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[ Gavel ]

>> Mayor Reed: Good afternoon.

I want to call the San José city council meeting to order for October 6th, 2009.

We'll start with the invocation and Vice Mayor Chirco will introduce the invocators.

>> Councilmember Chirco: Thank you, Mayor.

The deaf and hard-of-hearing learning community at Dartmouth middle school.

The community is made up of children around the county whose school sites are at Lee high school.

Teaching the students at both the auditory and American Sign Language and eventually main streams the students.

The students are from the character education class and are accompanied today by their teacher, Angeline Ruggiero.

One student was accidentally left off the agenda today.

We want to apologize.

His name is Rage Raman who is here with his classmates.

They will introduce themselves and teach us some sign language.

Afterwards, they will lead us in the pledge of allegiance.

And thank each one of them for being here today with us.

>> Hello.

My name is Philip.

I'm go to Dartmouth middle school.

>> Hi, my name is Rage, I'm in fifth grade.

I go to Dartmouth middle school.

>> Hi, my name is Nancy, I am in seventh grade, and I go to Dartmouth middle school.

>> Hi, my name is Valeria, I'm in seventh grade and I go to Dartmouth middle school.

>> Hi, my name is Rebecca and I'm in fifth grade, I go to middle school.

>> My name is Jorge, I'm in 8th grade.

And I'm from Dartmouth middle school.

>> We are deaf.

We use sign so we can communicate.

We want to teach you a few sign.

>> I want to teach you the sign for.

>> I want to teach the you the sign for California.

>> The sign I want to teach you is flag.

>> Flag.

>> The sign I want to teach you is work.

>> I will teach you the sign for Downtown San Jose.

>> The sign I want to teach you is mayor.

[ Laughter ]

>> Thank you.

>> Mayor Reed: Thank you very much.  
[applause]

>> Mayor Reed: I told these students earlier in the day when I met with them that by doing the invocation, they would inspire us to do good work.  
So I think that will happen.  
Thank you very much.  
Now, let's all please stand for the pledge of allegiance.  
[pledge of allegiance]

>> Mayor Reed: Thank you.  
It's okay to go ahead and leave, you don't have to stay for the rest of the meeting.  
[Laughter]

>> Mayor Reed: Most invocators don't stay for the whole meeting.  
I don't know why but --  
[Laughter]

>> Mayor Reed: Next item of business is orders of the day?  
Are there any changes to the agenda order from the printed agenda?  
I think we have none.  
So is there a motion?

>> Councilmember Pyle: So moved.

>> Mayor Reed: Motion to approve orders of the day.  
All in favor?  
Opposed?  
None opposed, those are approved.  
We will adjourn this meeting today in memory of the victims of the recent disasters in southeast Asia and the Pacific islands.  
Those wishing to contribute to relief efforts may donate to the Silicon Valley chapter of the Red Cross online, or calling their 800 number, 877-727-6771.  
Donors will have the option of choosing to donate to the American Red Cross disaster relief or the Red Cross international response fund.  
These international disasters affect the City of San José directly because we are an global city.  
We have people from all over the world that are here.  
They have loved ones and relatives in these places of disaster, so we are asking everybody to help out.  
And the Red Cross is a great place to do that.  
Of course you have many other options of how to help in the relief effort but we just ask that everybody help those in need.  
Our closed session report, City Attorney.

>> City Attorney Doyle: Mr. Mayor, the council did meet in closed session this morning.  
There is no report.

>> Mayor Reed: I'll take up our ceremonial items now.  
I'd like to invite Councilmember Campos and Ysabel Duron to join me at the podium.

Today we have invited Ysabel Duron here to commend her for being inducted into the National Association of Hispanic Journalists Hall of Fame.  
Those of you who have been around here for years, and saw Ysabel do her work, know why this is totally and completely appropriate.  
I'll let Councilmember Campos give you some of the details.

>> Councilmember Campos: Good afternoon.

I'm honored today, this afternoon, to recognize a milestone in Ysabel Duron's life and career.

Today we celebrate Ysabel's induction into the National Association of Hispanic Journalists Hall of Fame, in Puerto Rico, which happened last June.

The National Association of Hispanic Journalism Hall of Fame was established in 2000 to honor journalists who have helped improve news coverage of the Latino community and have contributed to a greater number of Latinos entering journalism as a profession.

Ysabel Duron is an Emmy award winning journalist who broke ground as the first Latina anchor in Chicago's mainstream news.

Ysabel has anchored, as the mayor said, KRON Channel 4 news for almost two decades in the morning, bringing the Latino perspective to the forefront.

And she's done a very good job.

I think we all know that she comes into our home in the morning, and we watch her, and she informs us of many issues that take place in the Bay Area.

She has also been very passionate about forming the Latina Contra Cancer, which is I think one of her biggest passions, and which will be her legacy.

Latina Contra Cancer provides services to Latinas with breast cancer and it focuses on women that mainly speak Spanish, and also she has inspired us with the Mothers' Day Walk, which a lot of us do participate.

We commend Ysabel for her extraordinary contributions to journalism and also her commitment to serving underserved communities of San José.

With that, Mayor, I ask you to present this commendation to Ysabel Duran, and we'd ask her to say a few words.

Let's give her a round of applause.

[ applause ]

>> Good thing the students aren't here, so they can't see me say thank you, mayor.

Don't know if I got it right, first lesson.

Thank you very much, Nora Campos, dear friend, colleague, on many things, I appreciate this as well.

You know, when I started in television 38 years ago, there were a lot of guys in the room betting I wasn't going to make it.

A lot of them are dead, and I'm still here.

We've come a long way in 38 years, obviously.

We have fabulous women sitting on city councils around the country.

We have a wise Latina woman who sits on the Supreme Court today, and we had a woman who gave a good run for president of the United States.

So things have really changed over the years.

I'm proud to know that I could contribute, and that I'm still here after all those years.

As Nora mentioned, Latinas Contra Cancer has become my mission.

We in fact reach out and educate all Latinas around issues of cancer.

We provide patient navigation, and we provide Spanish language support group, the only one of its kind in the county.

But this month being breast cancer awareness month, we of course wanted to make sure you all pay attention, that you all remind your loved ones, women who happen to be over 40, that it's time to get screened, if they have not.

And for the councilmembers, I have left you with a small gift, this is one of our MAMO card campaigns.

It says here -- I don't know if you can see it.

It's very bold.

"Isn't your life worth a pinch?"

Get screened."

It's a card that we're sending out to remind women we value that we are thinking about them and we want them to get screened.

So I would like every single one of you to make sure this gets out to someone you value.

Just as a reminder that you're thinking about them.

Thank you very much.

[applause]

>> Mayor Reed: Next I'd like to invite Councilmember Liccardo and Susan Crane, Executive Director, and some board members from the -- board members Barbara Oshman, Jay Michael Buehle, Steve Speno, Lizzy Yont, and Anuka Durre, along with Kim Walesh from the Office of Economic Development, to join me at the podium.

These are board members of the San José Museum of Art.

We're celebrating 40 years of success in San José as a major cultural anchor in the downtown and citywide treasure.

We want to thank them for all the work they've done and the great, great art that they brought to the City of San José.

Councilmember Liccardo who represents the downtown area has some more to add to this, I think.

