as Other components of the project. The crucial issue is to be able to close the tax credit deal, and that has to be done by June 30th. And they want to know that they have a project to facilitate that, and that's why I think staff has asked to put it on next week.

>> They're not actually closing the tax credit deal. The commitment, I hope, because we're not doing a deal until—later.

>> That's correct, but it's getting that commitment.

>> The commitment before the end of the fiscal year, or whatever it is? Any other requests for additions or changes?

>> Mr. Mayor, just a note for your information that later in our agenda we do have three Legislative items that would be requested for a one-week turnaround if those items can be heard also on the 31st.

>> Okay. We'll get to those. Anything else on this one?

>> Mayor, I have a question on the timing. We have a 10:00 closed session agenda, and then last week, there was some discussion about just rolling it right into open session.

>> Right.

>> Here I noticed that it—we would take a noon break and then come back at 1:30. I think there's some question as to we going to just go from—we don't know how long a closed session, if any, will— how long it would go, and are we going to roll right into open session? And then we would roll until we're done or -

>> That was the plan when we set this up, so we could be done in an afternoon instead of the evening, since it's a—sort of—it's a special meeting holiday kind of a thing. I don't know if we need to do an hour and a half.

>> I would suggest 30 minutes, Mayor. Have time for lunch.

>> Bring it in and just - taking a short break. Because there were some council Members who do have things planned on this day. We wanted to get it done earlier. So we will take a brief recess and—well—basically a half hour. Get the food brought in. That's enough for us to eat and keep on going.

>> So on the agenda, we'll show it as a 10:00 start time. And then it's anticipated a short closed session and then right into open session.

>> Right. And a brief recess around the noon hour, basically. Won't go straight through without stopping to eat.

>> Okay. Thank you.

>> Unless we're done by noon. Any other changes besides the Legislative stuff we might put on? [ inaudible ]

>> All right. Do you have a motion to approve? All in favor? Opposed? None opposed. Approved. June 7th. Draft agenda. Anything on page 1? I don't know when we reached a point where we are done with all of the labor stuff and can go back to the 9:30 start. We might consider that as we get closer, if Alex says we're done, we're done.

>> Yeah, but do you know — issues with respect to — the foul language.

>> Other things we probably want to talk about. So if we just keep running at 9:00 probably through the end of June. Anything on page 2 or 3? Page 4? 4 or 5? Page 6 or 7? Page 8 or 9? Got some requests for additions, commendations from Flores, east side heroes. Absences due to illness. Adding an ordinance to implement the replacement fireman. Did we just approve something to do with the health trust—is this the second reading?

>> Mr. Mayor, that was for the Federated.

>> Okay. Any others? Changes? It looks like a reasonably light agenda on the 7th, which is usually what happens. [ inaudible ]

>> Motion is to approve. All in favor? Opposed? None opposed. Approved. Taking us to the agency Redevelopment agency draft agenda for — nothing for the 31st.

>> That's correct, Mr. Mayor. We'll be — with your approval, would cancel that agenda, except For any closed session or joint Items on the council's agenda.

>> Okay. Motion all right. Motion is to cancel except for the closed session, possible. All in favor? Opposed? None opposed. That's approved. June 7<sup>th</sup> agenda. Not much on there. Any changes?

>> There are no changes anticipated.

>> Motion to approve?

>> Motion is to approve. All in favor? Opposed? None opposed. It's approved. Taking us to legislative update.

>> Thank you, intergovernmental relations. I don't have anything new on the budget front from what was shared last week from the revised. Obviously, these meetings are all in play behind the scenes, In front of the scenes. And but we do have three pieces of legislation to Present for your consideration.

>> Okay. Let's—

>> The first one, ACA Bloomfield, not Bloomfield, has to do with lowering the threshold from two-thirds to 55% for voters to fund Infrastructure projects. This would be a constitutional Amendment that if happened would Go on the ballot next year, the Statewide ballot. Transportation took the lead on this, and staff is here to—

>> Right here.

>> Oh, there. To answer any questions you might have.

>> Judy, just a quick comment for the mayor and members of the Committee. We see this is as a real key opportunity to address our large backlog, deferred maintenance and transportation, which is over 400 million for all types of improvements, but particularly for pavement, which we currently have a backlog of \$277

million. So this would give us an increased opportunity to take something to the city voters if this is passed to look at creating a transportation Infrastructure bond program, Similar to what the city did for Parks, libraries, community Centers and public safety as part of the decade of investment. So we highly recommend the support of this to give us greater opportunities to deal with our transportation infrastructure backlog.

>> Any questions on this one? So we're going to put this on the 31st?

>> If—if there is an opportunity to put either, all or whatever bills you wish to go forward with next week, if it could be on consent, it would be appreciated. There's some deadlines coming up in Sacramento, and the sooner we can have our lobbyists advocate on these, the better.

>> Okay. On this one, aca-4? [ inaudible ]

>> Motion is to approve. Move it ahead to the agenda for the 31st. All in favor? Any opposed? None opposed. Approved. Next, local government bankruptcy.

