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>> Mayor Reed: I'd like to call the meeting to order. This is Rules and Open Government Committee meeting for May 2nd, 2012. Any changes to our agenda order. I don't think so. Then we'll take up the May 8th city council agenda. Changes on page 1?

>> There are a lot of commendations.

>> Mayor Reed: I think we have five commendations. The adjournment I think we are going to defer yesterday's adjournment to the 8th?

>> Councilmember Constant: That's correct, it's confirmed for the 8th.

>> Dennis Hawkins: We'll pick that up on the final agenda.

>> Mayor Reed: All right. Five ceremonial items. We deferred some to the 8th because it was a relatively short agenda compared to yesterday. Anything else on page 2 or 3? Page 4 or 5? Page 6 or 7? I think we need a sunshine waiver for some of the documents related to 3.3, the ordinances on health care trust for Police and Fire retirement and Federated retirement, that's right?

>> That's correct.

>> Mayor Reed: When will those be out?

>> Monday and Tuesday for 3.3A.

>> Mayor Reed: Okay. Anything else on 6 or 7. Page 8 or 9? I have some requests for additions, excused absences --

>> Councilmember Oliverio: Mr. Mayor, on Item 4.2, I think we should defer that until we get an answer on the questions I raised.

>> Mayor Reed: 4.2, that was the vacation of South Monroe street?

>> Councilmember Oliverio: Correct.

>> Mayor Reed: That was in fact council direction yesterday's meeting I think was to defer that, right?

>> Councilmember Oliverio: Defer until the answers --

>> Mayor Reed: Until we get some answers.

>> Councilmember Oliverio: It appears that it's scheduled to be voted on that day. So --

>> Mayor Reed: There's two things. There's 4.2 and 4.3 all relating to South Monroe street.

>> Councilmember Oliverio: I forgot the terminology dropped so that's what I meant to say.

>> Ed Shikada: Mr. Mayor, councilmember, just for clarification, not knowing what the outstanding issue is, I think staff was hoping that they could connect with you and respond to those questions, but if that's not the case then --

>> Councilmember Oliverio: It won't be the case for today's rules meeting, so I'd say dropped it.

>> Ed Shikada: Understood.

>> Mayor Reed: Do you think you will be able to get that information any time soon?

>> Councilmember Oliverio: My preliminary conversation is no.

>> Mayor Reed: Okay, Let's just drop them then and we can put them back on if we get the information.

>> Dennis Hawkins: Just to clarify, we drop both 4.2 and 4.3?

>> Mayor Reed: Both on south Monroe street. Anything else on page 6, 7, 8? I have some requests for additions, Councilmember Chu's excused absence to attend the Amgen tour that starts at District 4, is that -- that's from the closed session of May 15th, is that an excused absence within the limits of the charter, et cetera, or whatever the rules are?

>> Dennis Hawkins: I don't believe he actually needs an excused absence to miss just the closed session. He'll be here for the regular session at 1:30.

>> Ed Shikada: Mr. Mayor, just to note for the committee's attention. There may be other councilmembers that are also attending this event. So as perhaps it gets a week closer, we want to look at the scheduling for the closed session that morning.

>> Mayor Reed: Okay. But the rule for in terms of charter purposes is, if you -- you have to attend a council meeting and the council meeting starts at 9:00 and goes until whenever we get done, right?

>> That's correct.

>> Mayor Reed: So you have to attend every minute of the council meeting, is that the point? So if he is here in the afternoon he doesn't need an excused absence for the morning?

>> Ed Shikada: That's correct.

>> Mayor Reed: So we should just drop then as not necessary. Excused absence for Councilmember Constant's travel to Nashville, National league of cities, something about the visit of mayor of Su Wan City, Korea as a city-sponsored event so we can accept donations for the visit. District 1 Korean flag raising event as a special event. Any other additions, requests for changes?

>> Councilmember Constant: Motion to approve with additions, deletions and sunshine waiver.

>> Vice Mayor Nguyen: Second.

>> Mayor Reed: Motion to approve as amended. All in favor? Opposed? None opposed, that's approved. May 15th council agenda. Anything on page 1? Make 2 or 3? There's an evening meeting on the 15th, correct?

>> Dennis Hawkins: Correct.

