

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

>> Mayor Reed: Good afternoon. I'd like to call this meeting to order. This is Rules and Open Government Committee meeting for August 31st, 2011. Changes to the agenda order to consider? I would like to take item H-5 first, and those items, that's a request for waiver of revolving door. So we do that before we take H-2 I guess would be the next item. Any other changes to the agenda order? Okay. Then we'll do it that way.

>> Dennis Hawkins: Mr. Mayor. We'd like to defer H-4, staff would like to defer H-4.

>> Mayor Reed: H-4 is the address related Campbell avenue, deferred to --

>> Ed Shikada: Suggest two weeks would make it, 14th?

>> Dennis Hawkins: I think September 14th.

>> Mayor Reed: Anything else? No objections to those? Then let's proceed with the September 6th council meeting agenda. That one was easy, the meeting was cancelled although we are having a closed session meeting at 1:30 with that agenda to be published in the usual manner.

>> City Attorney Doyle: That's correct, Mr. Mayor. It's primarily for labor and I say primarily, there may be two litigation matters that are fairly quick that we need to bring forward.

>> Mayor Reed: Okay. So September 13th council meeting agenda. Anything on page 1? Page 2 or 3? Page 4 or 5? Page 6 or 7? What, councilmember Oliverio.

>> Councilmember Oliverio: On consent calendar, 2.13, could that be pulled to not be on consent calendar?

>> Mayor Reed: 2.13, that's the grand jury report on firefighting? I think that would be discussed so we might as well just get it out of the consent calendar.

>> City Manager Figone: Yes, and at our staff meeting this morning we kind of debated whether to have these on consent or not, so it's really the committee's pleasure. We were sensitive to some of the other items on the agenda, but if you would prefer to have them on as discussion items, that's fine with the administration.

>> Councilmember Oliverio: Then question. Is that the last date to approve this for the civil grand jury's time limit?

>> City Manager Figone: Yes, we've counted the 90 days in the past, if the council's needed more time Rick has been successful in just letting the court know or the grand jury know.

>> Councilmember Oliverio: The reason I asked, is because we have a large agenda for medical cannabis, I don't know if this one would facilitate a lot of discussion from the council. I just want to throw that out there. It's not -- necessarily has to be that day maybe it moves to another day. Or -- both at the same time?

>> City Attorney Doyle: Councilmember, I typically you know we have a deadline but the courts have been -- have granted you know short continuances in responding. They know it's in the hopper and just has to be formally approved by the city council. So I think we can work with it.

>> Mayor Reed: I don't think the 20th agenda is going to be any shorter.

>> Councilmember Oliverio: How about the 27th.

>> Mayor Reed: Don't know anything about that agenda. In terms of what might be on it.

>> Councilmember Oliverio: I just know every time we've had the medical cannabis topic come up it's been very exhausting for the council. Just to be mindful if we could get through it that would be great, but I'd hate to have this thing just be a blip. It's because it's very important, a huge part of our budget for how we deploy safety.

>> Mayor Reed: Let's put both 2.13 and 14 both are grand jury reports, on the discussion calendar because they will be discussed. So might as well put them out there. And I think what we should do is have the medical marijuana items heard last and get everything else done, I don't think -- although the grand jury reports are fairly constant I don't think they will take hours.

>> Councilmember Oliverio: That's true.

>> Mayor Reed: We would get through most of the other agenda around 3:00 to take up the medical marijuana, somewhere in that ball park. But if it looks like it's going to be longer, then we can kick those two items, because we could get some more time if we needed to.

>> Councilmember Oliverio: Okay, thank you.

>> City Manager Figone: Mayor, and committee, 2.8 is also a grand jury response, it's on retiree re-hirees, so to be consistent you might have those all open for discussion.

>> Mayor Reed: Okay with the committee to have those listed separately? All right, anything else on page 4 or 5?

>> Councilmember Herrera: Actually, I had a question back on page 5. On 2.15, I seemed to recall that that work plan for cultural connection had been requested to come back to council. I'm wondering if that should stay on consent or --

>> City Attorney Doyle: That's your call. It's coming back to council, but it's been placed on the consent calendar, if you think it should be discussed then probably pull it.

>> Mayor Reed: Well it's coming with a recommendation from the Community and Economic Development committee, right?

>> Ed Shikada: Yes, that's correct.

>> Councilmember Herrera: But we cross-referenced it. I thought we wanted to have it discussed.

>> Mayor Reed: But the committees had the hearing and had the discussion, so it wouldn't necessarily prompt a council discussion.

>> Councilmember Herrera: I think we discussed that we thought it was important that council be able to have discussion. I think that was the one, and I don't know if Kim -- Kim is not here.

>> Mayor Reed: Let's take it off the consent calendar then if we need to. But typically once the committee's had a discussion there's a lot less at the council meeting. Anything else on 4 or 5? Page 6 or 7, I have a note that we need some sunshine waiver on the 4.1 medical marijuana collectives item.

>> City Attorney Doyle: Yes, I think there's something coming from the manager's office as well as from our office. We have everything posted but we're still working on some final tweaks of the regulations and we may -- there is some internal discussion and we would want to get that out in advance, it would be fairly minor but we want to make sure it's out on the street by the council meeting.

>> Councilmember Oliverio: When do you expect, Rick?

>> City Attorney Doyle: It would be by the end of the week.

>> Mayor Reed: That would still be ten days before, right? Friday is 10 days before this meeting.

>> Ed Shikada: We'd simply be seeking a 14-day sunshine waiver.

>> Mayor Reed: Okay. Anything else on that? I'd say let's put that last, item 4.1 would be last. Anything else on 6 or 7? 7.1, the odor easement issues at the pollution control plant, do we anticipate this being ready to go at this time? We had to deferred it for a couple of times.

>> Ed Shikada: Yes, we do. We believe it will be ready.

>> Mayor Reed: Okay, and then I think there's a TPAC meeting before this, as well. Okay, anything else on 6 or 7? Page 8? I have a couple of requests for additions, Councilmember Pyle's travel to Dublin, Ireland as part of the sister cities visit, Councilmember Campos' travel to San Francisco, league of California conference.

>> Councilmember Oliverio: Mayor Reed?

>> Mayor Reed: Yes.

>> Councilmember Oliverio: Should councilmembers continue to put in travel thing when they are going 50 miles away?

>> Mayor Reed: Well, we have all these rules, and Dennis is the only one that can remember them, so I'm going to let answer that question. You got the in-state rule, the out-of-state rule.

>> Dennis Hawkins: Mr. Mayor, I believe that this -- it has been a convention that these kinds of travel items are agendized because previously it was the mayor and council travel fund. But I'm trying to glance at the policy quickly.

