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>> Mayor Reed: Good morning. It's 9:30. We're going to get started. Is there a labor update? No labor update. We're going to adjourn into closed session. We'll be back here at 1:30 for the open session agenda.

>> Mayor Reed: (gavel strike) Good afternoon. I'd like to call the San José city council meeting to order for April 10th, 2012. Start our meeting with an invocation. Councilmember Chu will introduce the invocator.

>> Councilmember Chu: Thank you, mayor. It's my great honor to introduce pastor Kevin Pasion, from Berryessa community church. Established in 1976, Berryessa community church has operated at the same location on Sierra road in District 4 and is affiliated with the Evangelical Free Church of America, an organization with over 1300 churches in 45 countries in the world. As an ongoing effort to help the parishioner, Berryessa community church work closely with City team international, with crisis counseling, intervention and support. The church also created a festive atmosphere by hosting the 2011 Amgen tour of California lifestyle festival, where the church's ground was the main focal point for all participants and cycling enthusiasts. Berryessa Community Church has recently partnered with Next Generation Church fellowship, a Vietnamese congregation, and began using the church facility in April 2011. NGCF is part of a different denomination than Berryessa community church and offers services in both English and Vietnamese. This partnership allowed the church to effectively serve the culturally diverse community in Berryessa. Pastor Kevin Pasion has been a long-time resident of San Jose since 1969. He is currently pursuing a master's degree in theology from Bethel seminary. He served as the senior pastor for Berryessa community church and has served in pastor ministry since 1994. Please welcome pastor Kevin Pasion. Thank you.

>> Would you bow your heads please so we can give an invocation to our lord. Heavenly father, we do thank you so much for the privilege of being able to speak into the policies of this wonderful city, lord and for the freedoms that we enjoy, not only as a people living here in San José, but also, just as Americans in general. We thank you for that freedom lord, we want to never take that freedom lightly. And lord you tell us to pray for those who are in authority over us. And so we do want to pray, for all of our city council men and women. We want to pray for our mayor, Chuck Reed, lord we want to pray for the decisions that they make, and we know that each one of us coming here this morning might have our own individual ideologies. But what matters most, lord, is that we hear your voice in the matter, lord. That we follow, after you, that we do the things that you want done in this city. Because we know that you love this city. We know that your son died for this city. And so we just lift up our leaders to you this morning, this afternoon, and just pray for the decisions that will be made here, lord. And that

they will reflect your heart and your will. We just ask all of this, in the name of your precious son, Jesus Christ. Amembership.

>> Mayor Reed: Next we have the pledge of allegiance, joining us today and helping us with the pledge is De Vargas elementary school third graders from District 1. Please stand. [pledge of allegiance]

>> Mayor Reed: Thank you, de Vargas elementary third graders. First item of business are the orders of the day. Are there any changes to the printed agenda? I have no requests. I need a motion.

>> Motion to approve.

>> Second.

>> Mayor Reed: Motion to approve orders of the day. All in favor, opposed, none opposed, orders are approved. Please note that we are adjourning this meeting in memory of David Goglio, former councilmember who passed away on March 24th, at the age of 74. David served on the city council from 1969 to 1973 and was vice mayor in 1971 and '72. He came to the city council after serving as president of the Sunrise West Homeowners Association. He was a navy veteran and after his military service he and his wife Loretta moved to San José. He began his career as an electrical technician with IBM, eventually becoming a financial administrator. Following his city council service in 1973 he became the owner of the Big Ben loan office on West San Carlos Street, was also active in the California pawn brokers association. Dave is survived by his wife of 49 years, Loretta, his two children, Matthew and Shelly, and their spouses Breezy and David, four grandchildren, Emily, Isabella, Amy and Owen, and other family members. So as we adjourn today's meeting in honor of David Goglio we honor him and thank him for his service to our city, and thank his family and his friends for sharing him with us, and we offer our condolences to them. Next item is the closed session report. City Attorney.

>> City Attorney Doyle: There is no report mayor.