>> Councilmember Liccardo: Well, we're celebrating the 40th anniversary of this wonderful San José museum of art, started in 1969.

Very humble origins.

Today it's a museum that has become the bedrock of our arts community, in the downtown with a \$5 million budget employing between the full time employees and seasonal employees, over 70 employees, hundreds of volunteers which really make the place an incredibly vibrant place.

And on any given weekend or day that you walk in there you will see an incredibly wonderful mixture of the community in there, particularly the extraordinary programs that they have for our children there.

It is a fantastic addition to our downtown.

We're so glad they decided to open their doors 40 years ago.

Susan Crane has joined relatively recently as our executive director of the museum of art from Scottsdale.

We are thrilled that she has chosen San José as a place to continue her leadership in the arts and we look forward to another 40 years of extraordinary leadership and wonderful art in the downtown.

Susan.

>> Thank you, mayor and Councilmember Liccardo.

I'm accepting this award on behalf of all the people who have worked so hard for 40 years to make the museum a reality.

Particularly Deb Norberg who has been part of the museum for that time and a bedrock.

We can't do that without the board members and the staff but especially the public, the families, the children, the adults, the budding artists, the creative thinkers who come to the museum all the time and they give our work purpose.

We know that museums are more than just places to be inspired.

They're also places to learn to think creatively.

To learn to see the world different and to understand each other's experience.

That's what the museum has been so special at.

I hope you'll help us celebrate our 40th anniversary, and see the world anew through the eyes of artists.

Thank you very much and we're so happy to be in San José.

[applause]

>> Mayor Reed: I'd like to invite Councilmembers Constant and Pyle, along with James Westman, Daniel Newell, Chris Wright from the Disability Advisory Commission and Laurie Yurwaski from the Office of Therapeutic Services to join us at the podium.

And today, we are declaring October 8th, 2009, as Disability Awareness Day, and the month of October 2009 as Employment of Persons with Disabilities Month.

Councilmember Constant will tell us about the disability awareness day and Councilmember Pyle will

explain the employment of persons with disabilities month.

>> Councilmember Constant: Thank you, mayor.

This week, on Thursday, we are having our second annual disability awareness day, right outside in the City Hall plaza.

It's a great opportunity for you watching on TV or on the Internet to come down and get an opportunity to see the resources that we have for persons with disabilities and also if you're person who does not have disabilities to come down and learn a lot more about persons with disabilities and maybe even participate and challenge some of us.

We're going to have an empathy challenge at 12:15.

I know several of my council colleagues are going to compete with me and go after that challenge.

I invite all of you to be here Thursday.

Now I'm going to introduce Scott.

Scott has a few words to say.

Scott is our chair for the second year in the row who's been the main person responsible for bringing everybody's efforts together.

People from the city, people from the office of therapeutic services the disability advisory board and others.

>> Well, thank you very much.

On behalf of the City of San José, Department of Parks and Recreation and Neighborhood Services, Therapeutic Strategic Planning Committee, the advisory board, and valley medical center foundation, we invite everyone to please come down to the event.

Like Councilmember Constant said, it's going to be a wonderful event.

It's going to have a lot of food, fun, and we invite everybody to get down there, learn more about disabilities.

I know there's a lot of people out there who may have a family member who has a disability.

There's a lot of resources covering a wide spread of populations out there.

So we invite you to come out, have a good time, and help us celebrate.

Thank you.

[applause]

>> Councilmember Pyle: Thank you.

And I'm here today to tell you a little bit more about persons with disabilities month.

Chris Wright, James Westman, Daniel Newell and Otilla couldn't make it.

She's the chair of the disabilities group group.

Development of a diverse work group is a moral imperative and an essential element of a strong economy.

And despite the Americans with Disabilities Act landmark legislation prohibiting discrimination against people with disabilities, people with disabilities continue to be dramatically underrepresented in the labor force and experience an unemployment rate of approximately double the unemployment rate of the general population.

And the City of San José, its employees, administration, managers, and appointed and elected officials want to ensure that no individual is discriminated against on the basis of their disability by removing barriers and providing gainful employment for all members of the community.

Mayor Reed together with the council and I do make this pledge on the 6th day of October and this we proclaim October to be employment of persons with disabilities month.

In the City of San José please pay tribute to the accomplishments of the men and women with disability whose work helps keep our economy strong and emphasize our commitment to ensuring equal employment opportunity for all of our citizens.

And with that, Mayor Reed, would you make the presentation to Daniel, I believe it is.

Daniel Newell.

[applause]

>> Hi, my name is Daniel Newell.

I just want to thank the council and Mayor Chuck Reed for this proclamation.

What Ms. Pyle said is correct.

Individuals with disabilities are one of the largest populations unemployed.

And I do want to just announce that through the commission, we are working and reaching out to 40-plus organizations from San José up to San Francisco to provide information and resources to the residents of San José to ensure that they have equal access to employment.

Thank you.

[applause]

>> Mayor Reed: Now I'd like to invite Chief Darryl Von Raesfeld to join me at the podium.

As we declare October 4 to 10 as Fire Prevention Week, this week is dedicated to highlighting the ongoing efforts to sustaining a fire-safe city through education and enforcement.

I'm going to take this opportunity to recognize Gracie Corral for her continued work educating and informing the citizens of San José about fire safety and prevention as our public education coordinator. Chief.

>> Darryl Von Raesfeld: Thank you Mayor Reed and council.

This is fire prevention week, and every year over 3,000 fires occur in our city homes and parks and work places.

We can greatly reduce these tragedies by taking a few simple steps.

For example, if each of us strives to remain attentive when cooking, to properly dispose of all smoking materials, and to regularly check and replace our smoke alarm batteries, we can keep our families safe from harm and protect personal property.

This week's theme for Fire Prevention Week is stay fire smart, don't get burned.

It focuses on the increasing burn awareness and prevention.

We can each do more to avoid severe burns by testing water temperature, remaining aware of open flames, and ensuring that our heating elements such as electric stoves, toasters, hair appliances and space heaters are secured and operating properly.

These easy, common sense practices can help our residents avoid suffering painful burns.

With us here today is a true friend to the fire service, nurse Jill Sproul.

A burn victim herself, and who is a nurse manager for the Valley Medical Center burn unit, and she'd like to share some words with us.

She's been there for over 12 years.

Each year the burn center cares for hundreds of people who are injured by burns, and their expert and dedicated care saves lives.

Jill.

>> Thank you, chief.

It's an honor to be here to kick off Fire Prevention Week.

I've actually worked in burns for 20 years, and I have to say despite the majority of patients that we see are actually burns that could be prevented.

By far, very well intended parents, just not thinking about the consequences of a simple hot fluid.

And several years ago, we collaborated with San José fire to look at our pediatric scald patients.

We kept seeing more and more pediatric scald patients.

So in collaboration with San José fire and San José firefighters burn foundation we did a scald campaign and it was very effective.

It's been several years now and the weather's getting a bit colder, and in the past five days we've had five pediatric scald injuries.

That's one of the easiest injuries to prevent.

So thank you very much for being here.

It's been an honor.

I have to say what patients tell I hear over and over and over in the past 20 years of taking care of burn patients is, I never thought about getting burned.