>> Councilmember Oliverio: I mean, obviously, it's within driving distance, it's not traveling a far distance. I just don't know why it's even on there.

>> City Attorney Doyle: Perhaps we should come back at some point with a recommendation to -- if the committee wants to explore these -- you know, you going to -- I would recommend that even if you are going to Sacramento, which is 90 miles away, you may want to include that, as well. I mean, it's the long travel that you may want to just cover.

>> Mayor Reed: Well, I think the point is of this, it's multiple days. I assume it's overnight stay. Otherwise, if I'm driving to San Francisco and back in a day, I never ask for permission. I have a visa.

>> Councilmember Oliverio: Oh, so this is assumed that someone will be staying in a hotel for a few nights?

>> Dennis Hawkins: I believe so.

>> Mayor Reed: We'll let Dennis sort it out and be able to answer that question if there's a -- If we don't need to do this under the policy, then we just need to let councilmembers know.

>> Dennis Hawkins: All right, we'll do that.

>> Mayor Reed: But my guess, it's the overnight stays that triggers the noticing. Any other additions or changes that we haven't discussed? Okay, so we have one sunshine waiver and a couple of adds and some changes.

>> Councilmember Herrera: Motion to approve with the adds and sunshine waiver.

>> Councilmember Nguyen: Second.

>> Mayor Reed: Motion is to approve with the changes and the sunshine waiver. All in favor? Opposed, none opposed, that's approved. Redevelopment Agency, there's nothing for the September 6th. Do we have anything for the 14th?

>> Unfortunately not.

>> Mayor Reed: No, nothing to talk about on the 14th. That would take us to the legislative update, starting with the state. Betsy Shotwell.

>> Betsy Shotwell: Thank you, Mayor, members of the committee. Betsy Shotwell, Director of Intergovernmental Relations. For the record, before you is a recommendation from staff to oppose AB 438. This has to do with county free libraries withdrawing from and the use of contractors. Again, for the record, this bill will impose requirements until January 2014 on a city or library district that intends to withdraw from a county free library system and operates libraries with a private contractor. The concern we are raising, since we are not in that type of system, is the remainder of the memo and the precedent-setting that this might have in other areas down the road in the future. And staff is here to answer any questions.

>> Mayor Reed: Okay, any questions, Pierluigi.

>> Councilmember Oliverio: Question, when is it that you come to Rules Committee to present when to oppose? Because I've been following this bill for, like, four to five months, and I sort of said, hey, this is something that I think interferes with local government. So why now versus three months ago before it starting getting voted on?

>> Betsy Shotwell: Well, it did start getting voted on. We do track these, of course, as you know, we were -- while it didn't affect our situation, in the cities that were weighing it did. I think in the last few weeks it's grown to raise greater concern for local governments.

>> Ed Shikada: If I may, councilmember, members of the committee, it's also the concern about 11th hour amendments that might change the substance of the bill.

>> Councilmember Oliverio: So that that's even more reason to oppose it early. Because I already see that 50 municipalities have opposed it, yet we haven't done anything yet. So it's just my concern, and when there are these things that are instrumental to disrupting local government that we actually should oppose it early, that's just a view here. Because I'm assuming this is not going to be the last time something is going to come out of the legislature that's going to interfere.

>> Betsy Shotwell: Definitely.

>> City Manager Figone: And I don't disagree. In fact, it's really been because of our own conversations and then my heightened awareness of this issue that internally, we said we really can't get this get past us.

>> Mayor Reed: Okay, a request to speak, David Wall.

>> David Wall: Good afternoon Your Honors and members of the gallery. The bill sets a new precedent for contracting for library services and threatens to open the door to similar requirements, and other city contracts by limiting the authority of city for alternative contracting options for their local budgets period close quote. I think that is mainly the emphasis of the opposition of this bill and I think this also needs a little bit more clarification as to the concerns about tying the hands of local government. So whether or not you proceed with this is your pleasure. But I would defer this until better language is put before the public. Thank you.

>> Mayor Reed: All right, anything else on this? Is there a motion --

>> Councilmember Nguyen: Motion to oppose.

>> Councilmember Herrera: Second.

>> Mayor Reed: Motion to take a opposed position, AB 438. All in favor, opposed, none opposed, that's approved. That would be on the council agenda on the 13th.

>> Betsy Shotwell: Thank you very much.

>> Mayor Reed: Next item, public record, anything on the public record the committee would like to pull to discuss? I have one request from the public to speak. David Wall.

>> David Wall: There are a couple of items. One, item C, about the tenure of the City Manager, if she's going to decide to retire with reference to the sick leave buyout issue dictated by council. Item number D references what I call a political shenanigan that I did not appreciate the committee or the Community and Economic Development Committee have to undergo. There are no secret or hidden reports in this city. The redevelopment agency no matter what you may think of it or other citizens, they are very good people and they study and conduct reports all the time. So for a councilmember to find a report and go to the Mercury News or even go to the committee chairperson, say here's a report I want your opinion on it, and then run to the Mercury News, it appears political back-stabbing is in order here. And I don't particularly like it. I think it's a cheap political trick. And it demeans also journalists everywhere for having to publish such a story and such hype without going through and finding out about this. And I think if the report would have been made clear to this committee, not the Rules but the CED committee, that it would have been properly dealt with. And I think very much that some form of censure for this form of behavior should be enacted. And I'm going to keep talking about this for a while, to make sure, Mr. Mayor, your command doesn't get shot up with shenanigans like this. Because people will blame you falsely for this, and blame the Redevelopment Agency falsely, and also, besmirch all the other councilmembers and I don't like it! Thank you.

>> Mayor Reed: Anybody else want to speak on the public record. That's the only card I have.

>> Councilmember Nguyen: Motion to note and file.

>> Mayor Reed: Motion is to note and file the public record. All in favor, opposed, none opposed, that's approved. Category H, H-5, the request for the revolving door restrictions that is for Edith Ramirez former

Redevelopment Agency employee. I had a chance to take a look at the way New York does it. Because New York has a -- when somebody has been laid off, they treat them differently than other terminations from employment. And if I understand the way New York does it, as it relates to our ordinance, I think there's a way to do this. And basically, it appears that New York, you can work on things but you can't come back as a lobbyist on those things. And our ordinance has two sections here which says you may not work on anything which is within your area of job responsibilities and section B is, you may not represent anyone else on any matter which I think is really about lobbying.