>> Yes. This is the third attempt to basically take away from local control the ability to—if a city or municipality was going to go down the path of declaring a bankruptcy, it adds another layer at the state level to—to cause just a lot of added activity before it would even get to the level of filing bankruptcies, which I'm not an expert on, by any means. But the city council has in the past opposed two earlier versions. We, upon discussion, used the excise bill process, and our lobbyist has already expressed opposition to this bill. But we naturally, of course, take it to rules and reaffirm this opposition. And in the—the author is one of our own delegation, the lobbyists did consult with him prior to let him know our major concerns over this.

>> Thank you. I'm happy to support this. We don't need another seat commission interfering with local government telling us how to run our business. They're not doing a very good job of running their own in the—they maybe ought to have a commission to help them figure Out how to solve these fiscal issues. Motion is to move this ahead. All in favor? Opposed? None opposed.

>> Thank you.

>> Approved.

>> 83-12, having to do with homeless category and classification under the civil rights act, I believe staff is here to answer any questions and I know the city attorney also has some questions.

>> If I could ask for a week's Continuance on this. I haven't had a chance to look at this and what it means with respect to adding the homeless—as a protected class, particularly given our police have a lot of things that come up in terms of meeting up with homeless people. And there may be some concern about possible causes of action that could result from an Amendment to the existing law. So I don't have an answer at this point, and I'd like to look at the law and come back next week.

>> Motion to defer.

>> Second.

>> Okay. Motion is for a week?

>> Yes.

>> Okay. Well, it is an interesting question, because if you were to go and move people because of their race, you might have trouble removing people, because they're homeless, we would have trouble under this bill. And I know we do have several initiatives with other Government agencies trying to deal with the homeless issue. And I want to make sure we didn't cause trouble for what we're trying to do, trying to get people out of the creeks and into services. Mr. Wall, you wanted to speak on this one, I will let you speak on the others, as well, before we leave this item.

>> Mr. Mayor, on the previous two items in which the speaker to request card was timely given, appropriately delivered to you by staff, and bypassed to where a vote is taken has created further controversy with reference to how you dealt with TPAC last Thursday. I'm going to put basically you and the city on notice. I'm now going to have to look into having private counsel get me an audience with a federal district judge for injunctive relief on this type of conduct. I never again want to be called after a vote to discuss another issue again. I hope I made that clear to everybody that's here. With reference to the homeless thing that's pending, this is another one of these vagrant rights statutes. This thing should be shot down without mercy. This thing will do nothing but cause all sorts of problems with communities throughout the state and the nation, wherever this law or laws like this are enacted. Again, Mr. Mayor, notice is Hereby given that I'll be Looking for — I'll be giving my private attorney instructions to go to federal district court on how these speaker cards are being played with after a vote has been taken. Thank you.

>> Adopt do you want to speak on any of the items, Mr. Wall?

>> The point is moot, Mr. Mayor. You voted.

>> If you would like to speak, we are here. You are here. You can speak, you can have your time. If you make that persuasive argument, perhaps we might want to reconsider the votes. It's really up to you. You can speak if you wish. I'm giving you the opportunity.

>> With reference to the bankruptcy filings, I have all the confidence in the world in the attorney's office and the Finance department for dealing with any and all issues arriving with bankruptcy proceedings. I have no confidence with the Mayor or the city council of San Jose, because your decision-making with reference to financial decisions, how money is spent, is less than incompetent. As a matter of fact, I would argue that it goes to the issue of acquired mental retardation. Because of the fact that all of your deficits are caused by votes, not funding your liabilities, giving away money to cbos instead of prudent Financial plannings instead of Services for the foreseeable Future. The — what was the other?

>> 55%.

>> The 55% --

>> Transportation infrastructure.

>> Once again, this reflects back not funding your responsibilities. I don't have a problem with director Larson's position. He is well-founded. At the ced meeting earlier this Month, they're talking about parcel taxes to deal with these deferred maintenance on streets and what have you, to deal with paving the streets themselves. Some of them have to be excavated. You can also tailor this in for a two-fer and a collection system for storm and sewer, if you did it right. You reform late the parcel taxes is another issue to fund it. The 55% is troublesome, and so far as it gives council the ability to say we can just have this set aside and redirect money for other projects and create more burdens for the taxpayers instead of using a fraction of the general fund that's supposed to be dedicated for transportation. So these 55% votes are good things, but they're bad things. Bad things come — gives you way to just shunt funding over to property owners. I hope my words are heard. Thank you.

>> That concludes the public testimony on the legislative update we have. Aca-4 bloomfield and aca-5 that will go to the council on the 31st and recommendation to defer The 32. Can I get a motion? A motion is to take action on all three. All in favor? Opposed? None opposed. That's approved.

>> Thank you.

>> Okay. Meeting schedules. None. Public record. Mr. Wall and Martha O'Connor Want the to speak on the public Record.