So maybe if people thought about getting burned more frequently, we could prevent several of them.

Thank you.

[applause]

>> Mayor Reed: Our next item is a report on legislative priorities from our state senator, Elaine Alquist, who has joined us, take a few minutes to hear from Elaine.

Thank you very much for coming in, Senator Alquist.

We always appreciate these opportunities to hear from you directly.

And you have some fans!

And I didn't assault the audience or anything.

They just did that.

>> Thank you, Mayor Reed.

It's always a pleasure for me to come before you.

Mayor Reed and honorable councilmembers, I am pleased to be here.

And want to just talk a little bit about what's going on and first of all I want to commend you.

Because I know how the cuts we have taken at the state level, and I will talk more about that, have affected you, your resources and your ability to implement the kinds of things you want for the people of San José.

First of all as your senator I want you to know that I've been chairing three committees the last couple of years.

I chair the senate health committee as well as the subcommittee on aging and long term care, now that I'm 65 it seems most appropriate that I have that role, and I also chair a select committee on emerging technologies and economic competitiveness, and Mayor Reed and Councilmember Oliverio came to the hearing that we held on that issue on education last week, last Thursday.

As you know, it's been a tough year for you, and it's been a very tough year for us.

We have found ourselves mired in an intractable budget crisis that has made worse by the greatest partisan divide I have witnessed in my lifetime.

We have spent the last 8 months addressing a \$62 billion deficit.

Recession driven.

It is largely revenues that are not coming into the state that have made it difficult to preserve critical safety net programs and also wanting to promote and be a stimulus for economic recovery.

I know there's a lot of December pleasure and what I said to Mayor Reed last week when he spoke at our hearing last Thursday was that not only is Mayor Reed a great leader, he's also a gentleman.

Because he went out of his way not to address the money that the state has taken from the city from redevelopment.

\$62 billion that we've had to solve in the last eight months is a staggering amount.

No other legislature, unless you go back to the great depression, has had to deal with these kinds of numbers.

So I know there's there's a lot of displeasure for us taking some \$75 million of your redevelopment money, and I apologize.

And borrowing \$20 million of your prop 1A property tax dollars and deferring your gas tax payments of \$16 million for several months.

I know our actions have forced you to lay off city staff and to reduce community services as you have settled an \$84 million deficit.

I commend you for what you have done, all of you and your city administration.

I was not at all happy to take the money, but I will tell you, as the majority party we had no other choice.

And I will spend a lot of time on an issue you know about.

But as a former educator I want to dwell on it, because it is one of the major reasons we are having the kinds of problems we are having.

Because of the two-thirds vote needed, in the state legislature on fiscal issues, the majority party in this case the Democrats has been held hostage.

Held hostage on budget negotiations.

I have seen this many years since 1996, during the down times.

But I've never seen it this bad that we've needed two Republican votes in the senate and three to four Republican votes in the state assembly to pass the budget.

And what I really believe is there ought to be maybe it's a 55%, you know a supermajorities.

But then you hold one party accountable, and then if you don't like what we do, you throw the bumpkins out.

But you know who to blame.

And right now, both parties kind of go like this, and in a sense, if you're the minority party, you feel like you're not able to make good decisions, and you say no.

And if you're the majority party, you have some decisions you want to make, but you can't get the Republican votes to go along with it.

I want to show you this article that was in the Mercury News yesterday.

Governor faces series of lawsuits over cuts.

This would not happen if it were a simple majority vote on the state budget.

There are some things that the governor has done that of course I would not have condoned.

But I will say when you are \$62 billion in the hole you look for every penny that can you get.

Right now I have some very good bills on the governor's desk, some on education, some on health care.

And at this moment the governor is threatening to veto all of our bills because we have not done what he's wanted on prisons and on water.

Well, on prisons, the democratic senators, the majority of us voted for what he wanted.

But the assembly Democrats did not.

And the Republicans in both houses did not.

So it was not passed.

Water, we have been wanting to work on, and we're being called back next week into special session to work on prisons and water.

But because both houses did not vote on everything, he is holding all of our bills.

Which I think is unfortunate.

So as a result, the demands of a small minority of legislators, lawmakers have halted government operations in what is the 8th largest economy in the world.

Used to be the sixth largest.

For example, you may have heard about the minority party in the senate blocking the passage of two bills very important to you and me, SB 65 and SB 67, two urgency bills critical to allowing you your priorities to manage your cash according to local priorities during the state's fiscal priorities process problems.

You are not able do that because we could not get that bill out of both houses.

So SB 67 would have allowed you to accelerate the securitization of the State's repayment of the \$4 million in your prop 1A property taxes that we borrowed so you could prevented further cuts to the community.

And SB 65 would have allowed local governments to utilize other funds to make payments on ongoing street and road improvement projects during the state's deferral of gas tax payments to local government.

And that's all because we needed a two-thirds vote.

The two-thirds vote requirement of the 1930s has outlived its usefulness.

And it simply does not make sense for the complex dynamics of the 21st century and 21st century California politics.

In a term-limited environment with primary elections that often result in candidates on the extreme, the supermajority is impossible to reach.

So this two-thirds requirement must stop.

And I say that as a former educator.

Because these cuts to business incentives, to education, to health care, to disability rights, work development cuts, these all take away our ability to structure the economy in the way that we need during this boom and bust cycle.

So often I hear of couples have lost their jobs, they no longer can make the payments on their home.

Or I know of seniors who have to make real choices between do they pay their rent, do they pay for medications?

This is supposed to be a civilized society, as my father the Greek immigrant would say, and sometimes I even have to wonder.

So we need to make big changes in government, we need to do this because we address a state operating deficit that will reach \$15 billion during my last year in the state senate, which will be in 2012.

And I would say, as a former financial analyst at stamps university, I think it's going to be at least a \$15 billion deficit.

It may be worse than that.

So fundamental to how we make policy in California is, or should be, how are we going to pay for everything?

All of the state's fiscal forecast suggest that the slow General Fund growth, coupled with taxes that will disappear over the next custom of years means painful budget decisions for me and for you in the next year or two.

You certainly couldn't operate a business nor could you even operate your home the way the state is forced to do their business.

Think about it up here when you vote on things.

Does the majority really get to make decisions amongst you or would a majority, a small percentage, make these important decisions?

So as the state's budgeteers, the legislature has had to contend with extreme volatility, coupled with mandates, spending formulas that locks up 85% of the state budget.

So 85% of the state budget is already accounted for.

We have less than 15% that we can really make use of.

So I'll leave out the next part because you know all that and save that.

So we must address the two-thirds vote requirement.

Realignment of state and local government revenues, certainly as chair of the senate health committee I'm seeing that in terms of the kinds of health services that will be done more at the local level, and we want to be sure that you have the revenue to implement, that you're not given the responsibility without the money to implement.

I want to talk briefly about the initiative process which automatically locks in a lot of automatic spending formulas, I mean Hyram Johnson I'm sure had a very good idea years ago when he started the initiative process.

But it has really run amok in the state of California.

And a large part of the state budget has been created, policy has been created by initiatives passed by the public, when they did not at the same time have to -- did not have to be coupled with the money on how you were going to pay for it.

So a lot of what we do, we are told we have to do, with no money.

And then what happens?