>> City Attorney Doyle: It's a little broader than lobbying. It's you can't represent anybody with anybody in the city. So lobbying is limited to councilmembers, their staff or high-level executives. This is anybody. So you know, the design there is to limit the influence you might have with the city officials or agency officials. The first part, you're right. It's essentially if you worked on something then you might have facts or knowledge and the question is, do you have a problem with those people who have been laid off using that information to work for somebody else.

>> Mayor Reed: So what I would suggest is that we could do this, and just say except for engaging in lobbying activities on matters that you used to work on, or the subject matter, whatever your language is in here, there's a whole bunch of adjectives and categories. But working on that definition.

>> City Attorney Doyle: As I read it there's three subsection and we would exempt them from the subsection A which is work on any matter as opposed to representing others before the city.

>> Mayor Reed: And that's essentially the way New York does it.

>> City Manager Figone: Yes.

>> Mayor Reed: They have a lifetime ban on coming back and lobbying on something that you worked on, in New York, and they don't waive that one. But they do allow people to work on things and even come back to their

former agency on other matters. So I think there is a line that we can draw that will protect the interests of our city and protect somebody who has been laid off as a result of circumstances beyond their control.

>> City Attorney Doyle: Just to clarify we have a two-year ban. New York may have a lifetime ban but we have a two-year ban.

>> Councilmember Herrera: We wouldn't extend the band further than we already do?

>> Mayor Reed: No, we would keep our ordinance in place but allow on a case-by-case basis, this allows for everybody. I don't think we need a blanket rule. This is a third request so it's not like we have a lot of them. But as we go through this, we might develop some written policy or something that explains it to people. Rose.

>> Councilmember Herrera: I'd make a motion to do just as you suggested and keep the lobbying ban in place as regulated by ordinance. But allow for someone -- for this person to come back and work. On what they worked on.

>> City Attorney Doyle: I understand this would be a statement sort of, of intent that in this case, they would grant the partial waiver. But when other people came forward we would just remind the committee that this was sort of the intent of the committee or the policy, without amending the ordinance I guess --

>> Mayor Reed: I don't think we have to amend the ordinance.

>> Councilmember Herrera: For Edith Ramirez.

>> Councilmember Nguyen: Second.

>> Mayor Reed: We have a second. Any comment on this? Anybody want to speak on this? David Wall.

>> David Wall: I'm fundamentally opposed to any modification of the revolving door policy, because it will open the flood gates of waivers and all sorts of unintended and extra work for the City Attorney's Office to have to analyze them and present them to you. If you are going to have to go down this path, such waivers should go to the specific committee which is the CED committee. Because there's the allegation that there's some proven benefit by this waiver that will benefit the city economically and it should be ferreted out there at that committee before coming in to Rules and getting on the agendas and fast-tracking it. These people know the rules that they signed onto. They could have fired and not been able to do it, they could have quit and not been able to do it. Just because the shake of the dice and they got laid off and they are using this as some form of affirmative defense to have that accommodation, this is not acceptable. I think they should go to the CED committee so they can prove their case in chief and then come to the Rules Committee for any type of waiver. But I still stand pat that no change to the two-year policy should be enforced.

>> Mayor Reed: Okay, a couple of clarifications, one is I'm looking at the language of section B of the ordinance which is actually broader than what I'm talking about, and I just want to make sure that's clear. Because B under section B you can't represent anybody in a conversation with any member of the staff of the city or the agency, the way I read that.

>> City Attorney Doyle: That's right.

>> Mayor Reed: Which is not the same as engaging in lobbying activities which is another whole section.

>> City Attorney Doyle: This is broader than lobbying. So it just basically says you cannot represent anybody before anybody in the city or the agency. But as proposed, you could work on a matter that you either worked on or had -- was within your area. You just can't come before the city, and whether it's staff-level people or city council members.

>> Councilmember Herrera: That's the intent of my motion.

>> Mayor Reed: Any other discussion on it?

>> Councilmember Herrera: I just want to say I think I'm concerned about people who got laid off being able to work again. And I think if -- if there's some beneficial effects for the city and that puts somebody back to work, I think that's a good thing.

>> Mayor Reed: Anybody else want to speak on this? We have a motion? All in favor? Opposed, none opposed, that's approved. The way we streamline this process, to make it easy to make the request, they come to rules, the council is the one that has the authority to grant the waiver. So this would go on an agenda for when?

>> Dennis Hawkins: September 13th, Mr. Mayor.

>> Mayor Reed: September 13th, okay. Item H-2. I want to get on the agenda for the 7th, September 13th council meeting some modifications to the city demonstration paper policy. I'll have a substantive memo out by Friday which would be -- meet the ten-day rule. Just wanted to get that on the agenda. I'll explain a little bit. What I'm trying to do is we've had a few experiences now with our demonstration partnerships and there's one area that's too narrow, and that's the length of time we can do something with somebody and specifically interested in trying to facilitate some of the work that we're doing at the water pollution control plant with the projects out there. But I'll get a memo out with a recommendation of where we need to change the policy so we meet the ten day rule.

>> Councilmember Oliverio: Motion to approve.

>> Councilmember Herrera: Second.

>> Mayor Reed: Motion is to approve. Mr. Wall want to speak on this?

>> David Wall: It was the language issue that drew my attention about the use of city facilities. Insofar as I've always taken the position that Silicon Valley is getting a free ride on the City of San José and I don't like it. I don't like the input or the influence of the Silicon Valley leadership group and or anybody associated with any business that's not in San José. So there should be a fee structure for the these Silicon Valley companies that come in and use city facilities. City businesses also should also pay a fee or reduced fee for being located here. There should be some benefit conferred upon San José businesses versus Silicon Valley. And personally, I want to reiterate once again, I draw umbrage. The accent is on San José not on Silicon Valley. They've been riding the coat tails of this fair city for far too long and it should be focused on San José. Thank you.

>> Mayor Reed: We have a motion to approve agendizing that. All in favor? Opposed? None opposed, that's approved. Item H-3 is a request from Councilmember Oliverio to direct staff to lower school zone speed limits to 15 miles per hour, both public and private schools. We have a few people that want to speak on that. Councilmember Oliverio. You wanted to explain it.

