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>> Councilmember Chirco: The agenda, October 27th, city council agenda. So page 1, I see it starts at 9:00 a.m. Page 2 and 3? Page 4 and 5? Page 6 and 7? Page 8 and 9? And page 10 and 11. And then there are some proposed additions. I guess they're both proclamations. And do we need to do any time-certain items? No?
>> No.
>> City Attorney Doyle: Madam Chair, there really aren't any motions to be taken since there's only two of you. So just move it forward to the council. The record will note that the two of you met and you forwarded but there aren't any action items.
>> Councilmember Chirco: And we agreed unanimously.
>> City Attorney Doyle: That's a good way to put it! [Laughter]
>> I would like to make sure that under the confirmation, that they move -- (inaudible).
>> Councilmember Chirco: Might want to use the microphone.
>> Councilmember Pyle: Regarding world polio day, for the councilmembers, we would move forward.
>> Lee Price: We will make certain.
>> Councilmember Pyle: Thank you.
>> Councilmember Chirco: The next item is the November 3rd city council agenda. Page 1. Again, the closed session starts at 9:00. Page 2 and 3. Page 4 and 5. Wow, that's short! Page 6 and 7. We do have a page of additions. And I don't think there's anything that needs a time-certain on this agenda.
>> Correct.
>> Councilmember Chirco: So we will just pass this on to the city council, is that correct, City Attorney?
>> City Attorney Doyle: Unanimously.
>> Councilmember Chirco: Yes!
>> Councilmember Pyle: Redevelopment, got it.
>> Councilmember Chirco: The next is the redevelopment budget -- Abi, you got me talking about it. It's the October 27th agenda. Page 1, page 2 and 3.
>> Abi Magamfar: Madam Vice Mayor, item 3.2 on page 3, we have a new revised language. It is in your packet for recommendation which technically leads the first item same as item A and we have an item B there. And also, we would like to request exemptions on two fronts on this item. Number one is, we were not able to do early distribution. And number 2, we'd like exemption under the sunshine. This memo was released today, before noon. And the reason for that was, as you can imagine, this is a difficult time for budgeting, and it was major negotiation with J.P. Morgan on this, we were able to get preliminary agreement with them last Thursday and in coordination with the city we were able to release the memo this morning.
>> City Attorney Doyle: And Madam Chair, the recommendation would be then to forward to the board of directors, the agency board, with the note that they'll have to waive sunshine in order to hear the matter.
>> Councilmember Chirco: Oh, okay. There is an addition on 3.2.
>> Abi Magamfar: And that is the revised recommendation language that I mentioned.
>> Councilmember Chirco: So noted and passed on to the council. There is no agenda for the 3rd.
>> The agency has no agenda for the 3rd, no items at this time and probably would recommend cancellation next week.
>> Councilmember Chirco: Okay. Now, I don't see it on the agenda, but on the Rules agenda, but I have a city council agenda for November 5th, a special meeting.
>> Yes, Madam Chair, that is item E-1. So we're going to look at that in just a moment when we talk about meeting schedules.
>> Councilmember Chirco: I'm sorry, it was out of order. Okay, item D, which is -- so on the 3rd, at this point there will be no RDA meeting okay, because there are no items. D-2 is federal legislation. Betsy.
>> Betsy Shotwell: Thank you, Madam Chair, member of the committee, Betsy Shotwell, director of Intergovernmental Relations. You have before you a request to pass on to the council for next week support for the legislative objective of extending the federal alternative fuels excise tax which expires at the end of this year. This brings in between 200, $300,000 a year to the airport, it's very important, obviously, that this be extended. Beth is here to answer any questions that you may have.
>> Councilmember Chirco: Nancy.
>> Councilmember Pyle: First of all, who sponsored this in the senate or House of Representatives? Do you know Jim who might have been the carrier of the bill?

>> Councilmember, we don't know, we focus on the legislative rather than the regulatory itself.
>> Councilmember Pyle: It is my understanding whoever has a CNG type vehicle can get filled up at the airport?
>> That's correct.
>> Councilmember Pyle: What is the cost?
>> I believe the current cost is either $1.79 or $1.89 a gallon.
>> Councilmember Pyle: That's amazing. I don't know if we have that many cars or vehicles that would use this type of --
>> Well, most of the vehicles at the airport are the shuttle buses, the rental car buses, some of the taxicabs but also just members of the public know it's there. We sell around 600,000 gallons a year.
>> Councilmember Pyle: Wow, highly interesting! And of course, the emissions are that much fewer, that many fewer.
>> Correct.
>> Councilmember Pyle: Thank you. That's really interesting.