We look at you, and say gee, we need you to do some of these things.

And do we always give the money?

Well, we'll just kind of stop on that point right there.

Term limits.

Now, this is not going to affect me.

I am termed out and I will be leaving the senate December 1st, 2012.

But there are a lot of good people in the legislature and it would be awfully nice for the public if they could stay there a little longer.

When a person is elected to the assembly, he or she should not be thinking about running for governor already because they're being tossed out of the assembly or out of the state senate.

When you get to know what you're doing, you ought to be able to stay there a while and really represent the public.

Because part of what I do is that I deal with the bureaucracy at the state level.

And many of them will not say it, but they'll look at me and say, and say with a smile, "I'm going to be here longer, Elaine, than you are.

I am going to outlast you here.

And you may have certain ideas on what you want to do do on education, health care, public safety.

But I'm going to be here.

And I might tell you that even though you passed something into law, I might say to you, well, you know that law you passed was nebulous.

Maybe you need to redo it.

And if they yank you around long enough you are termed out."

Now, I'm not saying anybody would really think that.

I'm not really saying that.

But I want you to know what I'm thinking.

So you bring all these things together.

And I guess the one thing I didn't say on the budget is that we are only one of three states, the other two

being Rhode Island and Arkansas that require a two-thirds vote on the state budget.  
And do we rath really want to be compared with Roland and Arkansas?  
We are between 40 and forest of what we spend on education.  
As a former teacher, former high school math teacher who moved to California large part because supposedly, in the late '70s, the schools were really the best in the nation.  
We really need to any about that.  
I want to spend a minute or two talking about health, since I chair that committee.  
If and when health care reform really happens at the federal level, we are prepared to make the conforming changes in state law to implement health care reform locally.  
My staff and I -- and I am well represented -- here today I have John Helso, my district director, also have Lizandro Carrasco from my district office.  
We are well positioned to look at what is going on and to see that California does not get penalized for the good things we seem to do in advance of the federal government.  
Many times we do things in advance and then we get penalized because we cared enough to do something and we get our hands slapped for doing that.  
The other piece as you know, California is not a receiver state, it's a giver state.  
Which basically means we give more money to the federal government than we get back.  
We have a great California delegation in Congress and our U.S. senators to see that we get some of that money back.  
I want you to know that I'm also interested in looking at a soda tax or soda fee as a funding source for treating obesity and diabetes related conditions.  
Some estimate that a 1 cent per ounce soda tax could generate \$1.8 billion a year in California, money well needed.  
In closing, I want to mention that for all my years in the assembly and the senate I have done what used to be a women's health forum in this year, come actually this coming October 17th, very soon, we are doing a community health forum at Mayfair community center which is always free of charge from 9:00 to 12:30.  
And please contact my district staff if you would like any information on that.  
I am here to share my thoughts.  
I want to say that Mayor Reed has been a great advocate for you, has been in Sacramento many times and I have also appreciated hearing from many of you because I look to you to educate me because you know, you are in the trenches.  
And that's where democracy really begins and counts.  
So thank you for what you do.  
I will be in Sacramento next week for at least three days, maybe five, working on what I think is going to be prisons and water issues.  
And if you have any questions you would like me to take.  
I want to thank you for allowing me to speak.

>> Mayor Reed: Thank you, senator Alquist.  
I want to thank you for carrying some of our legislative agenda.  
We appreciate that.  
I was up on a couple of times on some clean tech, alternative energy bills that you are carrying.  
We appreciate the effort even though we haven't gotten those bills approved yet.  
You carrying them helps a lot.  
I do remember one comment that you made on one of my appearances up there, when you said, this is a tough year.  
The budget's going to absorb almost all of the energy.  
And to get a bill passed it has to be perfect.  
And so that's why we were up there making sure that it was perfect.  
And we did get it out of committee.  
But you did get a bill passed and signed by the governor.  
I want to congratulate you, it must have been a perfect bill or at least a perfect effort, that was the children's health initiative.

>> Thank you.  
[applause]

>> Mayor Reed: I know that some of my people might be surprised that we got any type of a bill at all out of the legislature, but we did.  
So that was very good work on your part, and thank you for helping us with our legislative agenda, and we will certainly continue to ask you as we go through this session.  
Councilmember Liccardo.

>> Councilmember Liccardo: Thanks, mayor.  
And mayor, you took the words right out of my mouth.  
I really wanted to thank senator Alquist for her leadership on children's health.  
I know many of those 700,000 children who are now able to get insurance with your ability to leverage money are children of families here in San José.  
We are very, very grateful about that, thank you.

>> Thank you.

>> Councilmember Liccardo: I also want to thank you for your help on behalf of sexual abuse victims. In my life as a DA, my work there was constantly frustrated by dealing with these challenges, the statute of limitations challenges and the abuse victims being able to come to the police and have cases brought.  
I know you've been on this for many years.

>> It's dear to my heart, yes.

>> Councilmember Liccardo: I know the courts have been challenging in keeping this legislation in place.  
But I appreciate all your hard work on that, senator.  
The one area where I know we're going to be going to Sacramento, or I expect we'll be going to Sacramento next year on -- if not next year, then very soon thereafter, is trying to ensure that we can get, at the very least, something resembling proportionate representation on the MTC board.  
And I just -- I know you've -- I'm sure you've been made well aware of this, but we'd appreciate whatever amount of time and energy you're able to help.  
As you know, San José is the largest city in Northern California, certainly the largest in the Bay Area. We have a greater population in all the MTC constellation except Alameda County.  
All of those cities have representation, we don't.  
Santa Clara County is significantly under-represented.  
It shows as a result, historically, when we look at the allocation of transit funds and highway funds, not highways but other roads funds, we are -- you know, we recognize that we need to constantly go to the voters to pay for local projects.  
But obviously, the voters have a limited ability to pay as well.  
We have been very successful we need to make sure we get our fair share through the MTC.  
I would appreciate whatever help you can give us in Sacramento in that area.

>> Thank you for bringing this up, Councilmember Liccardo.  
I'd be pleased to work on it.  
Please be in constant communication.  
As an example, being a Yaya, a Greek grandmother, some issues I work very hard on.  
I would be happy to work on that, because it's an issue of fairness.  
When it comes to an issue of fairness what can anyone on the other side really say?  
So I'll be there.

>> Councilmember Liccardo: Thank you.

>> Mayor Reed: Councilmember Oliverio.

>> Councilmember Oliverio: Thank you, Mayor Reed and I think that's a great point Councilmember Liccardo, it's just a matter of equity for the population we have.

We deserve our fair share that's for sure.

So thank you for all your efforts in Sacramento.

I would certainly like to plug something that doesn't cost you any money and that would be allowing cities to have more control on speed limits.

We're so ruled by the state in that regard but we understand and have a better understanding of where speed limits should be for the community standards and would I welcome any conversation if it were Jim Helmer or anyone from the Department of Transportation staff.

Again not asking for any money?

Just help to regulate the speed on San José streets.

Thank you.

>> Well, I'd be happy to learn more about that.

As the first female to chair Senate Public Safety Committee some years ago, this was the kind of issue we dealt with, and I'd be happy to work on it, thank you.

>> Mayor Reed: I think those are the questions and questions we have.