>> Mayor Reed: Anything else on 2 or 3? Page 4 or 5? Page 6 or 7? I have a note that we need a sunshine waiver on the 14-day rule for the social host ordinance.

>> Dennis Hawkins: Correct.

>> Mayor Reed: Is that out, will be out William.

>> Ed Shikada: Expect it to be out with the package.

>> Mayor Reed: So it will still meet the ten days, we need to get it on the evening agenda. Anything else on 6 or 7? Page 8 or 9? Evening agenda's on 9 and 10. Anything to add? I have a request for excused absence Councilmember Liccardo from the CED committee due to nephew's graduation. Again is that necessary for excused absence from the committee meetings? I forget what our rules are.

>> Dennis Hawkins: Committee meetings do require an excused absence.

>> Mayor Reed: But what's the criteria?

>> Dennis Hawkins: The parameter -- the criteria are authorized city business or illness.

>> Councilmember Constant: Not of the member, or of a member too.

>> Mayor Reed: Well this one doesn't seem to fit that so let's just check back with the councilmember and see if that is going to fit within there.

>> Dennis Hawkins: If we can defer that.

>> Mayor Reed: Dear this item off of this agenda.

>> Dennis Hawkins: We'll clarify and have it for next week.

>> Councilmember Constant: And just to clarify when we do the difference between the excused and just an unexcused absence only really applies to the council meetings as far as the penalties for not attending, is that correct? So you can --

>> We'll have to get back to you open that one.

>> Councilmember Constant: I'm pretty sure that you just need from what I've had to do in the past, maybe it wasn't correct is an absence memo, but it's not necessarily excused, it's just you weren't there and the reason. It's only the council meeting where you get zinged the \$300 or whatever it is.

>> Dennis Hawkins: As I recall the salary ordinance for the mayor and council, it is for regular meetings. But we'll work with the Attorney's office to clarify that.

>> Mayor Reed: Okay, any other changes?

>> Ed Shikada: Mr. Mayor, apologize for missing it along the way. On page 4, 3.3, the public hearing on the budget, while it's noted to be heard in the evening, given that your evening agenda looks fairly lengthy, we would like to request that it be heard first in the evening.

>> Mayor Reed: That's 3.3, that's one of the many hearings on the budget but this is the public hearing as opposed to all the other public hearings, lower-case public hearings. Do that in the afternoon?

>> Ed Shikada: No just first in the evening would be fine.

>> There was also request to hear item 5.2, the social host ordinance first in the evening because they expect to have youth there.

>> Mayor Reed: Good for them to hear the budget discussion.

>> For a few hours.

>> Councilmember Constant: I'll make a motion to approve, can't remember if we had sunshine waiver.

>> Mayor Reed: There was a sunshine waiver.

>> Councilmember Constant: So with one sunshine waiver as needed.

>> Mayor Reed: Okay, motion is to approve -- did I get a second?

>> Second.

>> Mayor Reed: I did. So first in the evening would be the budget.

>> Councilmember Constant: Then second, social host.

>> Mayor Reed: Social host ordinance. Anything else on that? All in favor? Opposed? None opposed, that's approved. Upcoming study session agenda, we have the budget study sessions, series of them.

>> Councilmember Constant: Motion to approve them.

>> Mayor Reed: Motion is to approve okay we do have some on hold at the end so we have some space if we have to start running long without having to reschedule meetings. Motion is to approve, on the motion all in favor, opposed, none opposed, that's approved. Legislative update. Betsy Shotwell.

>> Betsy Shotwell: Thank you mayor, members of the committee, Betsy Shotwell, Director of Intergovernmental Relations. I'm sure you have read that the state leg analyst have estimated that the revenues that the state has collected are about \$3 billion short of what governor had projected in January. Less capital gains being one of the biggest numbers or excuse me lower numbers than estimated. That said, the governor's response was that they will be issuing their May revise which is the revision of the state budget proposal on or sooner than May 14th. So we'll have more refined numbers and estimates as to where that -- where that is. And also their proposals as to what in addition would be cut. Education community of course is very concerned watching this very carefully, as we move into the budget season. The Standard & Poor's rating agency didn't lower the State's rating yesterday but they issued a concern or a warning with those numbers in play as well as the court's recent decision that the legislators' salaries could not be held if the budget wasn't passed by the controller. So there's concern that we could go back into the time where the debate in the state budget was protracted throughout the entire summer. So that is a concern, and that's being watched. There are hundreds of bills out there in play. You'll have

a few in a couple of minutes before you for direction for city positions. Next Friday is another milestone deadline where policy committees have to report to the floor. Nonfiscal bills in their house of origin and then all of the bills have to get out by June 1st. There will be a lot of bills dying or moving on. We'll keep you current on all of them that are of concern.

