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>> Mayor Reed: Call the meeting to order, this is Rules and Open Government Committee, September 2, 2009. Are there any changes to our agenda order? None? Then the first item is to review the September 15 draft agenda for the council meeting. The September 8 meeting has been canceled. There will be a study session instead. So September 15 draft agenda, any changes on page one? Two or three? Four or five? Six or seven? Eight or nine? Item 4.2 is the temporary moratorium on the bail establishment -- that has been bumped a couple times or is it ready to go on the 15th, do you think?

>> Yes, it is going in the evening and I think notices are okay and we're ready to go.

>> Okay. Anything else on eight or nine? Page 10 or 11? 12 or 13? I have some requests for additions, requests for excused absences for Councilmember Constant, Councilmember Pyle, and executive director's request for travel to Boston from Redevelopment Agency executive director. Any other additions or changes? I would like to decide on it, I would like to talk about the order on this. I think with 8.1 baseball economic impact analysis, we should have that early in the afternoon. I suggest we just take up the Redevelopment Agency Agenda before the City agenda and then take 8.1 first.

>> That would be no problem from the agency side.

>> Mayor Reed: And on the evening agenda, we got the bail bonds and land use, wait and see how many land use items are really ready to go next week and decide how to handle the evening portion of it. Anything else? I guess we need a motion.

>> Move approval.

>> Mayor Reed: Motion is to approve as amended. All in favor? Opposed? None opposed. That's approved. We go to the Redevelopment Agency Agenda for September 15, again September 8, no RDA meeting. Anything on page one? Page two or three? Is there an add?

>> I would note there is two adds in the original rules packet, one for the major league baseball ballpark and the second added a for the 2009-2010 budget process which would be before it comes out tomorrow.

>> Mayor Reed: The budget process would be probably 3.2.

>> Correct.

>> And the ballpark would be 8.1.

>> Mayor Reed: 8.1. Okay.

>> Move approval.

>> Second.

>> Mayor Reed: Motion to approve. All in favor? Opposed? None opposed. That's approved. And we will take that then first on the agenda before the city business. On the 15th. That concludes our meeting discussions. We don't have any upcoming study sessions we haven't already talked about so we will go to legislative update. The mayor has been here representing Patton Boggs, our law firm in Washington along with Betsy Shotwell.

>> Thank you. Joining us is Patton Boggs, the city's registered lobbyist in Washington, D.C., to gives you a brief overview and answer any questions you might have.

>> Good afternoon. You have our report covering activities up through the August recess, and so I would be happy to answer any questions about what has happened. I would note specifically that on the appropriations projects, the city has done relatively well pending completion of the appropriations process. In fact, I say very well because we have some analysis being provided by certain interest groups that shows a 50% reduction in appropriations projects in various areas and the city has maintained stability, and in fact, increase the from prior years. That is a good pending status from the fiscal year 2010 appropriations. I will just comment on four things we're focused on going forward for the remainder of this year. Number one is finishing appropriations and then working on the implementation of new programs that have been funded through the fiscal year 2010 appropriations cycle dealing with the individual agencies on those new programs and initiatives about the criteria and potential for San Jose to participate in some of those, of those funded programs or programs we anticipate being funded. Number two is transportation, although the Transportation Reauthorization Bill has, I think, stalled for the foreseeable future, there is on going activity in the house on the draft bill that has been developed by and passed out to the sub committee, and also a bill that is being drafted in the Senate as a baseline for the reauthorization when it actually starts to move forward. Again, third is in the climate energy area. There is legislation that the Senate will try to take up some time in the fall. The prospects are a little unclear for, including cap and trade elements in that, but it will again serve as a baseline for if that does not -- it does not come to pass out in the Senate along with other energy elements, it will serve as a baseline for future

activity in the coming year and perhaps after that. And then, finally, we've just started to work with the police department on issues of transferring deep block spectrum, which is a certain part of the spectrum for public safety purposes, transferring that without option and San Jose has taken a lead role along with other large cities and in the first responder community in trying to advance that on behalf of the entire public safety -- the entire public safety community, involving multiple associations, and San Jose has been doing that under the auspices of Chief Davis. I would be happy to take questions about anything you anticipate happening in the next couple weeks.