Thank you, Senator Alquist, for joining us.

We appreciate seeing you.

>> Thank you for what all you do.

Appreciate it.

[ applause ]

>> Mayor Reed: We'll now move to the consent calendar.

I have some requests to pull items off the consent calendar for discussion.

Item 2.2, 2.4, 2.7, and 2.10.

Are there any others?

Motion is to approve the balance of the consent calendar items.

All in favor?

Opposed?

None opposed, those are approved.

On the consent calendar, item 2.2C.

Kathy Brandhorst wants to speak on that one.

2.2C is an ordinance.

>> Don't forget Delmas.

Yes, my name is Kathy Brandhorst, Lisa Marie Presley, Jonbenet Ramsey, John Steele, and I also the United States president.

I just wanted to let you know, we're still having problems on Delmas.

I own the house there, and they still refuse to move, and the problem is that they're on death row.

Also from Mexico.

>> Mayor Reed: Ms. Brandhorst, this is a rezoning, preozoning of county property coming into the city. You're going to have to speak to the item or just wait until public forum.

>> Okay, and also the other problem is, on San Carlos near there, is Charles Hoey.

>> Mayor Reed: That concludes item 2.2.

Is there a motion to approve?

Motion to approve 2.2.

All in favor, opposed, none opposed, that's approved.

Item 2.4.

Ms. Brandhorst, come on back it will the settlement with Class auto association regarding a sewer backup.

>> Yes, my name is Kathy Brandhorst, Lisa Marie Presley, Jonbenet Ramsey, John steele and I'm also the United States president.

It says lawsuit, California state automobile association.

I just wanted to let you know, there are several lawsuits, because of automobiles being smashed by the United States army tanks.

>> Mayor Reed: Ms. Brandhorst, this is about a sewer backup and settlement of that. Other than that you'll have to wait until the open forum.

>> Okay, the people playing United States military are the ones on death row and from Mexico.

>> That concludes item 2.4.

Is there a motion?

Motion to approve item 2.4.

All in favor?

Opposed, none opposed, that's approved.

2 much 7, Mr. Wall, you wanted to speak on 2.7.

That is the Arzino ranch demolition.

>> David Wall: Yes, good afternoon.

This particular project has a unique application in so far as a regional training exercise by the San José police and fire departments along with the other tributary agency emergency response teams.

In addition, I believe this project should be carried out by city Department of Transportation, and water pollution control plant, heavy equipment operators, to get not only training, but to keep the money in-house.

I would once again focus on the training opportunities for the fire departments, and police agencies, through the tributary agencies, to work in a cooperative event for disaster training on this particular project.

Thank you.

>> Mayor Reed: That concludes the testimony on 2.7.

Is there a motion?

Motion is to approve item 2.7.

All in favor, opposed, none opposed, that's approved.

2.10, there are four items on 2.10 regarding setting -- adopting resolutions and setting hearings for annexations for November 17th date.

I know Joe Horwedel has a change on one of the items, and I have got request to speak on some of the others, so Joe, why don't you take it up first.

>> Joe Horwedel: Thank you, Mr. Mayor, I did ask for item D to be pulled off consent.

Wanted to clarify, then, the staff report that was prepared for this item predated the council action on those zoning changes, that was the council just took, the first item was pulled off consent.

>> Mayor Reed: Let me just clarify, item D is the Park Avenue, McEvoy, West San Carlos, St. east sid of Meridian item?

>> Joe Horwedel: That's correct.

The start talked about the RMI, I just wanted to make sure the council and the public recognizes we were doing the combined industrial commercial on that.

>> Mayor Reed: Okay.

And before we take the rest of the public testimony, City Attorney could you just talk a little bit about why

we are doing all these annexations with regard to our relationship with council of Santa Clara?

>> City Attorney Doyle: As part of an agreement dating back to 2001, the city agreed to annex county pockets primarily and anything within the City's urban service area, ultimately, I think the -- that agreement was amended subsequent as parts of the fairgrounds litigation and the city agreed to a time frame to sort of get those annexations moving.

And as you know we've been moving pretty quickly.

The Planning Department has been moving quite quickly on these.

That's why you see them often on our agenda.

It is part of our commitment.

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>> Mayor Reed: It's not exactly which of these annexations I'm guessing everybody wants to speak on 2.10 B which is the Franklin number 55 reorganization, 200 and some parcel, west of capital expressway, east of Monterey Road, south of Southside Drive, and north of Rancho Drive, I think.

If not, when you come down, tell us which one of these you're speaking on.

Bill McCullough, Cliff Sorgeson, Sara Velez, please come on down as I call your name so you're close to the microphone, and then Jim Goodman.

Go ahead, are you bill?

>> Yes, sir.

>> Mayor Reed: All right.

>> Good afternoon ladies and gentlemen.

Approximately ten years ago former city councilman Shirakawa proposed annexation of the same areas as being proposed today.

At that time, councilman Shirakawa proposed a forum in the neighborhood where working families could attend and make their feelings known.

At that time 99% of the residents affected were against annexation.

If the similar forum were to be conducted today, you'd find a similar result.

I've been a resident over 40 years in this area.

There have been several other annexation attempts in the past and as the neighborhood has successfully opposed those annexation attempts.

I have spoken with many of my neighbors and we are all opposed to annexation.

We respectfully ask that the council abandon the annexation proposal currently under consideration.

Thank you.

>> Mayor Reed: Cliff Sorgeson, Sara Velez, Jim Goodman.

Go ahead come on down, we'll get them when people get here.

>> Mayor and councilmembers, my name is Sara Velez.

As the prior person said, I've talked to many of our neighbors.

We don't want to be annexed.

It's nothing personal.

We like how we are, we like how safe our area is.

No disrespect, you go two blocks either way and it's chaotic.

They don't migrate into our area and we like that and that's due to the sheriffs.

And the attorney was speaking about something back in 2001 and I would beg to differ.

That I believe the law that you guys are going under is set to expire soon.

And that's why the annexation is going through now without our votes.

And if I could ask, it's very hard to hear anything you guys are saying back there.

And I would be interested in knowing when I walk out of here today how many people actually, who voted for this and who's voting against it if that's possible.

>> Mayor Reed: We'll count the votes when we take them.  
So you'll know that if you wait for the voting.

>> Thank you.

>> Mayor Reed: Jim Goodman and Cliff Sorgeson.

>> Mayor Reed and councilmen, members, my name is Cliff Sorgeson.  
I want to file a protest on the annexation.  
In my Monterey Manor development and all the others, I'm a spokesman for a lot of people here.  
And we feel that this temporary law change, just so you can get around our right to vote, is illegal.  
It takes a constitutional right away from us to vote for ourselves and determine whether we want it or not.  
We had always voted this down before, and feel that this is an underhanded way to go about things.  
Now, I hope you will realize that when we are in here, you're going to have 16, 17,000 people that's  
dissatisfied.  
Then we can vote for you.  
And I urge all of us to vote you out of office.  
Thank you.

>> Mayor Reed: Jim Goodman is our last speaker.