>> Councilmember Oliverio: Sure, thank you mayor. So just recapping history, in 2008 the state legislature passed AB 321. Why? Because of child safety to protect students and pedestrians. Simple thing is that it comes down to physics. If you are unfortunately hit and have an accident at a higher speed, you have less chance of getting hurt and these tragedies happen all the time in our communities and neighborhoods in San José. And this is a program that's endorsed by the national organization of state routes to school. So the opportunity is for child safety in all of San José, and the opportunity once it's actually implemented would be -- provide the opportunity for parents and students and teachers to feel say so that way we could actually make inroads on more students walking and biking. In absence of lowering the speed limit, nothing will change. Parents will still be fearful, students will still be cautious and teachers will still be cautious. So San José we actually took this step one year ago. We used the state law to reduce the speed on Dana avenue. That's been successful, we haven't had accidents in an area where we have had crosswalks on Dana avenue in the past. And so I want to mention that San Francisco two weeks ago announced that they were going to implement AB 321 citywide at over 200 school sites. So with that I believe San José should consider the same citywide, however, it must be a discussion for the entire council. Because this is something that involves every neighborhood across our city. And that's really a

policy call by the council to have those discussions and feedback and deliberation with our city staff. But it's 100% a policy call. There's been a variety of e-mails that were sent in that were in the Rules packet. Those are for yours to see. I'd say this, about four years ago, the council appointed me to hold the citywide traffic calming hearings where we had traffic calming hearings in every district. It didn't matter if it was Berryessa, Cambrian or Almaden. Every district, every participant, had concerns about speeding at schools. And the reality is this state legislature windows we often have problems with, which often puts bills that are against cities doing the right thing, is actually allowing the opportunities to lower the speed limits, which is a great thing. So I think that's the call here, that we should be able to move this like we did a year ago to the council, the slowing down of Dana Avenue, for this to be the policy decision of the council.

>> Mayor Reed: Councilmember Herrera.

>> Councilmember Herrera: I think we have people -- If we have communities speak, maybe I want to hear them first.

>> Mayor Reed: We do, we have some people who want to speak. Let staff have any comments first, Hans Larsen.

>> Hans Larsen: Yes, Mr. Mayor, I'm Hans Larsen, director of transportation. And also joining me is acting captain Jeff Morozic from our police department. I have -- we wanted to share with the committee sort of staff's perspective on AB 321 and the implementation issues with it. Happy to make our comments before the speakers, or if you want to have them first, whichever you prefer.

>> Mayor Reed: Let's do the speakers first, Joe Kapaka, and then David Wall.

>> Good afternoon, mayor, councilmembers, and members of the committee, councilmember Ash Kalra could not be here today so he asked me to come in his stead to express his support of Councilmember Oliverio am memo. We've already received numerous e-mails and calls to our office expressing their concern about the speed

limits at the many schools in district 2. And Councilmember Kalra is have supportive of this initiative particularly if the recent San Francisco interpretation of the bill and this can be implemented readily and without much additional expense. The councilmember asked me to come down here and briefly express his support of this measure. Thank you.

>> Mayor Reed: David Wall and then Jeff bedola.

>> David Wall: I also would like to thank Councilmember Oliverio for his leadership in this issue. But as a group of the whole or committee of a whole there is some measure of chastisement for your decisions not to properly fund and staff the San José police department. This is unacceptable. It is inexcusable, one of the reasons kids are going to get run over and hurt because you would rather Mr. Mayor, for example, have six senior advisors on the city payroll instead of six more San José police officers and change. So in addition, you are also having on the payroll several high-paid lobbyists in the state house that can't twist enough arms so to speak to get the bail schedules changed to where driving in San José or throughout the state of California and violating speed or any other type of vehicle ordinance, that the bail schedules would be Draconian, that would help to deter bad conduct and help local speed agencies to enforce, especially around schools but enforce all street and vehicle laws in particular. These overpaid lobbyists in my opinion are of no value and our police officers are understaffed and under-supported basically by all of you. Thank you.

>> Mayor Reed: Jeff Bedola and then Richard McCoy.

>> Good afternoon, I'm Jeff bedola.

>> Mayor Reed: Squeeze the handle it will come down just a little bit. Thank you.

>> I'm open a neighborhood traffic committee. This is an outline form. Rhetorical question: Would 15.1 miles per hour be okay? Makes you think. How do you define safe? I like fixing things, too. But less is more. Would people observe it, the 15 mile-an-hour? Is the goal to give somebody a tick some day? Okay. The motto of Hoover school

is, respect and responsibility. Is putting straight jackets on others ourselves really how we can best demonstrate that principle? And, if people don't govern themselves, there aren't laws enough to make up for it. And the attempt to do so backfires, it won't work. People will respect the law less, and addressing social challenges becomes more difficult. Number 8, the last thing. The real question is, what is the best thing to do? Have we really done enough to determine the prudent path forward? Just because something is within our power doesn't mean it's in our best interest. I noticed on the bottom of that sign, in the Dana avenue project, it says when children are present. This is my last statement. What my question to that is, how fast are we supposed to go, when children are present, but we don't see them? Thank you.

>> Mayor Reed: Mr. McCoy and then Jim Zito.

>> Good afternoon, mayor and city council members. I'm here to speak on behalf of the pathway park neighborhood association in support of Councilmember Oliverio's memo. It really came to my attention this morning while listening to Ron Owens on KGO TV they had a segment on this very subject. Callers in supported the subject but questions in regard to the cost of it. The question, would it require the city to have a study for each school zone or would one or two school zones be able to cover all of them? The feeling was basically did the city really have enough resources for the cost involved if every school was to have an individual study. It would be nice to be able to get this done as they did in San Francisco. They also demonstrated on channel 2 this morning that the results of accidents that incurred at a lower speed had a much higher recovery rate and a much lower severity than those that the 25 mile-an-hour zone. Other questions concerning this would be the enforcement of it. Would their signs also include such things as, when children are present? Or the radius of which the speed limits would be enforced around the school area? I think these things need to be addressed but I think they can be handled, completed, and I support this particular action. Thank you.

>> Mayor Reed: Jim Zito and then Karen Hoffert.

>> Good afternoon, mayor councilmembers and city staff. Jim Zito, trustee of the Evergreen elementary school board speaking on behalf of myself. On my way over here it was interesting, I was driving to the city and as I was

driving by Quimby oak elementary, there was a big sign there 40 miles an hour and kids were present and they were crossing. Our school budgets have been decimated. There is no money available for those kinds of safety enhancements to have crossing guards those kinds of things. I think that's a really big issue here. I think there's another issue of you know the city responsibility to protect and serve and to provide you know safety services for our basic citizens which of course are the kids. What I'm concerned about is that this may get mired down in all of the studies and costs and so on. I think that you need to separate the idea of what we need to do as a policy and what we need to do to enforce. I think if it's a policy and it's set that way an well communicated, trust me the school districts will be happy to send out notices to all of their parents through their schools, through their newsletters, and let them know what the new policies are. Enforcement is another thing. Captain, I'm glad you're here and I know there's a big burden on the police department and on public works, but we shouldn't sacrifice safety for the sake of making sure we're doing the right thing. Okay? It does need to be studied. I think there are some schools that may not qualify or be appropriate for this kind of speed limit. But when you look at the City's speed limit as 25 miles an hour if I'm not mistaken in general, our current laws say 25 miles an hour in a speed zone. That doesn't help very much. Walking my son to school pretty much every day, the other issue is the visible deterrent. There aren't signs there. That needs to happen so I think you know we see K turns and U turns done illegally, we see people not stopping for crosswalks, school crosswalks. Part of that has to be done for education. I think if the city does this next step and shows how important that is to the city I think that hopefully would raise the awareness of parents and others who drive in the school zone area. So I think this is a great step, thank you very much.