>> Mayor Reed: Any questions? Are there any other revenue sources that the state didn't take from us last year that they might take this year.

>> Betsy Shotwell: Can I throw out the mic?

>> Mayor Reed: Don't give them any hints. Just yes or no, are there more that we have to worry about?

>> Betsy Shotwell: Well, Public safety and I'll let it go at that. That's always -- continues to be a concern. The governor has been supportive though this year so far with the Public Safety funding stream.

>> Mayor Reed: Okay, anybody else? We will move to the next item which would be the public record. Mr. Wall, you want to speak.

>> Good afternoon, Your Honors. Glad you're rested from yesterday's soiree. Item C, dealing with the raw sewage pump failure, Item D, what happened to city desk, the desk outside there's been a lot of consternation raised that Mr. Mayor I'm sure it's going to continue until there's some resolution. Item E here we have a thank you to a San José police officer, name Moses Bareras, badge number 2617. He did a nice job in my neighborhood the other day, 25-year veteran who's opting to retire soon because of house the City's treating police officers in general. It's really sad. Item F, now this is important. Request the independent police auditor to use additional statistics to improve performance measures of office. Now, the statistical program that was given in council the other day is a tool, but it's a constructive tool that leaves out a lot of variables. One variable, like for example, are the people making complaints, illegal aliens, foreign nationals in the country illegally, are they convicted felons, convicted of misdemeanors, are they on probation, are they pending trial at court? None of

these statistics are taken into account and of course these pipe of people might have a reason to hate police officers in general or the system or try to gain the system with free discovery for their attorneys. Lastly, item G Mr. Mayor, the failure of raw sewage pump number 7 at the plant, you should really look into that with reference to why head works number 2 and their raw sewage purchase, those pumps alone have very little hours on them so we have to ask the question, after spending almost what, 80, \$90 million for that engineering debacle if it works or not. Thank you.

>> Mayor Reed: That concludes the public testimony on the public record.

>> Councilmember Constant: Motion to note and file.

>> Second.

>> Mayor Reed: We have a motion to note and file, all in favor, opposed, none opposed, that's approved. Meeting schedule, I forget to ask the schedule about the meeting schedule in June and what we're currently scheduled for.

>> Dennis Hawkins: We're scheduled for the 5th, 12th, 19th and 26th.

>> Mayor Reed: And does staff anticipate needing the meeting on the 26th?

>> Ed Shikada: Just saying we actually had a discussion this morning. It is stacking up, as your typical last meeting in June, with a fairly heavy docket of materials. So that said, it's relatively early, in which staff could be advised if there's any potential for that meeting to not happen.

>> Mayor Reed: Well, let's maybe talk about that next week after we have a chance to think about it and see if we need it or not. But there are some decisions that have to be made earlier in June.

>> Councilmember Constant: Just want to also ask typically we don't have a rules committee that Wednesday after that which would be the 27th would we?

>> Dennis Hawkins: I think we are scheduled to have it on the 27th this year.

>> Councilmember Constant: Okay.

>> Dennis Hawkins: But again we can revisit the schedule at the subsequent rules meeting.

>> Councilmember Constant: If you can just let us know if it's not scheduled, that's all I care about, knowing where to be and when.

>> Councilmember Oliverio: Mayor, is there discretion on when the council actually votes on the budget, for example? I mean, is there a difference between voting it on the 12th or the 19th? Or what's the series?

>> Mayor Reed: Well, there is a difference, because it takes a long time after the budget is approved for staff to implement it, so people are ready to work and get all the numbers crunched and money moved and everything allocated. That's I think a ten-day process.

>> Councilmember Oliverio: So what's the earliest you could vote on it?

>> Mayor Reed: We have a budget schedule, the budget message and the vote is probably the meeting of the 19th, I think.