>> We'll get you the names of the authors of those two bills.
>> Councilmember Pyle: Wonderful. I'd love to put that in my newsletter if I could.
>> Councilmember Chirco: I'm guessing this is an incentive to promote the CNG.
>> Yes, that's correct.
>> Councilmember Chirco: What percentage increase have you been seeing over the last few years? I mean you don't have to be precise but --
>> I don't think I can even be in the ballpark. [Laughter]
>> Councilmember Chirco: Okay.
>> Again, I can get that for you. But I don't know an answer right off the top of my head.
>> Councilmember Chirco: But it is increasing, the demand for this type of fuel.
>> Yes, it's going up.
>> Councilmember Chirco: All right, thank you very much. So this will be passed on to the council. We can't -- how do we do that Rick with the one --
>> Lee Price: You can refer it to the city council and we'll agendize it for next week, October 27th.
>> Councilmember Chirco: Okay.
>> Lee Price: Refer it on to the council next week and we'll push it forward for them.
>> City Attorney Doyle: The rules of contact simply state that the committee if it only has two members can forward on to the council without taking action. You can recommend but you can only forward.
>> Councilmember Chirco: All right. The next item is meeting schedules. That's the November 5th special meeting. Now, somebody on the memo it says 9:00 to 12:30 and I heard it's 1:30 to 5:00.
>> Lee Price: That's correct, that's why you have an amended version of the draft agenda. You can jump in here if you want to. We had asked you to place a hold on your calendars for 9:00 to 5:00 for a budget study session of some sort. So now we are asking you to go ahead and meet in the afternoon in the council chambers, as a special city council meeting. And this is a draft agenda which we will bring back to you for formal approval on next week's Rules and Open Government agenda. We still have to, per sunshine rules, have to post it.
>> And some of the items will go out on Monday.
>> Lee Price: On Monday. But we want to make sure we have set the date and time.
>> Councilmember Chirco: Thank you very much. The next item is the public record. Is there anything anyone wants to pull? I do have a card from the speaker -- Mark, could you fill out a speaker card?
>> No, I didn't. I wrote a letter last week.
>> Councilmember Chirco: I have a speaker card from David Wall and then if you could --
>> Okay.
>> Councilmember Chirco: David, you wanted to speak on item I.
>> David Wall: Yes.
>> Councilmember Chirco: Two minutes please.
>> David Wall: And very briefly. This particular issue with Mr. McCarthy's party that abuts if San José-Santa Clara County water pollution plant is a perennial problem. I particularly don't like the concept of eminent domain to be used on anybody. This is a vacant piece of property that Mr. McCarthy justifiably wants to develop into residential housing. This would have very significant catastrophic effects to how we dry our sledge out at the water pollution control plant. Modern technologies are out there to reduce the odors. But the odors come from other sources than the sludge. And also, any amount of money to

incorporate these new technologies is not efficient, because when it's required, it's not only a complete redo of the collection system but a brand-new sewage treatment plant because of the age of this facility. Whereupon you then incorporate the latest technologies for this sledge-drying business. Therefore, there are a couple options here. Now, there are, Mr. McCarthy I believe signed away his rights to develop it, to the City of San José, for a certain amount of money. He now wants to open that up and that's a whole can of worms. The other issue is, can the City of San José tell Milpitas in so much terms, treat your own sewage, if you don't eminent domain this property or keep it from being developed. Now, the mayor from Milpitas, his honor, Mr. Livengood, rightfully asserts that they need this development to pay for their own structural deficit which is of their own making. But they do have a sewage treatment planned which they have already built. Therefore, it would be an interesting way to have eminent domain by another agency to protect the plant that they use for the benefit of the public. And the rest of it speaks for itself. And the attorney's office can give a better description as to the master agreement and other agreements with Milpitas. Thank you.
>> Councilmember Chirco: Thank you. I have a speaker cart from Mr. Trout. You wanted to speak on the public records item F.