>> Mayor Reed: Karen Hoffert.

>> Good afternoon, mayor and council persons. I am a returning resident to California. I've been out of state for four years, and I have moved back to Willow Glen. Where I am now purchasing my third home on the same street. I live behind the Willow Glen elementary school. I have been back in California for a year and a 15 year resident in the particular street I live on Nevada after between Newport and Lincoln. I'm a runner, I have a 16-year-old son I drive to school in the rose garden and I have observed the worst speeding around the Willow Glen elementary I've ever seen in almost the 20 years I've lived in the San José area. I have a grave concern for the

children and the residents of Willow Glen. I didn't anticipate speaking today but I am speaking on behalf of many of my neighbors who have known me, who have known me for about 20 years. We have had several accidents within the proximity of the Willow Glen elementary school and several very close accidents, regarding Minnesota and Newport, that crosswalk, Lincoln and Willow Glen way, Lincoln and the downtown area. What I've noted is that no one follows the directions that are established when they're bringing their children to and from school. We need to repaint the curbs, which will help curtail some of the speeding that goes on. Where it's red, it's red, you don't park. I have spoken to the Willow Glen elementary school about this. I've also spoken to some of the police officers who tell me they're short-handed. And it breaks my heart to hear that. We are talking about the children. That should be their priority their safety and their families. I have a lot more to say regarding the speeding that goes on in Willow Glen. I will curtail this. It is just by chance, I am here, and I am in favor and I speak on behalf of either residents in the Willow Glen, thank you are thank you very much.

>> Mayor Reed: That concludes the testimony on this matter this afternoon. Hans Larsen.

>> Hans Larsen: Mr. Mayor, members of the committee, just provide some remarks and perspectives on the issue. First of all, let me say that school safety is a very important issue for the city and particularly for the police department, and the Department of Transportation. And I think on a personal level, I think most of us are parents, and we can certainly empathize with the importance of keeping our children safe. I think as the council knows, we have a very proud record in terms of traffic safety in this city. Half of the national average in terms of overall crash rate, and we have a number of programs that are specifically focus on school safety. We regularly get grant moneys from the safe routes to school program. Our street smarts education program is -- has won awards at state and national level in terms of best practices and then we have a variety of enforcement problems around our schools. Police department leads operation safe passage which three times a year they focus enforcement around school area to try to correct behavior issues, some of which have been talked about here. Also within D.O.T. our parking and traffic control officers. We have a team of ten people that every day help guide and manage safety around our schools on a regular basis. So what -- we're very focused on it and certainly appreciate Councilmember Oliverio's memo to kinds of enhance, look at enhancing our great record in terms of safety. So really what issue is we have new tools available to us under AB 321 that gives cities the ability to lower the speed

limit in school areas. So we can go to 20 or 15 miles an hour, and San José was one of the first cities in the state to actually use this example that Councilmember Oliverio raised. San Francisco's gotten attention with their bowled approach towards the implementation of this where they're proposing to do a study regarding lowering the speed limit on a citywide basis. And that's an interpretation of the law that is kind of a bold step in a way to try to deliver 15 miles an hour on a broader perspective. Our view of the law and the procedures have been focused, and we believe that the law requires a site-specific study of the issues that relate to crash history, unique circumstances, ped-bike safety and residential safety. So clearly there's a question about how to best implement the law and we're certainly respectful about streamlining efforts. But we would advise some caution with regards to sort of following San Francisco's approach because we do think that there may be some legal risk in moving in that direction. There is a process underway to help determine the state law and guideline to cities how they implement this. This is done through the California traffic control devices committee and we've been in discussion with them and this is an issue that they're looking at this year to specifically provide guidance in terms you implement this. So whether San Francisco's approach is one that is deemed to be ultimately appropriate, or more of a case-by-case approach, that hasn't yet to be determined. I think the risk that we have is that if you put up the -- you pick up the signs without a site-specific study, you do open up the potential for challenge to any tickets that are issued as part of enforcement and court ruling on whether your program is enforceable or not. I think that's kind of the first question of whether San Francisco's example is kind of the right process to follow. The second one clearly is there's cost implications with doing this. France is rolling this out for 200 schools. We have been in discussion with them. They have a budget, nearly \$500,000 towards implementing this. That's the engineering work to figure out where the signs should go, writing the work orders and install them. In San José we have more schools than San Francisco, and so to rollout a citywide program we would need the budget resources of somewhere in the order of \$500,000 to do that. So clearly that's an issue that we're not currently budgeted or staffed for and something that typically would be dealt with as part of the budget process. The third issue is one about sort of effectiveness. And if we had half a million dollars to direct towards school safety, we certainly appreciate having the opportunity to choose a 15 mile-an-hour zone as an option for safety. But we get a lot of demand requests, and find a lot of effectiveness with a number of other tools such as flashing beacons at crosswalks that lead to schools, the radar feedback signs where you can see 25 miles an hour and you're driving 32. That is a reminder for people to slow down. We think those are highly effective. So if we did have a budget, an

allocation of funding that could go towards school safety, we think that there are -- we would suggest some flexibility to allocate those resources towards what we think is most appropriate. I also want to highlight, though, that San José is a -- is taking on a lead role within the Bay Area, on the issue of school safety. We got a \$1.5 million grant from MTC to pilot a program of enhanced school safety, and encouragement to get children to walk and bike to school. So this program we're calling it walk and roll San José and this provides us the resources to work with 30 schools over a three year period to specifically focus on how do we make access to schools safer and how do we encourage more people to walk and bike. And I think one of the issues we have around the schools is, there is just too much driving going on. And so if we can reduce that, we think that helps all the way around. Now, under that program, we can definitely consider 15 mile-an-hour zones as part of that program as we're working with that school. So we do have some resources through the grant to take a look at implementing 15 mile-an-hour or other things. Again we would recommend having the discretion to work with particular schools and parent groups to figure out sort of what the best strategy is on a case-by-case paves. So those are our thoughts. I'd be happy to answer any questions, unless the acting captain has some additional comments you want to make.