>> Ed Shikada: The 19th is the appropriation ordinance.

>> Mayor Reed: We got to vote on the 12th so we have the appropriations on the 19th so staff has ten days to get it done before the end of the fiscal year.

>> Councilmember Oliverio: If the council wanted could they do the first vote on the 5th and the second vote on the 12th?

>> Mayor Reed: Got to do the budget message first and get that out with enough time to do that. On to boards, commissions and committees. We have an annual report from the deferred compensation advisory committee and work plan.

>> Councilmember Constant: Motion to approve.

>> Second.

>> Mayor Reed: Motion to approve the report and the plan. Any speakers on that? Other items? Okay. On the motion all in favor? Opposed? None opposed, that's approved. Committee workload assessments, et cetera. We have recommendations, requesting for approval on some legislation, Simitian, Gordon, Lowenthal, Fuentes, those four items, let's talk about the legislation before we get into item number 6, which is another event. Mr. Wall, you wanted to speak on the legislative items, any one of the four?

>> For brevity's sake, I'll speak to them all. First I'd like to give commendation and credit to the environmental services department is doing a nice job on that polystyrene business. I think they've been more or less like a pit bulldog on this issue. Should be thanked. Would also like to thank, continuing thanks to our housing director with reference to that landlord-tenant issue where landlords have to fess up if they've had some form of credit problem. Lastly on the concrete issue that's a unique problem. I basically think concrete sidewalks are a kick and should be banned. However if you're going to keep them then follow what the director of transportation department one of the typer managed departments in the city recommendation. Thank you.

>> Mayor Reed: Anything else on the fourth legislative item recommendations? Pete.

>> Councilmember Constant: I just wanted to address a couple of different ones. And first, under the 1191, I know it was in committee yesterday. There a result from the committee meeting yesterday?

>> Betsy Shotwell: Yes, our state lobbyist Roxann Miller informed me that it passed and going next to the senate floor.

>> Councilmember Constant: One of the concerns I have with this is, there was already a federal law that was passed in 2009 that gives a series of protections to tenants in foreclosed properties, giving a specific 90 day period for those residents to be allowed to stay in the unit or home until -- so that they have a transition period. The way this particular bill is worded, it puts significant penalties and it also has an interesting feature, is that it allows tenants at their discretion to trade their penalties to free rent, to future rent. To me it seems like just a way to give people an excuse to stay and continue for additional free rent. And I know that foreclosures are a difficult situation to be in. But we already have protection of three months for transitional time, in federal law, and 60 days in state law. And I'm also concerned it's listed that there's no opponents. But there's a lot of opponents to this bill. Many of the apartment associations of the different regions, the Norcal rental property association, San Diego, Santa Barbara, Los Angeles, greater Los Angeles, California southern cities, East Bay rental housing association that aren't listed on here. So I guess my concern is, you know, this seems to do two things: One, it puts something on top of protections that are already there. Because tenants receive notice of pending foreclosures before the property can be sold and they're allowed to stay in for the minimum of 90 days by federal law. Then it takes and puts penalties on the property owner who's already losing their home, and then gives the tenants the ability to take that and flip that into additional free represent. I just don't think it's a fair bill.

>> Leslye Corsiglia: If I could respond Leslye Corsiglia director of housing. This bill responds to properties that are in foreclosure that people are leasing. So we recently had an example of that in the Eastside where a property owner of a million dollar house had -- who was in foreclosure signs new leases with 11 people in that house. And they were unaware of the foreclosure. So this is a problem. It's something that's happening. The California apartment association is in support of this bill. At the time that we wrote this request, we did not have the analysis out, the formal analysis that include the supporters and opponents. But while there are a couple of apartment

associations that are in opposition the statewide organization is in support. We can orespond to some of your concerns because there is some misunderstanding that the opponents have on the bill and what the penalties are. And so we'd be happy when this went to council to be able to respond to those concerns.

>> Councilmember Constant: Well I think unless there's you know some special urgency, number 1, we shouldn't get things in front of us until legislative analysis is available. Because I think that's important for us to be able to have a clear picture. And I'd rather when we have these things that we have the answers before we send them to the council.