>> Yeah, I'm talking in reference to the Franklin number 54 which is right next to this other part for  
annexation.  
Anyway, I've lived in the area for 40 years and I've talked to many of my neighbors.  
We're all against annexation.  
And anybody I've ever talked to in our neighborhood anyway.  
And we don't see any advantages, we only see disadvantages to being annexed.  
Like we -- one of the things is, I know that eventually they're going to put curb and gutter.  
And I don't think being annexation is forced that we should have to foot the bill for curb and gutter and  
sidewalks in our neighborhood which is eventually I know going to happen.  
And I think the city should pay for it, because we're in -- this annexation is forced.  
And a lot of us live in our neighborhood are on fixed incomes and retired including myself and of course  
we're worried about you know more taxes which we are going to end up paying more taxes the way I see  
it anyway.  
So I'm against the annexation.  
I enjoyed the free document county living for 40 years and I hate to see it go away.  
That's all I have to say, thank you.

>> Mayor Reed: That concludes the public testimony on this item.  
Bring it back for council discussion.  
City Attorney.

>> City Attorney Doyle: Yes, Mr. Mayor, members of the council, I want to comment because Ms. Velez  
is right.  
We are proceeding under a state statute that allows us to move forward in an expedited fashion.  
That being said, what I was referring to is why we are doing this.  
And the reason we are doing this is we have a contractual agreement with the county of Santa Clara.  
That dates back to 2001.  
We are really operating under the contractual agreement with the county but we are able to use the state  
statute as a vehicle to make that happen.

>> Mayor Reed: Thank you.  
Also would like to point out that the county wants us to begin to provide services to these neighborhoods.  
That's why we're doing the annexation.  
It will save the county money.  
It will cost us money but we have an agreement with the county to do it and so we are carrying out that

agreement with a whole series of annexations.  
How many more do we have to go, Joe Horwedel do you think?

>> Joe Horwedel: There's about seven to ten more and they're all the large ones so we're slowly escalating our way forward with the bigger projects.  
I'm sorry, there's 12 left to do.  
They just put a slide up on the screen.

>> Mayor Reed: 12 left to do. And we're on schedule with our agreement with the county?

>> Joe Horwedel: That's correct, and the state law sunsets in 2014, that one of the speakers had talked about, so there is that window, and that was anticipated in our agreement with the county.

>> Mayor Reed: Okay, thank you, Councilmember Liccardo.

>> Councilmember Liccardo: I just wanted to speak to the community members who came out. I appreciate you coming here to voice your views.  
They're very familiar views to us.  
We have heard many times before that people do not want to be annexed.  
I think we all get that up here.  
These are agreements that were made seven, eight years ago, with the county, because there's a recognition that we are all serving the same people, the city and the county.  
This is the only means by which the county can significantly save the resources of having sheriff's deputies and everybody else stretched out all around the county.  
Frankly, I'm sure from our budgetary standpoint we would rather not take on more residents then because it is enormous strain on our own budget.  
But the reality is that it's more efficient for us serving everyone together.  
And so these agreements were made a long time ago, it has been in the works for a long time and it will continue as Joe mentioned.  
Certainly I'm mindful of the complaints, there is certainly every reason to be concerned about additional taxes.  
The reality is everybody's broke and we need to find a way to do it more efficiently.

>> Mayor Reed: I think that concludes the discussion.  
Is in a motion?  
We have four items in front of us, in 2.10, one of those Joe Horwedel spoke to, to modify the language or clarify, that was number D.  
We have a motion to approve all four of these items and set the hearings for November 17th, on each of them.  
All in favor?  
Opposed?  
None opposed, that's approved unanimously.  
With everybody here.  
Item 3.1 is our next item, report of the City Manager.

>> City Manager Figone: Mr. Mayor, I have no report today, thank you.

>> Mayor Reed: Item 3.2, report of the Rules and Open Government Committee September 16th, 2009.  
Motion to approve.  
I have one request to speak, Ross Signorino.

>> Ross Signorino: Thank you thank you, Mr. Mayor.  
Thursday evening, after I was finished with the VTA meeting, I went down to the central democratic committee of Santa Clara County in the county building.  
And they started a meeting in regards to giving out a piece of paper there which I was very disturbed about.

And I'm bringing it here now.

I showed a couple councilpeople already, when they showed up at the democratic meeting.

And it's entitled the Doyle doctrine.

It insinuates that Mayor Reed city council government and so on, saying that people weren't allowed to speak, that they were cut short, our meetings were manipulated in such a way by the mayor that they were held at the end of the meeting, that they could not be able to speak.

And I find this very disturbing because, at the central democratic committee meeting, I got up and spoke against this.

I said, it was not right, it's wrong, this was never -- it had never happened to me in all the times that I've come to city council meetings.

I've gone to county meetings, VTA meetings, never was I told, you cannot speak.

There was a certain time limit and even on the night of May 5th, when we had a little bit of a commotion here, some demonstrators were up there, Hispanics, because they felt that they had some issue to take up here, in the council chambers, and even though they did get -- have a commotion there, they were allowed to be let in.

Although their signs were taken away from them, I objected to that because they were legal signs.

But nonetheless, much to the mayor's credit, he let them speak, full two minutes, every one of them.

There was no restriction.

Mr. Mayor, I think that this thing, I'm handing it out to you, and I think you should all read it, and I find it to be a distortion of what's going on in government.

Thank you.

>> Mayor Reed: Thank you, that concludes the testimony -- I have one other card to speak on item 3.2. Kathy Brandhorst.

>> Yes, my name is Kathy Brandhorst, Lisa Marie Presley, Jonbenet Ramsey, John Steele, and I'm also the United States president.

I do talk a lot about the open government.

And what the problem is in the city.

And the problem is, is little orchard again.

The problem is still existing with the yellow tee shirts, the orange tee shirts and now they are wearing the blue tee shirts.

They are supposed to take the homeless off the streets and take them --

>> Mayor Reed: Ms. Brandhorst, you are going to have to speak to the item that's on the agenda.

If you want to speak to the little orchard, the time to do that is during the open forum.

And I do have a card for you.

>> I have the open forum on tape.

>> Mayor Reed: Open forum is not at this point.

This is the rules committee report.

>> Oh, all right.

And I guess I just concluded there.

>> Mayor Reed: That concludes testimony on item 3.2.

There was a motion already on the table.

All in favor, opposed, none opposed, that's approved.

Taking us to item 3.3.

Report of Public Safety, finance and strategic support committee of awe 13th, 2009.

Councilmember Nguyen chairs that committee.

>> Councilmember Nguyen: Mr. Mayor, there was no report.

>> Mayor Reed: Okay, we'll pass that one.  
3.4, report of the City Auditor's office.  
Report on the audit of the City Auditor.  
City Auditor is here.  
In case you have any questions.  
It's not good enough to be great, which our auditor's office is, we're trying to get a little bit better, and it never hurts to have outsiders come in and take a look.  
That's what this is about.  
I think that is a good idea.  
We have a motion to approve.  
All in favor, opposed, none opposed, that's approved.  
Our next item is 4.2, report on bids and award of contract for couplet conversion, Julian Street and St. James Street projects.  
Motion to approve.  
All in favor, opposed, none opposed, that's approved.  
Item 4.3, is agreement for public artwork at the airport.  
Motion is to approve.  
All in favor, opposed, none opposed, that's approved.  
Item 6.2, is a resolving supporting completion of the BART extension project.  
We have a motion to approve.  
You want to snatch victory from the jaws of defeat or defeat from the jaws of victory here?