>> I'm Mark Trout, and I was glad to hear that Sean Hannaty on KSFO was talking about the H1N1 shot. I didn't get to hear the interview with a couple of doctors but Tuesday I think it was about a week ago I wrote a letter about this hoping that the mayor and the council will make some sort of official proclamation to us in San José that we ought not get the swine flu shot or the H1N1 shot. Because as it turns out, there's a lot of doctors that say that the shot itself is more dangerous than the flu. As a matter of fact the swine flu only less than 10,000 have died. And I think it's like 60 or 70% of those that did die were -- they were old people or they had other serious complications like cancer and would have died anyway. It's a really minor flu. It's got this stuff called Thimerisol in it. That's another name for mercury. Mercury is a really poise sinus bad stuff. If you want to document, as some of you know I clean carpets, Steam Master. And if anybody needs their carpets cleaned, 264-0419. But I do advertise sometimes on radio liberty, Dr. Stanley Monteith's show, and he's on KKMC every day, 4:00. KKMC is 880 on the radio and he is a medical doctor, he's a surgeon. He was talking about how Thimerisol is connected to Alzheimer's disease, it's connected to autism. As a matter of fact so many kids have gotten autism from Thimerizol which is in the swine flu shot that you can't even sue the pharmaceuticals anymore. I mean, this is like big time. And this is a doctor, a real doctor. The Alex Jones Show is also a very good source of information in regards to this. I am hoping you will look into it and make a proclamation. Because you see all these signs around, like in drug stores, get your flu shot, not the swine flu shot, it's different but it also has Thimerisol.
>> Councilmember Chirco: Thank you, Mr. Trout, your two minutes are up.
>> Are we going to do anything about this or look into it?
>> Councilmember Chirco: Well, I'd like to speak to the City Attorney on the role and the responsibility of the city versus the county in the Public Health.
>> City Attorney Doyle: That's a very good point. We just came off a few weeks ago of a joint meeting with the County Board of Supervisors, and they're the ones that take the lead in any pandemic flu or any health issues. They're more properly the ones that advise the residents of the county, half of which live in San Jose, as to the appropriateness or inappropriateness of any flu shots. This letter will be forwarded to the council as part of your packet and they will have the information.
>> In other words, go to the board of supervisors and try and get them make a proclamation?
>> City Attorney Doyle: It's really within their jurisdiction, yeah. I don't usually like kicking it to another agency, but that's where it belongs.
>> Yeah, well, it should be our concern, all of us. I'm thinking Jesus is coming soon and I don't have to worry about it.
>> Councilmember Chirco: Mr. Trout, your two minutes are up. Thank you very much. We will forward this to the council. And then there is the H-1 which is appoint the proposed dissention -- approve the proposed dissention of Councilmember Chu as the vote delegate at the annual business meeting of the national league of cities. And I believe the last item is open forum. Teresa Cholerer. Come up, you have two minutes.
>> Thank you. I'm Theresa Cholerer, residing at 285 Washington Street in downtown, and I'm here because prop 8 passed. From my perspective, as a lesbian who is also engaged, this is very bad news and it was a surprise to me. However the good news is that it got me motivated to do something. Politically besides just donate money, which was the only way I was involved before. To that

end I've attended the last two meetings of the human rights commission here in San José and they have been discussing the proposal to file an amicus brief for the City of San José, for a court case that will be heard at the federal level in January. The City of San Francisco and some other entities have already filed their own amicus brief. Now, my understanding of the political process here, and remember I'm a newby, is that the human rights commission when they did approve it, the recommendation comes here to this committee and then this committee of four can decide, the gate keeper, whether or not it goes to city council. I don't know if I have that understanding clearly but that's my understanding. That's why I'm here because since it was approved at that level last Thursday, I just want you to hear from a citizen who cares about this, and I have put together my own petition and gathered 40 signatures to also ask you, as a city, to please consider this at the council level and hopefully, follow through on it. Thank you.
>> Councilmember Chirco: Thank you very much. You want to give those to the City Clerk? Thank you very much. And I believe David, you wanted to speak again on open forum?
>> David Wall: Before you is a handout that are employment opportunities I picked up at personnel prior to the meeting today. Now, the reason I'm putting this forward to you is it's my opinion that all positions in the city with the exception of the police and fire departments, be frozen. And the reason is, is because the City Manager's labor negotiation report which is on next week's agenda is quite pronounced in the number of city employees that will lose their jobs next year. The numbers are 763, if it includes police and fire, or the sworn units, or I believe 905 positions that are -- do not include the sworn positions. The other subject that has to be thoroughly discussed, and it's not by the City Manager to city employees in my knowledge, to my knowledge, is the bumping mechanism. And that is why I'm saying that these positions should be frozen. Because this bumping mechanism is the worst thing that could happen to a city organization. And that has to be explained to you in detail by the manager or attorney or both. To its extreme catastrophic effects within the organization. In other words, inducing people to apply to the city or even new hires that we have is horrible because of this bumping. They could just be cast out into the wilderness because of this bumping routine. Now, police and fire and other specialty employment positions should be exempt from this ability to be frozen. But the rest of these positions freezes them out until the organization is stabilized and this will be within the next year and a half to two years. Thank you.
>> Councilmember Chirco: Thank you. If there is no one else that would like to speak our meeting is adjourned.