>> Leslye Corsiglia: Well and I think we do understand the bill. And I'm saying that there are some things that were not understood from the opponents' perspective and we can bring that forward and respond to this question that you have.

>> Councilmember Constant: I don't care about the opponents' perspective. I care about my perspective. And my perspective is that there is already laws -- I haven't talked to any of the opponents, I don't know what their perspective is. I just know that, from my perspective, there's already protections there, and we have the 90-day transition period, and I think that's something that we should have. I just emphasize it's my concerns that I have with this.

>> Mayor Reed: I'd like to get some clarification on that point. Because the way I read this, the tenants are never going to know about the foreclosure, in some circumstances.

>> Leslye Corsiglia: That's correct.

>> Mayor Reed: And if this is trying to address that because the existing -- haven't done real estate law in a long long time. What used to be real estate law is the other tanker of the property gets notice. I'm not sure that the tenants get any notices. So I'd like to have some clarification of what they get now and whether or not this is really adding anything or just another requirement.

>> Leslye Corsiglia: Yeah, I think the difference is responding to something that happens when you're already a tenant versus someone who is leasing space that is already under foreclosure. Which are two different things.

>> Mayor Reed: And this obligation runs to the owner of the property not to the foreclosing entity, is that correct?

>> Leslye Corsiglia: That's correct.

>> Mayor Reed: Anybody else on this Madison?

>> Vice Mayor Nguyen: Leslye, a couple of questions. Is this a time-sensitive issue?

>> Leslye Corsiglia: The bill needs to be out of the senate by the first.

>> Mayor Reed: First of?

>> Leslye Corsiglia: First of June.

>> Vice Mayor Nguyen: We need either a support or oppose position we do need a resolution soon?

>> Leslye Corsiglia: In order to take a formal position on this bill yes. And senator Simitian is requesting the city's support.

>> Vice Mayor Nguyen: Okay.

>> Mayor Reed: Make sure we have this clarified before we bring it before the council. Otherwise we have a long council meeting, with discussion. Could we do the 8th --

>> Leslye Corsiglia: It's okay if we register the support before the 1st if that's the council's direction.

>> Mayor Reed: Why don't we clarify.

>> Leslye Corsiglia: We'll do a supplemental memo that explains it.

>> Councilmember Oliverio: If I could suggest maybe next rules committee Leslye could answer Councilmember Constant's concerns.

>> Leslye Corsiglia: We'll put tonight a supplemental memo.

>> Councilmember Oliverio: Okay.

>> Mayor Reed: Councilmembers would like to have the same questions so putting it in a supplemental memo would solve that problem.

>> Leslye Corsiglia: If you have for I'm not capturing I want to make sure the supplemental handles this. You would like to know how this impacts that's already a benefit that you believe tenants have and how this bill will be additive or duplicative or unnecessary for that reason. And then also you expressed concerns about the amount of the penalty, and that that seemed unfair, were those the two areas?

>> Councilmember Constant: Yes, I would not necessarily call them benefits but protections that are already in place. Specifically as the mayor mentioned on the required noticing that we have here in the state, plus the transition time that is at the state level of 60 days, and 90 days, at the federal level. And then, you know, not only the penalties but it also has this weird flip where someone can then take those penalties and instead of receiving damages, just stay in the unit, for as long as that particularly takes. And you know when we talk about the penalties, it's also if someone's losing a commercial property, especially these multifamily units, it's usually held

by an L.L.C. or a corporation and what are the odds anyone's going to get any penalties based on the fact that the unit's in foreclosure anyway? So there's already a financial issue with that ownership entity.

>> Mayor Reed: Anything else? Okay, so we do this, consider this next week for the 15th agenda, the other three items request do move those to the agenda on the 8th. Any questions or comments on those?

>> Councilmember Constant: I had some more on some of the other ones. So the polysty reap statewide ban. I guess two things. One is, if it's -- it's currently in the inactive file in the assembly. Why would we be putting it through the streamline process if it's not even an active bill?

>> Betsy Shotwell: Well just for clarification it's supreme line meaning referring to a one week turn around.

>> Councilmember Constant: Right.

>> Betsy Shotwell: It's the council's preference how they wish to direct the measure going forward. It is so that we can act if the bill starts to move in an expeditious way. But again, council directs more time between here and the council meeting, that's your prerogative.