>> Hans Larsen: Mr. Mayor, members of council, Hans Larsen with the Department of Transportation. If you like, we have a brief presentation on both the BART and high-speed rail project, if you like.

>> Mayor Reed: I think that would be helpful.

>> Hans Larsen: Lots of significant progress, we're happy to share this with the council.  
Let me get my -- okay.  
Starting -- we have two items before you, 6.2 relates to the BART project.  
6.3 is with the high speed rail.

>> Mayor Reed: We'll take both of those together.  
Anybody who wants to comment can comment on either one of them during this hearing, and then we'll vote separately.  
Go ahead and present on both of those.

>> Hans Larsen: Starting with BART great progress is being made in developing the BART project and getting it extended to San José and Silicon Valley.  
Last week there was a groundbreaking celebration of the extension of Bart from Fremont, where it terminates now, to Warm Springs.  
This is a six-mile, almost a billion dollar project.  
It's planned to be complete in 2014.  
The next phase of BART development is extending from Warm Springs to Berryessa.  
This is a ten-mile segment, a \$2 billion project.  
The VTA last month submitted a \$900 million request for federal funding to support this piece.  
The plan is to put this segment in construction by 2011 and be completed in 2018.  
The third part is from Berryessa and extends to San José and Santa Clara and the airport.  
The financing strategy for the BART project has raised some questions on the community's mind with looking at a financing strategy going to Berryessa and a concern about whether that is perhaps the end of the BART project.  
And the action before you is intended to clarify the council's position that we support full implement of the BART project.  
This was an item that was discussed at the Rules Committee, with the direction to come back to the council, reaffirming our support for the full BART project.  
And the reasons for this is that the voters have approved funding for the full BART project, in two different

elections, and also the end of the BART line has the greatest benefits, getting to Downtown San Jose, the highest density area along the South Bay BART corridor, connections with the transit mall, the Diridon station and the airport.

So we have a resolution that formally and firmly establishes the council's commitment to build the entire BART project.

If there's any questions, we have Jim Lawson here from VTA to address any questions on that.

The second item relates to high-speed rail, and this is the exciting project to build a bullet train service connecting the Bay Area, Central Valley, and Southern California with the bullet train traveling over 200 miles an hour with a travel time from San José to Los Angeles in just over two hours.

The high speed rail authority board has adopted a staging plan that looks at the San Francisco -- San José L.A. Anaheim as the starting segment.

And there are lots of moneys available to help us get this project into construction both at the state and the the federal level.

What we have done in the Bay Area in order to effectively advocate for state and federal funds is that we worked with MTC, City of San Francisco VTA CalTrain put together a Bay Area high speed rail investment strategy.

And what we are asking for council to do is formally adopt this as the city's position in terms of high speed rail implementation for the Bay Area.

What this advocates is development of high speed rail service between San Francisco and San José with regional transit hubs at transbay terminal in San Francisco and Diridon sayings in Downtown San Jose and to complete that by the year 2016.

And we would be pursuing federal recovery act funds for projects that are -- can be delivered in the near term.

And this includes \$150 million for the development of the Diridon station.

Last week, there was a celebration of the submittal of the California application for federal recovery act funds.

You can see a photo here of Rod Diridon in front of the San José Diridon station, and also attending were state senator Elaine Alquist and Congress member Zoe Lofgren, along with Sam Liccardo, Ash Kalra and leaders from business, labor, and the environment.

It was a very showing of support for California's application which includes all elements of the Bay Area high speed rail strategy.

Just as a concluding remark, I just wanted to emphasize that we're really embarking on a new decade of investment in regional transportation.

The efforts that are underway right now are looking to put \$3 billion of work on the BART extension towards San José, \$2 billion of investment for high speed rail between San Francisco and San José. That's \$5 billion of investment in the near term.

And obviously, this creates many thousands, tens of thousands of jobs in the near term supporting the engineering and construction industry, and then the benefit for the project, improve access to Silicon Valley and San José that improve our mobility and long term economic development goals.

And of course, this is clean transportation which supports our Green Vision goals.

So again, staff recommends approval of both of these items.

They'll help firm up our strong advocacy for both BART and high speed rail projects and Jim, Ben and I are here to answer any questions that the council may have.

>> Mayor Reed: Thank you for the presentation.

I'd just like to add that I was in Washington, D.C. the week before last as part of a delegation from the Silicon Valley leadership group, valley transportation authority and the City of San José, accompanied, representing the VTA was Michael Burns and vice chair of the VTA, Sam Liccardo.

And we met with the federal transit administration, the federal railway administration and the secretary of transportation.

And my conclusion with that meeting, this is not the first time that I've met with those folks, but we are on the right track.

Which is a good thing when you're in the train-building business, being on the right track.

It was clear from listening and talking to them that the strategy that we -- that's outlined with these two resolutions and the way that VTA is going about trying to put the funding together, on both the BART project and high speed rail project is the right way to go.

That does not come with a promise of money.  
Because we have to compete with the rest of the country.  
But we clearly have some strengths and one of those is the fact that we as a county have put a lot of money into the BART project, in particular, with both of the sales tax measures, that as a self-help county, I think we were the first self-help county in the country.  
That carries a lot of weight with them because most people go to Washington asking for 80% of the funding.  
We have here locally with local funding and state funding which we've received, we're talking about funding 85% of it on our own.  
And that's a very important thing, and very persuasive to the folks in Washington, even though this is a big project and we're talking about pretty big dollars, even, well, you know \$900 million is really no longer a big number in Washington.  
It is a big number for us local people.  
It is a big number but the fact that we are putting up so much local money and so much state money is very helpful in the argument that we have to go through and competition that we have to go through.  
So I want to thank the staff for being creative, figuring this out in both cases because I think we're going to be successful.  
It's just a matter of going through all of the process which is lengthy and going through all the hoops which are many but I think we'll get there.  
Councilmember Chu.

>> Councilmember Chu: Thank you, mayor.  
First of all I want to thank the staff for bringing forward this resolution.  
Not only address some of the connection issues that I brought up in the Milpitas station, but and also you have addressed 101-Taylor Mabury Street connection.  
I think that is very, very important to the buildup in the Berryessa station.  
I also wanted to thank Councilmember Liccardo in his leadership.  
We had talked significantly, quite a few times about pushing the BART to the Alum Rock station.  
And I'm hoping that Sam will be the chairperson for VTA and continue to advocate for that project.  
I have one question regarding to the initial -- the initial early construction of the Diridon station box.  
If we have money to construct that box, is it possible that we can use that money to construct the Alum Rock station, to bring BART to downtown in the interim?