>> Any comment for Hans?

>> Mayor Reed: Good comment.

>> Jeff Morozic, I have special operations division, part of which is the traffic enforcement unit. And certainly in the police department we believe that traffic safety and pedestrian safety is our highest priority. We'll do whatever we can to make sure that pedestrians and vehicles are safe on the road, and I think the 15 mile an hour speed limit on its face appears to do that and it appears to, I think many people would be in support of hey, slowing vehicles down. But Hans brought up some great points that we need to take a look at and some other options, and I just have a couple of points to make, as well. Is that when we go out and we do school and neighborhood enforcement, and we participate in safe passage that Hans mentioned we do three times a year, we find that the most violations are parents and their parents are making he illegal U turns, parents are parking in a wrong how do we want attack this issue? I'm not saying speeding doesn't occur, we write very little, speeding in the school

zone. We see it as we would better serve our resources to make that a safer spot. On Dana Avenue where we did do the pilot study we found that speeding wasn't an issue prior to that, and it's still not but it is a very kind of chaotic in a congestive area in that 15 mile-an-hour speed limit. Additionally, I think that if we make a 15 mile-an-hour speed limit at some schools, and of course we have to do surveys and take a look, and I think a blanket approach would not be as appropriate as taking a look at certain schools and say hey, does this program fit with this particular school? That would be appropriate as well. Lastly, our staffing within the police department as you've heard is very low. And we prioritize the staff that we have to deal with injury accidents. And we take a look at where people are getting hurt, where fatalities occur and we focus our attention in that zone. And the problem we have, once of because we are low staffed, we have to pick and choose what we sent a school zone for. If we were sense school zone and I think people think that putting a 15 mile-an-hour zone sign up will slow people down. That is not necessarily the case and if we are not there to enforce it, it become a issue where people ignore the sign, and I think some pedestrians have this false sense of security when in essence it really isn't there. I'd be happy to answer questions.

>> Mayor Reed: Councilmember Herrera.

>> Councilmember Herrera: I think excellent points by Hans and our police representative here. I'm very much in support of school safety, I mean, I think it's really important. I remember I grew up in San José and had to walk to school, because we had to walk to school back when I was growing up. And the speed limit was 25 miles an hour, I don't think it was 15, and a lot of people walked to school. So as time has passed, for some reasons, for many reasons, I think there's less kids walking to school. I think it has to do with buses that are no longer available and so people are driving their kids to school instead of riding on a buss, I think there's a perceived sense that it's not save. my impression that parents feel that things can happen to their children, that their neighborhood's not safe. And I think that for a lot of people and loot of neighborhoods it is safe to walk. And we have dispel that fear and work with creating a support system within the schools, within the neighborhoods, so that parents feel like they can let their kids walk to school. And I think when kids are walking to school, and you see more of them walking to school, it increases the safety of the neighborhood, because we have people out on the street walking. So I think that's a big cultural thing that we have to work with, and we can't legislate that, we are going to

have to work with our schools to turn the tide. But those of us who are old enough to remember walking to school, a lot of us had to walk a long ways to school, and we need to create that, both for health and safety. So I think getting more people walking and less cars around that school is going to help. My observation of a lot of problems at the school is congestion. Just like you said, officer. When I see large SUVs all lined up around that school, and they're not moving very fast. They're probably not even moving two miles an hour. My fear is that a child is going to not be seen by one of those cars because it is so congested. We don't have the resources, and I think that people are very concerned, and rightfully so about safety, but I think there's a lot of factors. It's not just the speed limit. It's the congestion, it's the lack of resources to enforce, it's parents working two jobs and rushing to work and rushing back. There are a lot of things that are creating the stresses that are causing this problem and I don't know that a blanket approach of putting in a 15 mile speed limit is going to solve all of that. I'm not saying it isn't well intentioned but I'm not -- I do not believe that necessarily doing a blanket approach is going to work. I think that I would like to see it more explored. I like the fact that we have the tool in the tool box that we can use this, it's being used appropriately already at one school. I think it would be good for us to study maybe expanding it so we can use it maybe at other schools. But I'm concerned also with the budget implications. Because we are sitting here trying to find money to pay for police on the street. I want to make sure that there are police that can take care of making sure our lives and private property are protected too. And there's -- we have to decide how we want to use them. I think giving people an expectation that we're going to have enforcement where we can't is not necessarily a good thing. I'd like to study it but I don't support the blanket implementation of this.

>> Mayor Reed: Vice Mayor.

>> Councilmember Nguyen: Thank you. Hans just a quick question. Are you aware of any legal challenge to how San Francisco interprets 321 or the implementation that's going on right now?

>> Hans Larsen: I.e. their proposal just came out the last couple of weeks and I'm not aware of any specific challenges to it. I think it would probably come about when, if they implement it like they're planning to and somebody gets a ticket against it, and then there will be a basis of some challenge.

>> Councilmember Nguyen: I have similar concerns as Councilmember Herrera. I was a former school board member so obviously we are very disappointed about school safety but sitting here listening to Hans talking about the challenges that we have to face in regards to how we're going to implement this, I think that we should be concerned about some these challenges. I think the is cost of implementation is just tremendous. I think what we have going on now the walk and roll San José, I think that is the more effective way to roll this process into what we're doing right now and starting with the school is probably a better way to go than just to have a blanket approach and look at more than 200 schools in our city. Obviously no one's going to speak against school safety and no one's going to speak against student safety or children's safety but at the same time we have to be more pragmatic and realistic in terms of our budget situation and what we can do to enhance safety in the schools. Obviously, working with the school district on something like this is very critical. I think we can use them to do -- help out with outreach but I don't think we're quite there yet. I think we should give staff the opportunity to study this, perhaps look at ways and how we can roll this into something that's in the process right now. And so that's just my opinion.

>> Mayor Reed: Councilmember Herrera.

>> Councilmember Herrera: Thank you. I forgot one more specific question I wanted to ask. So I'm thinking of a school that's on the Eastside. There's a school along King Road and King Road, I'm not sure what the speed limit is, I'm guessing 40 at least along King Road. There's a school right there. If we implemented this, would King Road be 15 miles an hour? I don't think so, right?

>> Hans Larsen: Yes, I think it's limited to streets that are --

>> Councilmember Oliverio: Two-lane 30 mile-per-hour.

>> Councilmember Herrera: It concerns me, there are schools on these busy streets. Lincoln avenue was talked about, is Lincoln avenue going to go to 15 miles per hour?

>> Hans Larsen: No.