>> Mayor Reed: Ceremonial items are next. I'd like to start by inviting Councilmember Chu, our interim library director Ned Himmel, Library Commission chair Jean Lee, and representatives of the Berryessa and Alviso friends of the library groups to join me at the podium. Today we're recognizing the week of April 8th to 14th at national library week in the City of San José. Councilmember Chu has some of the details.

>> Councilmember Chu: Thank you, mayor. I would like to thank my colleagues and the mayor on -- in joining me to proclaim April 8th to April 14th as national library week. As the budget situation improves, I hope my colleagues and I will protect the library by restoring library hours and opening closed libraries, as part of the city council's priority for the next fiscal year. Libraries serve as a hub for our community. And we should try our best to keep as many hours and branches open as we can. Especially as attendance has increased in many of our branch libraries. In fact, the Berryessa branch library has one of the highest attendance rates in the city. Libraries also provide opportunity for education, lifelong learning, and enhance our community. They provide our children a safe place to be at, and our family a place to spend quality time together. Our library also provide many free programs and classes. Such as computer classes, ESL, story time for children, college prep classes for the older children, and the variety of job-seeking training and adult -- for adult and many, many more. I also want to take this opportunity to thank our librarians and professional library staff. You are helping residents find and interpret the information they need to live, learn, and to work in the city. Also, thank you to those who volunteer at our library. Such as our friends of the library groups. Here today to accept this proclamation on behalf of the residents of the City of San José is the interim director Ned Himmel, library commission chairperson Jane Lee, friends of Berryessa Library and friends of Alviso Library. And we also have representatives from all 21 friends of the library of San José sitting in the audience with us today. So mayor, would you please do the honors, present it to --
[applause]

>> Thank you very much. I'd like to start by thanking the -- and congratulating the staff of the San José public library for their hard work their dedication and their creativity, especially in these very difficult economic times which has earned them the institute of museum and library services national medal. I'd also like to thank the volunteers who are such an important part of the public library program. They include the friends, the library commissioners as well as many of the members of the board of the San José public library foundation. Thank you

very much for your efforts in supporting the public library, and I'd also like to thank the city council and you, the public, for supporting the San José public library. You know, libraries are more than merely a repository for books. They're a great equalizer. They are an essential community hub for exchanging and finding information and ideas. The San José public library fulfills its role in a number of ways for our diverse community such as by providing story time in a multitude of languages for our youngest patrons. In many our branches, you'll notice dedicated teen rooms for our young adult users. Homeless folks who may not have a physical address can have an e-mail address and hence a voice thanks to the publicly available computers at the libraries. There are also programs such as adult literacy, social workers in the library, lawyers in the library, books aloud and also the wonderful partnership between the San José public library and the San José state university which allows academic resources to be available to members of the public who want to do in depth study in a variety of subject matter areas. Now, with the privilege and the right to use these awesome array of resources comes the equally awesome responsibility to take care of them. And I want to thank the city council for taking this responsibility very seriously for trying to keep the libraries open, vibrant, and available to everyone in San José. So in closing, happy national library week. I encourage you to discover something new at your library and thank you for supporting the San José public library. [applause]

>> Mayor Reed: I think we're done. I'd like to invite the San José Police and Fire dispatchers to the podium for the next item. Today we're recognizing the week of April 8-14 as dispatcher week in the City of San José, in honor of the San José Police and Fire public safety dispatchers. The men and women who serve as dispatchers, serve us 24 hours a day. So this is not everybody. This is only a part of them. Trust me, there are still people on duty taking care of the people. They do that every day and they help those in need of emergency assistance and they're an important life line to the men and women of the departments who are out in the fields. Sometimes connected only to safety through the -- a line that they have to the dispatchers. So these folks handle calls, day in and day out. From the public, for police, fire and emergency medical attention. They often work difficult hours and under hard conditions as they serve as that critical communications link between the residents and our front line personnel. They're continuously working to improve themselves, participate in professional organizations and have won numerous awards for the quality of their work. So we take a few moments to express our appreciation

to the men and women who serve as public safety dispatchers and recognize the role that they play in keeping our city safe and our people safe. And I have a proclamation to that effect. [applause]

>> Thank you, Mr. Mayor and members of city council for this proclamation. I am happy to accept this on behalf of the men and women that professionally answer our 911 calls for the City of San José. They do a great job every day, 24 hours a day, 365 days a year, making sure that the folks that need our assistance get it in a prompt manner. [applause]

>> Mayor Reed: Next item is the consent calendar. We have request to speak on the consent calendar. Mr. Wall.