>> Hans Larsen: Councilmember Chu, Hans Larsen with the Department of Transportation.  
For the rest of the council, what Councilmember Chu is referring to is a letter of advocacy we have sent to the VTA addressing a number of issues with the planning of the BART project as we move forward.  
This is a letter from Jim Helmer to Michael Burns dated August 25th, and it includes the items that Councilmember Chu mentioned.  
The -- there's a -- over the next year the VTA will be looking at a number of issues that we have raised including the design of the BART light rail interface at Milpitas.  
There has been a request to look at the potential of extending BART as an interim service from Berryessa to Alum Rock.  
We have asked the VTA to study that and that would obviously cost some money.  
Another item we put on the table is because the investment being made at the Diridon area, the extended station and expanded Diridon station and the ballpark, it would be ideal to get the underground station constructed early on so that area is prime for future land development.  
I guess I don't have a specific answer but I think all of those items are on the table and I think it would be a future council and VTA board policy position in terms of which of those efforts would become priors for future funds.  
So I think that you know, they're all on the table and we'll have to wait and see what the results of the analysis and study are from VTA.

>> Thank you, Jim Lawson with the VTA.  
I think Mr. Larsen has explained it very well.  
The VTA is considering all of the options that have come up regarding station design, alignment and phasing.

I think it's important to reinforce with the council that until we have the full funding grant agreement from the FTA, which is scheduled in February 2012, it is very difficult to make changes to the planning at this period.

Once we have the full funding grant agreement in place, at that point we will be able to carefully evaluate all of those aspects and to come up with the best way of creating the necessary intersections between high speed rail, VTA's light rail, capital corridor, CalTrain, Bart and all the rest of the services that we're going to need to deal with at that point.

Those are excellent options brought to our attention.

I can tell you there won't be any decisions until after we're assured of the full funding grant agreement.

>> Councilmember Chu: Do we have a motion on the floor?  
I would be happy to put a motion forward.

>> Mayor Reed: We do have a motion on the first item, 6.2.  
Is that right, City Clerk?

I appreciate we he started out with a motion for Councilmember Liccardo.

City Clerk says we have a motion on the floor, on 6.2.

Councilmember Kalra.

Request thank you, Mr. Mayor, I think these issues are vital reasons to our city, our our county and our state.

You have to deal with so many other staffs and so on and yet somehow did the choreography to get a package across, whether it's to get stimulus funds or otherwise.

I'm very impressed in this past year how staff is able to reconcile all of those relationships, not to mention how you're dealing with budget cuts and still get the work done.

I just wanted to thank my colleagues, I know that with our council hats, as well as other hats, a number of us, whether it's on the VTA board or ABAG or the CalTrain board or so on, that I think this message is getting across that this is something that not only the voters have been very clear about, but I think that we continue to send the positive message.

And I know that there are concerns, and one thing that I've been trying to be proactive about and continue to be proactive about is out in the community especially with the high speed rail issue with a lot of questions that are out there, so having these public meetings and so on are very critical.

And so I know there's one tonight at the gardner community center, the high speed rail will be there.

They have been very open as the CalTrain board and other agencies I've spoken with, in having as many meetings as necessary.

That's something I'm going to take them up on, I'll have a meeting in my district as well.

Especially high speed remain, I think it's important that the community really has an opportunity to get all the concerns out there and finally, I wanted to add to Councilmember Chu and thank you, Councilmember Liccardo.

I know he has taken a very strong leadership role, even before he got on the council, when it comes to BART, and so I just want to thank him for that continued leadership, and I hope that all of us together can continue to show leadership with I hope that all of our different outcomes as well.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thanks mayor.

I just wanted to piggyback on Kansas answer question relating to timing.

Jim, I appreciate what you've uh said which is, we need to know the federal money is there first I was under the impression that before the actual signing of a full funding grant agreement we would have some Insurance from FTA about the new starts funding sometime earlier, say in 2011 or earlier.

Am I mistaken about that?

>> You ask an excellent question, Councilmember Liccardo.

We should have early indications but as we well know in government an dealing with the federal government, early indications may well be positive but until you have the document signed, sealed and delivered, it's very difficult to place any bets. Mr. Okay, thank you.

I appreciate you keeping these other alternatives on the table so we can study them and when we're at

the point where that full funding grants agreement and we are able to make decisions, we'll actually have the right to do that.  
Thank you.

>> Mayor Reed: Councilmember Campos.

>> Councilmember Campos: Thank you mayor.  
First of all, staff, I've been here since 2001.  
I know you staff have been working on this since I have been.  
We know that history stays present in this city as this project takes a lot of time to move forward.  
I know it's frustrating at times that you come in here every day and there's a bigger vision and you're so committed to this project and seeing it come to a reality, as well as the council is indicated that this comes a reality.  
Thank you for your continued efforts and commitment in making sure that this project moves forward.  
That's a long time.  
And when you look at the dates often when it actually will be a reality, that's a lot of years to come.  
Thank you.  
I appreciate your presentation because it's always good to remember that this is not something that the council just wants, this is something that the voter, BART to San José and that was in 2002 and again in another slide it said in 2008, 67%.  
So this is something that not only the council is committed to but also the residents of the City of San José and Santa Clara are committed to this project.  
It's exciting, this is very crucial to us as a city and a county to connecting our public transportation to the rest of the Bay Area.  
So I will be supporting it and it's a long journey but we will get there.

>> Mayor Reed: I think that concludes the council discussion.  
We have a motion to approve the extension of the BART project.  
All in favor, opposed, none opposed, next item we have a motion to approve by Councilmember Liccardo.  
Further discussion?  
All in favor?  
Opposed?  
None opposed, that's approved.  
Okay, that concludes the business agenda.  
We have open forum left.  
I have requests to speak, Ross Signorino, I'm sorry Ross, you wanted to speak on 6.3?  
I thought it was for open forum.  
We'll come down and we'll have the transportation people stay so they can hear what you have to say.

>> Ross Signorino: Mr. Mayor, thank you.  
You'll have to revote, apparently.  
What I wanted to ask, if you would ask Mr. Mayor, in regards to underground tunneling with with certain towns along the peninsula.  
Is that a reality or is that just talk or is that a serious consideration and the expense of it?  
Thank you.

>> I think Jim Sen can give you the answer better than I can.  
Does anybody wish to reconsider their vote in view of Mr. Signorino's testimony?  
No, that decision stands.  
Taking us to open forum.  
Kathy Brandhorst.

>> My name is Kathy Brandhorst, Lisa Marie Presley, Jonbenet Ramsey, John Steele, and I'm also the United States president.  
I just wanted to briefly tell you, Obama is not United States born, but you people think he is, and he is not.

He is Mark Espinosa.  
And also, I just wanted to let you know, it's Joe Vega again.  
I saw his name at the county, when I was there in the meeting.  
And he is playing George Shirakawa again.  
And this was already destroyed a long time ago, but he's back.  
And also, I just wanted to let you know, the dismantlers with little orchard are still needing help.  
They cannot do the dismantling alone with the Orientals at the Fairmont hotel.  
And they are being ambushed.  
Also, I just want to remind you that the execution was taken with the Velez family that are located on the old Oakland Road, and they were executed in the Philippines.  
And because of this reason, they are illegals.  
No matter if you're from the Philippines or Mexico, you're still illegally in the United States.  
You cannot be here at all.  
And I just wanted to remind you, Joe Vega and Janet Diaz did have illegitimate children also.  
And that was Karen Velez and Susan Velez, who also had illegitimate.  
And I just wanted to let you know this is part of the reason why they're here, the Orientals in the Fairmont hotel.  
Thank you.

>> Mayor Reed: Sorry, your time is up.  
That concludes the open forum and that concludes our meeting.  
We are adjourned.