>> Councilmember Constant: I just think it's important you know that we take positions on active bills and not necessarily inactive bills. I think it's also important for us to discuss that this particular bill is listed as one of the top I believe its the top ten job killing bills in the state and that's not referenced anywhere here. And I think in the economic environment that we're in we need to be very cognizant of those job killer type bills. And we're talking about thousands of manufacturing jobs just in our state alone. But again, I also don't think we should be just sliding things through, when we're in -- on a bill that is in an inactive status. And then --

>> Mayor Reed: What does it mean to be on inactive status?

>> Betsy Shotwell: It's not scheduled to move, it doesn't have a hearing date set, it's not scheduled to be heard on the floor. It's inactive. Towards the second year of the two year session which we're in you'll see that happen more and more with legislation as folks wait on the budget to be moved through and process. So you'll see on suspends and actives, I think clarifications like that as we get closer to the budget debate, and then as the budget's resolved we'll see what measures are still addressed at the end of the day.

>> Mayor Reed: Because there's always a chance to seek some of these bills into the budget if you have the proper relationship with the governor and the leadership, right?

>> Betsy Shotwell: Yes, that's a very good point. They're known as trailer bills and they used to have five or ten, and now we're in the '40s.

>> Mayor Reed: Okay.

>> Councilmember Constant: Finally on the last one AB 2231. I think this is being pushed into the state policy makers because so many municipalities are doing such a poor job taking care of their property and we know that years ago, the city pushed the maintenance of the sidewalks curbs and gutters and the like to the residents which I've always opposed and I think those are city things that the city should be dealing with. But I also -- I have a couple issues about the talk about this being unfunded mandate. I don't know if you actually used those use in your memorandum --

>> Mayor Reed: I was thinking about it.

>> Councilmember Constant: Yeah, I know you were thinking. I was reading your mind.

>> Mayor Reed: Here we go again.

>> Councilmember Constant: I just want to be blunt and say I don't think it's an unfunded mandate when the state is taking care of things they should be taking care of. And we do have the whole commission on state mandates that the bill would have to go through before it would actually get implemented. So I understand that I'm probably definitely in the minority on this amongst my colleagues but I really do think this is the way it should be for our residents because this is our infrastructure, this is our problem and we should have never put it on the homeowners.

>> Mayor Reed: Even if I agree with that, I can't afford to do it, which is why the homeowners have to take care of it. So in terms of the staff recommendations to put these on the council agenda, three to go on the 8th and one with the supplemental memo to discuss next week, is that where we are?

>> Betsy Shotwell: The supplemental for the 15th.

>> Mayor Reed: Yes.

>> Councilmember Constant: And I would just suggest that on the SB 568 we have some response from staff on the job killer status of that particular bill.

>> Mayor Reed: Yeah, SB 568, that's Lowenthal recycling, polystyrene, if it does have that type of opposition, that kind of profile, it would be important to let the council know that. I did have a question about the registered supporters of or opponents. So there could be opposition to bills or supporters of bills. That we don't know about because they're not registered. And how do you get registered if you're opposed to the bill?

>> Betsy Shotwell: The indication goes to the particular committee staff and the staff includes it then in the bill analysis. The letters of support or opposition that have come in or support of amend or whatever that then gets into the analysis which is issued the week prior to the hearing.

>> Mayor Reed: So if you send in a letter you get registered as being in opposition so if -- like one of those we had no registered opposition. Just tells you that staff hasn't received a letter.

>> Betsy Shotwell: Right and it's not on --

>> Mayor Reed: You're not going out to survey the state to find out who's taking positions?

>> Betsy Shotwell: Right, it's not on file. I try to go to google to see what's out there in play. But as a general rule we use the committee analysis because those are the official letters they've received.

>> Mayor Reed: Okay. So we have a motion on these.

>> Councilmember Constant: So I'll make a convoluted motion then. It would be to return SB 1191 next week here with more information to address the issues that were brought up. Move AB 2382 to the council with the one-week turn around. Move SB 564 to the council with additional information regarding the job killer aspects of that, and refer AB 2231 to the council, and I'll just do my no-votes over there.

>> Mayor Reed: Okay.

>> Second.