>> Mayor Reed: I would like for you to talk a little bit about the work you've done and the work I engaged in my trips to Washington around the airport. Some of it is covered in the report, but I think we've had some good success in getting support from the federal government with what we're trying to do with the airport, and I don't want that to go unnoticed.

>> Terrific. The airport for some time we've been grappling with the funding for explosive detection systems and secure that with the administration, after many fits and starts it has probably been about 18 months worth of work we finally have. I think the number is around 40-some million dollars in dealing with both delay issues for availability for equipment, which is going to create problems in meeting the time frame for construction as well as commitments to installing permanent systems in the airport. So we've gone through that process, more times than I think you would like to say, with the TSA on this issue. And we've gotten good support from the delegation, as well. And the airport has done a good job in terms of following up and dealing with a lot of the technical issues, working with TSA so that is a specific result. And also saying some of the elements of transportation and some priorities that the city's interests are, that we've done, we've had good results in the draft bills that we've seen from the House of Representatives Transportation Infrastructure Committee around policy issues, making more investment in major metropolitan areas and more equity in making sure that the Metropolitan Planning Organization governance is representative of population, economic interests, on a balanced way. So large places and small places are able to participate fairly in the process and make certain that the dollars go where the projects are most required.

>> On the airport, I was out there at the airport this morning for the reinauguration of the nerd bird flight that Alaska Airlines is starting from San Jose to Austin and did meet with the Director of Federal Security for the TSA, and she was very complimentary and appreciative of the collaboration that we've had with TSA and that goes all the way from Washington to here locally, and out of that \$40 million that is coming in to terminals A and B, we're getting some new machines, nobody else in the country is getting them, there is only five of them, we're getting four and one is going to headquarters so we will have a state of the art in line baggage screening system which will save the airlines a lot of money on how they handle baggage and stuff, so that was good. But that was all part of a very complicated discussion that we had with the TSA over many, many months, you know, a lot of communication, so I want to thank you for understanding it and making it possible to successfully get the money and get the projects done. Other questions? Anything else? Okay, I think your meeting with most councilmembers that have specific stuff to talk about while you're here.

>> Move to accept this report.

>> Second.

>> Mayor Reed: Motion is to accept the report. All in favor? Opposed? None opposed. Thank you very much.

>> Thank you.

>> We will be in Washington in about three weeks on another trip.

>> The weather will not be cold.

>> Mayor Reed: It will be great, perfect weather in September.

>> Better weather for you this time around. We have nothing on meeting scheduled. Public record. Anything to pull for discussion?

>> Item H.

>> Mayor Reed: Item H.

>> It seems like there is some questions that maybe administration could respond to.

>> Mayor Reed: That's the letter from GES Exposition Services about the convention center?

>> Yeah, I read it but I just didn't have the information to provide, so maybe pull that one and direct it to administration to respond.

>> We would be happy to if I could just mention briefly, please jump in here, we have been in discussions with Team San Jose about this issue, in particular around it's effect on the California City's Conference

which is really how it came to my attention, so we've been understanding the relationship that Team San Jose has entered into with the teamsters, which then, you know, has also prompted this letter about the broader issue of who has access to the convention center and what terms and conditions. So we would be happy to provide the council with maybe an info memo on the status of this issue, and again, most immediate concern that we were focused on was around the California City's Conference, which I understand is perhaps on its way to resolution.

>> That's correct. I think the letter and some additional correspondence we've received does raise some question as to the consultation done in advance and notice provided to the event organizers about Team San Jose so we will follow-up and get the information that we can on that.

>> I would move to note and file the rest of the administration will respond to H.

>> Mayor Reed: Okay. Motion is to note and file the rest and have the administration respond to number H. In that response, I'm curious as to what the legal parameters are for anything that we might have concerns about, because we have an agreement with Team San Jose for management and some city attorney probably has some part to play in that response, as well. Appointments to boards, commissions and committees is the next item. The city clerk is going to give us an update on the recruitment cycle.