>> Councilmember Herrera: I think we need to address the problem of the schools on busy streets too, not just these streets that it's 25 miles per hour. I'm concerned about these kids that have to get across King Road to get to school. The traffic patterns, what can we do? Maybe it's the flashing lights along the crosswalk, maybe it's signs that alert people there's a school there, I don't know. This is an example there are problems that this blanket solution is not going to address. If we have money to solve some of those problems, I'm very fearful for kids' safety crossing those big streets where they're near school. So I want those things addressed, too, in terms of school safety.

>> Mayor Reed: One of my first jobs as a councilmember was to chair the traffic calming committee, ad hoc traffic calming committee. And I'm sure that if we had the capacity to do 15 mile-an-hour speed limits around schooled we would have put it in the tool box. It just wasn't available to us without all kinds of engineering studies. My question is what is AB 321, what does it do and what makes it different from all the things we have to do around speed limits?

>> City Attorney Doyle: I'll take a stab at it. I was indicated and it was Councilmember Oliverio's memo and Hans's brief remarks, it allows for the -- it modifies the vehicle code section, 22358.4, which allows municipalities to implement 15 mile-an-hour speed limits within 500 feet of the schools. And what you have to have is that the street has to be contiguous to the school, it can only be two lanes, must have an existing speed limit of not greater than 30 miles an hour, and then take into consideration some other factors which are residential density, history of collisions, and need to improve pedestrian safety or bicycle safety, and then some standard of conditions that are not readily apparent to the driver. There is some question in my mind. I'm reading from the memo from the City and County of San Francisco, where they say that each street surrounding each school is being analyzed to see if it meets the criteria previously mentioned in its report. I think San Francisco probably meets the residential density almost citywide. And because the standard of feeding to improve pedestrian safety maybe is what they're relying on so their report can be safely or easier done. And I don't know if that's the same

case in the City of San José. The difference is San José has historically applied the four criteria, you have to meet all the criteria. San Francisco say you only have to apply two, two of the four. That's where there's a difference. Those issues they really cry for, the larger issue you hear from the police department is there's a whole host of things that we need to look at. But the threshold issue for this statute is what applies, when does it apply, and how can we use it and I think it cries for sort of a staff analysis to come back to the council, ultimately Councilmember Oliverio is right. It's a policy call whether you want to direct staff to pursue this or not but we need to get you the information of what can you do. This was done -- unlike San José, Gavin Newsom had the ability to issue an executive order and staff went out and did the work. Here I think we'd like to get the work done first and then come back and get direction.

>> Mayor Reed: The question for me is how can we take advantage of this opportunity with no money, because D.O.T. doesn't have any extra money, police department doesn't have any extra money. It seems to me like some of this we can do without any cost to the city. And we at leaves ought to take advantage of those opportunities where we can. So what I'd like to do is to get this into your tool box to give you whatever direction and authorization you need to take advantage of this. When you can meet the criteria. Because I know some of our other traffic calming things that we do, devices that we put in the street cost money and studies but nevertheless we're able to implement some of those and I think we even collect some money from neighborhoods sometimes, associations go together and help pay for things. We do things with school districts, sometimes they pay for them. I know the pedestrian activated crossing signals I paid for some out of my council office budget when I was councilmember. So there are ways to do it without saying we're going to have to give you \$500,000 or we can do nothing. So I'd like to know how can we take advantage of this? I'm not in favor of just lowering all the speed limits of all the schools at once because I've got a bunch of change you have to change and probably doesn't make any sense but at least you ought to be able to do the analysis on a case-by-case basis in the simplest way possible and hopefully, this legislation makes it easier than we had to do in the past with speed limits. So you know how can we make this available to you allow it to happen and if somebody wants to go together in a neighborhood association and put together the money to do it if it's a thousand dollars or \$5,000 or \$10,000 there's a price tag somewhere and some of this can happen with other people's resources.

>> Hans Larsen: I think that we, going back to the walk and roll San José program, is certainly as we work with the 30 consumes and those haven't been yet selected that this is a tool in a tool box that we could consider as we work with them, what's the best package of improvements to improve safety around the school. So we do have that. I my it's the cost -- there's some cost, the cost of the signs, there's the cost of the engineering work to figure out where the signs go. Sort of the difference between the San Francisco blanket approach versus the site-specific is that our belief is that there has to be some special circumstances that justify lowering it to 15. You know and that may be the case in a number of areas in San José, where do you have crash history, you've got blind spots, where people don't have the same level of visibility. And we certainly can implement that. Just as we did at the trace elementary school example.

>> Mayor Reed: Well at a policy level if I get to make the policy decision on this and it's allowed by the legislature I think 15 miles an hour is something we ought to achieve around our schools because 25 miles an hour is too fast. And if we can slow people down, and I know that not everybody will slow down, but some people will. And it's the same police officers enforcing a 25 mile-an-hour speed limit as a 15 mile-an-hour speed limit, and that would be a good thing. And whether or not there's crash history or things, I think independently of that just bring the speeds down because the difference in survival between a 25 mile-an-hour crash and a 15 mile-an-hour crash is huge. I think there's good policy history to do it but I don't have \$15,000 to budget for it. But I don't want us to approach it and say well, it's going to take massive undertaking or we can do nothing. Figure out a way that we can do it a piece at a time, and maybe we end up with doing 200 schools or maybe it's one school. But I don't see fundamentally how it's all that different from any other traffic calming request that you get regularly. We want chicanes or diverters or whatever in the street. Sometimes we have money for it, sometimes we don't. But sometimes we're able to figure out how to do it. That's not a blanket policy, because every one of those you have to analyze and decide whether or not it's going to go. Sometimes you have to ask the neighbors and things that we do with traffic calming. So I'm not sure what that means, but I'd like for you guys to tell us how can we help you be able to take advantage of this opportunity. That's really my request. Councilmember Oliverio?