>> I am basically going to just reference items about St. James Park again. I don't know when if ever council member Liccardo is going to take care of this in his district. It's true, this may be a bigger problem than he can resolve on his own. There's a lot of issues here, especially with reference to that homeless ordinance that's pending at this state. So that is a problem. But to allow this park to be systematically—being used as a base camp, so to speak, for all sorts of conduct that goes into the downtown has to be stopped. And these people have to be moved along one way or the Other. Now, with reference to item g, i think the administration, i.e., the city manager, should come out with an e-mail to employees about this echo pass business. Now, I would think that the eco pass, some deal—should be kept alive as a benefit to whatever city employees are left. Basically, this goes right to your greenness, and so i think you should really support this type of program. That's all I'll discuss outside Of helping Martha and her friends at the mobile home parks.

>> Martha O'Connell?

>> I'd like to thank and acknowledge Vice Mayor Nguyen and Mayor Reed for their leadership and preserving affordable housing in San Jose. I'm referencing public record item b, the mobile home advisory Commission. I'm delighted to report, at the last commission meeting, they voted unanimously to oppose Opening up the ordinance. And the important thing about that vote was, both the park owner reps and the park residence reps agreed. So that's pretty astounding. They are going on record not to open it up. I would also like you to know that instead of 125 frightened seniors stampeded for inaccurate information, there were 15 people in the crowd. And I'm sure it will—gladden Madison park to know that the woman who wrote this inaccurate letter walked out of the room without speaking. So it's a victory for cooler heads to keep affordable housing in San Jose. And thank you both for your help.

>> Motion.

>> Second.

>> We have a motion to file the public record items. All in favor? Opposed? None opposed. It's approved.

Taking us to item g, boards, communities and commissions. We have —

>> Motion to approve all those commission recommendations.

>> We have recommendations from member Nguyen, council member Chu, and others. I'm not sure who all—council members have recommended members for the housing, community development advisory commission. Human rights commission. Library commissions, business development commission. Senior citizens commission. Anybody wish to speak on any of those? We have no cards to speak. We have a motion to approve all of them. All in favor? Opposed? None opposed. It's approved item h2, nonprofit advocacy. The committee has been working on this. I have a memo recommending that we drop this and let the—it be taken up as part of the bi-annual ethics review, which I will conduct sometime before the End of the year.

>> So moved.

>> Second.

>> A motion to drop this. Mr. Wall, do you want to speak?

>> I support your honors integrating this into the ethics Policy. However, I am very concerned about these rates as far as I see \$100,000 is way too high. I think we should have something a lot lower. What that—what that level would be, to me, would be \$1. Just to keep things above board. But \$100,000 is way too much. I think \$1 is the appropriate amount. You want to come do lobbying with the city of San Jose, we should know all about you. Thank you.

>> That concludes the public testimony before we vote. I just want to thank the staff from the city attorney's office and the city clerk's office and the elections commission. The work was good. Good quality. I don't

think we're ready to take it up at this time. Thanks for doing that. And working it down to where it is. On the motion, all in favor? Opposed? None opposed. It's approved. Taking us to, I believe, open forum for the last item. Martha O'Connor and David Wall. [ inaudible ]

>> This is potentially to say — well, you've got to look at them.

>> I did look at them. They were handed to me, I looked at them.

>> One of them shows it from the back side.

>> Pink flowers, right?

>> Wrong. See, I told you to look at it.

>> I see pink, I see red.

>> You see the planter box?

>> Yeah.

>> No flowers at all.

>> I see flowers. That's why you have to explain these things in your comments.

>> Mr. Mayor, that is a compost planter box. That deals with — I have a bucket in which neighbors put their coffee grinds, their egg shells, what have you. Vegetables, banana peels. The structure is welded wire fence. The periphery, I use weeds, and of course layered compost from the street for my horribly miskept yard since I'm down here too much. In any case, I planted stuff — Those are zinnias, they're not blooming

yet. They're green. They'll bloom in a week or two. The water that comes — that the plants don't use helps the moisture content within the pile itself, because the worms come up. Now, compost fences, planter boxes, are the wave of the future for cities. The reason is that it's not environmental, keep cutting down Redwood trees, plastic lumber is not effective, and cost wise and it warps. But these compost fences, depending on how they're structured, they can be as tall as this ceiling. And above all, I keep hammering the issue of the municipal regional storm drain permit. This gets yard waste off the streets, out of the storm drains.

>> Your time is up. Martha O'Connell?

>> I didn't talk yesterday, because it was crazy so I just figured I would get lost in the shuffle. I just wanted to briefly address the sales tax, and remind you all what you already know. Is that increasing the sales tax is the most regressive tax, the worst thing you could possibly do, because the person that's shopping at the dollar store to buy their food is getting taxed — forget the food, because they don't tax food, but other items, is getting taxed at the same amount as somebody who is shopping at tiffany's. So before you guys make life more difficult for the working poor and the seniors, please, don't support raising the sales tax. There's got to be a better way.

>> That concludes the open forum. Concludes our meeting. We're adjourned.