>> Thank you, Mr. Mayor. Members of the Committee, just wanted to give you a brief overview of the process which is under way. The summer, July 13, actually, we launched our fall recruitment. We are seeking applicants for eight commissions. We have 19 seats available. We were slow in getting applications for a couple of the boards and commissions so we extended by another week, so this Friday, September 4, is our deadline. So far we've received applications for the board, Early Care and Education, Historic Landmarks Commission, Human Rights Commission and the Senior Citizens Commission. Project Diversity will meet on September 11 to begin their plans for interviews in October. Council liaisons will get their packets mid November, and hopefully, we can turn them around and bring it back to Rules in early December and on to the full Council by December 8. I also wanted to mention that we have started a pilot with supplemental questionnaires for the boards and commissions, and these questionnaires were developed with staff support to each of the specific boards and commissions. So in addition to the city application, each candidate now will fill out a supplemental questionnaire, which includes four questions generic to serving on a board of commission, and four to six questions specifically designed for the board or commission they would like to serve on. We think this will be a useful tool for the Project Screening Committee and you councilmembers as you go through the screening process and make decisions about who you would like to nominate. So we will be asking after this go-around what you thought about that tool. And with that, I will just take any questions you might have.

>> Mayor Reed: Any questions? None. Okay.

>> Thank you.

>> Mayor Reed: No action necessary. The recommend for city clerk to approve district eight Senior Fair Day in the Park as a city sponsored special event.

>> Move approval.

>> Mayor Reed: Motion is to approve. All in favor? Opposed? None opposed.

>> We will take that to the full council next week then.

>> Mayor Reed: Okay. And to the agenda for next week. Review of additions to council committee agendas. Community and Economic Development Committee, request to add for discussion the policy alternatives for exemption of park impact fees for affordable housing developments on the October agenda for the Community and Economic Development Committee. Leslye is here, did you have questions?

>> I know your department has been looking at grants in the legislation that is passed. Would that be included as part of the report on this?

>> Councilmember, we will include that in there, but we will really be looking at alternatives relating to whether or not the council would like to remove the exemption, keep the exemption or some things in between. I think the other funds sources, unfortunately, are one time so we do need to look at them that way, but we will have new information on that.

>> Councilmember Chirco: I'm really glad of that. That is a reason since they've been back filling, the reason it was accepted by our community because there was no decrease in quality of life issues, and I'm very concerned about that happening. And one of the responses was the City was looking for grants and

maybe foundation money, but I don't think that has been very successful, which is what I kind of wanted to hear.

>> We will be prepared to report on that.

>> Councilmember Chirco: Thank you very much. With that, I would move to approve.

>> Second.

>> Mayor Reed: Motion is to approve the addition to the Committee's October agenda. All in favor? Opposed? None opposed. That is approved. That is all on committee agendas. We have nothing on open government initiatives. Open forum. Mr. Wall.

>> First, I would like to greet everybody today. I would like to start off with thanking you again, Mr. Mayor, for your pay cut of \$17,237.50. All other pay cuts are not considered pay cuts, except for yours. Today, we have two letters of thanks directed to two separate San Jose police officers for over the weekend for two different incidents in my neighborhood. One involves destruction of public art. Now, I say this loosely because I do not know if all public murals -- or take that back, murals are public art. This has been in my neighborhood for 20, 25 years and it routinely gets vandalized, but this last time was fairly atrocious and the pictures that I've given to you peruse are not a complete set but enough to give you an idea. A car was vandalized, tagged. Additional is sara stone, the concrete step showned in the photograph of a gang tag. This isn't a registered gang yet. Also in here, if you would like and focus on the dedication on this mural, this mural was dedicated to the youth of San Jose by what appears to be a deceased reverend. Reverend Alfred Sabori shown in the photograph. The other incident -- first of all, that was covered expertly by officer Chris Scott of the San Jose Police, and there is things not to be mentioning about the investigative process. The other incident occurred the following day, Sunday, in which biological specimens were found in front of Ryland Park. Now, that is such a very strange occurrence that it merited a police response in so far as what are preserved biological specimens doing in front of a park, period. I mean, that is concern to me because some institution somewhere has lost control over these specimens, and in other words, this officer came out and relieved this situation very well. You can ask the department to further augment the information at your leisure. The last thing I want to talk about too is if you look at the local newspaper, you see the effects in the downturn in the economy. The notices of default are increasing, which has a dramatic influence to your revenue for operating cost and that is why I keep saying please keep city employees informed as to next year's looming deficits.

>> I'm sorry, your time is up. Anybody else under open forum before we conclude? I would like to refer these two letters regarding the police officers to the department. So the chief has those. Anything else? We're adjourned.