>> Councilmember Oliverio: Going along your lines, Mayor, I think this is perfect. Have this come to council, have DOT present us a few different option. Hey, this is what we would be do if it would be blanket, this is what it

would be if it would be 50% of the schools, 20% of the schools, 10% of the schools. What are the options that we could provide should there be zero funding? What would it cost to procure two 15 mile-per-hour signs, have a person go out and replace the sign. What does that cost? I think that's a variable we need to know. So I would ask my colleagues don't let perfect be the enemy of the good. There's never been a policy up here that's ever been -- just swings right through. There's always these levels of nuances and details. And I appreciate staff, award winning, articulate, excellent. But some of the reluctance is why things don't get done. And in the end, this is a policy call and it is up to the council. Madison, you had mentioned you know when did this come about and the question was it was just recently. Well actually, December 29th, San Francisco wrote the state agency tell the telling them their views on this law. The state has never told San Francisco no in eight months. So these are some key things to point out here is that how we interpret the nuances of shall or should is the difference between 15 and 25 and the difference between a major injury and a less of an injury. On park avenue, three years ago, when the girl unfortunately died, many people feel that if park was 15 instead of 25, that accident wouldn't have occurred. We won't know because that's looking back in the past. But how is it we can look forward and not think about doing that? This is really where a small amount of money could bring a big effect to the community. If you're going to tell the residents that, I need to send a traffic engineer to go out to the school site to replace the 25 sign with the 15 they will look at us with a puzzled look. The reality is we have posted signs today when children are present in locations. All we're simply asking and perhaps this might be one of the policies that comes from D.O.T. when this comes to council is, let's look at the schools with the highest complaints. Let's look at the schools that have the collisions and only replace those school sites. That's not -- you know again as the mayor points out it is an option in the tool kit. You're limited as much as walk and roll has a marketing zing to it, frankly we've been trying to educate parents for decades. And you know what? They're not going to listen. They're going to listen when they feel secure and part of the security may be a marketing thing of walk and roll, but part of it may be the lower school limit that the legislature allows. We've been trying to educate for years about parents and their driving to schools. At Councilmember Herrera's point, we can't control that people are in a rush and I can't move that school on King Road. But you know what? A majority of these school are on a 25 mile-per-hour street, and a majority of them are in residential neighborhoods. And quite a few of those schools, because of school closures, used to be schools built for 350 schools and are now for a thousand. So people are driving. And where they could bike, they are still being dropped off. We don't get the conclusion we don't get the safety, we don't get the

good peace of mind unless we have the option of implementing AB 231 where it may be needed. Blanket is an option, partial is an option, but it's clearly a policy call by this council. So I would just like to make a motion to have this come to council, have staff prepare us some options, give us some time you need to go work on it, and then come to council, and we can decide as a council what makes sense with the budgetary implications and the policy implication. That's my motion.

>> Councilmember Herrera: Second.

>> Mayor Reed: Okay, we have a motion to get this to council a date unspecified to let them figure out what the options are. I would like to reiterate, tell us what we can do at a policy level to help you do your job without making it a lot harder. We don't have money but I think there are things that we could do that would be helpful. Councilmember Herrera.

>> Councilmember Herrera: The thing that I've taken away from this is the importance of school safety. And I really appreciate everybody who has come and spoken. And I think definitely the 15-mile is one of the tools. But I also think Hans in terms of this walk and roll program because it does have 1.5 million you said?

>> Hans Larsen: Yes.

>> Councilmember Herrera: There's money guys, we can do something with that. Can we identify the schools most in need? Whatever treatment we use, whether it's speed bumps, whether it's the 15-mile, whatever we decide to do, and the school on King Road needs attention, too, okay, just because it's not a 25 mile zone, these schools that are on the busy streets, we need to figure something out there, because they are probably in the most need of something to help their students be safe going to school. So I'd like to identify the ones so we go after the biggest issues first, whatever we decide to do I'd like to focus on those schools that have the most pressing needs, if we can. Is that possible?

>> Hans Larsen: Yes, councilmember. And I think with the walk and roll program what we were looking at to work with the schools and superintendents and really a balance between which schools are in most need. But as we roll out an encouragement program of walking and biking to school, we certainly want to have schools and parents that are willing participants in the effort. It's not something that we want to force on them if they're not ready for it, but ones that really want to take on the program. I mean, the motion to have us come back and look at some options we're happy to follow up on that give it a little bit more thought, taking into account the input that we received here today. I think there's probably two things that we want to come back to council on, maybe we ask them together, how do we roll out sort of the candidate schools for rock and roll San José, which is definitely related to school safety as well as, you know, what kind of program options might we have for a 15 mile-an-hour program.

>> Councilmember Herrera: And I just want to say I understand this is conceal where people are riding bikes and everything, I want it to apply to schools that maybe are not there yet, I don't just want it in the schools where there is less of a need. We need to approach it to maybe somewhere that kids are not riding bikes yet. I think I'm making myself clear on that you know.

>> Mayor Reed: I'd like to request that we preview this with our school-city collaborative with the superintendents. Because they appreciate it when we ask them before we do things. And after you've had a chance to think about it I think their perspectives could be helpful because I do know that a school where the principal cares about this stuff is much more likely to be successful than where they don't. And getting them engaged to help -- whether it's a 15 mile-an-hour speed limit or anything else is really helpful at that level and the superintendents could be useful as a sounding board before we come forward with any policy decision. I don't know when the next meeting is. You don't have to have a staff report prepared or anything, but I would like to get it on the agenda so we can talk about what we're going to be doing.

>> Hans Larsen: That's a good suggestion, we could follow up on that.

>> Mayor Reed: On the motion, all in favor, opposed, none opposed, that's approved. I want to go back to item H-5, the waiver of the revolving door restriction. Since this is going to council with a recommendation to the Rules Committee I think it should just go on the consent calendar. Last time we didn't have a recommendation.

>> Mayor Reed: Auditor's travel to Washington, D.C.

>> Councilmember Oliverio: Motion to approve.

>> Councilmember Herrera: Second.

>> Mayor Reed: At no cost to the city to study the cost of government. Off to a good start already. No cost. Mr. Wall did you want to -- open forum. All right on the auditor's travel, all in favor, opposed, none opposed, no questions for the auditor while she's here. Okay that takes us down to the open forum. Mr. Wall.

>> David Wall: First I want to give public thanks to the San José fire department, specifically San José fire department number 1 which is always in my neighborhood saving lives and doing great stuff. Really appreciate them. I want you to look at public art from a different perspective. Funding for public art is not a problem. The administration of the public art that causes the problem. So I'd like to see public art moneys put in an escrow account to be divvied up by a council decision into the public schools. Because I really think our schools need to be rebuilt from the city up. Garbage and graffiti are under control. I would like to see some pressure put on state legislatures or whatnot to escalate the problem of criminal procedures against especially freeway signs graffiti. These people are entering into inherently dangerous activities that affect the public safety by climbing up on these freeway signs. If they were to slip they're going to go into somebody's windshield and cause a lot of problems. You know, it's time to get really tough with these people. The T&E, the transportation and environment committee, I want you to review that a little bit more. This storm water permit and subsequent reporters for the storm drain they have been given too much of a mull began by being able to come back at the end of the day with their report when you're flooded with all sorts of other reports. These people are making way too much money down there and not performing their duties, in my opinion. That should do it for today. Thank you very much.

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