>> Mayor Reed: Motion is to move these three on the agenda for the 8th, and the one targeted for the agenda on the 15th will come back here to rules next week so we can see the supplemental information. Anything else on that motion? All in favor, opposed, none opposed --

>> Councilmember Oliverio: Mayor I have a question since Betsy's there. Next week will be bring us the view of the bill for Weikowski? Interi'm making ever effort to.

>> Councilmember Oliverio: Where is that bill?

>> That bill passed local government and I think it's no no, appropriations.

>> Councilmember Oliverio: Is that a pretty quick time line then? What's our time to react not knowing all the --

>> Betsy Shotwell: My preference is to react as soon as possible but we have time because it's still in the assembly.

>> Councilmember Oliverio: Just from my viewpoint, I think we should take a opinion on it quickly.

>> Betsy Shotwell: Absolutely, working on it now.

>> Mayor Reed: I think this is the legislation, we had another item 6 here, which is a Vietnamese community health row source --

>> Admonition to problem.

>> Second.

>> Mayor Reed: All in favor, opposed, none opposed, that's approved. Open forum is the one remaining item, Martha O'Connell and David Wall.

>> Martha O'Connell, homeowners organized to maintain equity. This is really critical and I'm sorry the City Attorney is not here. For the first time in 10 years we are going to have hearings rent increases up to 25 to 30% in a senior park. The housing department has scheduled six of these hearings in conference rooms that only seat 18 to 29 people. There is hearing officer, attorneys, et cetera, take out five which means 13 residents are only going to get into these rooms. You have 200 people plus at a park. The two hearings are scheduled, the first two are

scheduled in this room. They then bumped them up into the tower. There's no way that these folks can get into those rooms. The average age in this park is 78 to 81. They cannot stand out in the hallway. Some of them are in wheelchairs, walkers, so I'm asking that you guys intervene and explain to the housing department that they're violating section 17.22790 which says all parties may be present, and section 17.22760 subsection C that says hearings can be held at the mobile home park or for example in a senior center. Otherwise you're going to have a ton of seniors that are not allowed into a hearing to hear the decision and the witnesses and the testimony for their rent to be increased up to 30%. So please take action. These hearings are scheduled for the 26th, 7th, 8th, 9th of June, and July 2nd and 3rd and I don't want to have to say this guys because I really don't believe in using a hammer. But we will get an attorney if we have to. And go for an injunction against the city if you're not going to allow the people into the hearings. They have the right to be there. So please take action, do something, thank you.

>> Mayor Reed: Well, let's refer this to staff, city attorney's office to report back to us next week. And comment on that, I think the first hearing was June 26th, what Ms. O'Connell set.

>> No, the first hearing is the anticipatory.

>> Mayor Reed: Then there's not an issue with this room but -- 26th of June? Okay, we can discuss this next week. It's not on our agenda today. Mr. Wall.

>> Two items. Councilmember Oliverio had a, I don't know what you call it, sewage night.

>> Councilmember Oliverio: Sewer night.

>> In which questions were asked and I tendered some information whereupon the acting director of environmental services department said that my testimony was untruthful. Referencing South Bay water and the Cupertino sanitary district and the City of Milpitas. I contacted Cupertino sanitary district the next day because had he made the comment that those two entities were on board with whatever program she had. They are not on

board. Yet her commentary as the senior official from the city too is honored Councilmember Oliverio's constituents was not truthful. And made in the presence of his honor. I don't like that. I think there should be some form of corrective remedy they can place. The other thing is a matter of protocol and etiquette. I'm going to request of you Mr. Mayor, my mayor, to reinstate city desk, going to give you about a week to think about it. The reason I'm giving you this is because it's etiquette proper. Then I'm going to ask the lord mayor of Dublin Ireland to intercede on my behalf and all the other sister cities to see, just let them know have a peek about what San José's doing and it will be a weekly update across the world so I'll be reaching out internationally. But I think when you think about it this is already an ADA complaint on it, there's a public request for information to see who ordered the dirty deed. I know it's not one of mayor or anybody on the council. It's somewhere in the office of the City Manager. And so I'm going to be quite dogged on this issue because of the fact that that desk out there proved very valuable to a lot of people, thank you.

>> Mayor Reed: Sorry, your time is up. That concludes the open forum, concludes our meeting, we're adjourned.