>> First I'd like to also thank the dispatchers. It would be nice if you called city employees up here to thank them you'd reinstate their pay and benefits. On the community for economic development there were a couple of issues. First of all fire station number 1 was publicly thanked then as they are now for coming in and rescuing a neighbor who had had a stab wound. Also, there was discussed with the convention center, and it's unfair I think to have Public Works folks build you a nice building if you don't adequately fund for let's say a new kitchen. I heard that they got their heating ventilation and air conditioning funding. But I think the director, director Sykes and deputy director Freitas are very valuable to the organization, should be thanked. On the transportation and environment committee, once again these energy grants that you're so happy to get and proud of the people that get them, you neglect to state for the record, what are the long term obligations that taxpayers are going to be stuck with? And I think that you should be a little bit more sir couple expect for that. As a matter of fact it's somewhat of a demand really. If you are going to take a grant you should be up front to see what the grant costs the taxpayers over the life of that grant and after the grant expires. Then we talked at the meeting about the water pollution control plant pay increases for just the plant operators. And I think that that's inherently wrong. Because it is just not the operators that maintain the plant. It's everybody that works at water pollution control. And since none of them are funded out of the General Fund and on a restricted use fund, all of their pay should be -- and benefits be reinstated instead of singling out just the plant operators for this unique modification to municipal code. Thank you.

>> Mayor Reed: Any items council would like to pull for discussion off the consent calendar? Councilmember Pyle.

>> Councilmember Pyle: Item 2.5 please.

>> Mayor Reed: City travel report. Is there a motion on the balance? Motion to approve the balance of the consent calendar. All in favor. Opposed? None opposed, true to word, Councilmember Pyle.

>> Councilmember Pyle: Thank you mayor. On March 28th there were three councilmembers, and Richard Keit, the chief of police Chris Moore, Betsy Shotwell, and Roxann Miller all assembled in Sacramento to appeal to at least 11 different legislators for a briefing. And those people were, Nora Campos, Assembly Member, Senator Alquist, Senator Corbett, Senator Blakeslee, Senator Simitian, plus Assembly Members Beall, Moning, Gordon, Fong, Allejo and Weickowski. And what was the message, my part of it was to explain our economic situation at this time. I did mention the fact that our employment level was 2.9% above the December 2010 level, but remains below the peak in December of '07 of 930,500. Unemployment rates have shown some improvement, are now 8.9, down from 12.1 in August of 2009. Residential activity, prices are stable, and there's a small growth in property tax receipts. A slight growth too in median home price, that is within 1% of the December 2010 median price and strong sales performance with collections projected to reach almost prerecession levels. Explained the shortfalls that we've had over the years and how we've tried to compensate for those. Adopted budget actions, the fact that we closed \$115 million shortfall? Eliminated 440 positions, which did result in 140 layoffs. 10% compensation was forthcoming from all employees in the city. And so on. There's several other -- others but I don't want to extend the time that I've been given, more than I need to. The people that went with us all had a particular part as well. And Richard Keit of course talked about the new realities, quote-unquote, in reference to redevelopment. The successor agency and the importance of AB 1585 which is a technical cleanup amendment. And Councilmember Kalra spoke in reference to economic development, would you like to say a few words about that?

>> Councilmember Kalra: I will allow you to complete the full presentation. I did have my button on and I'll go ahead and say what I was going to say right now which is I wanted to thank you. I know this is really something that you've started now. This is your last term. This is the third year. And I got to admit when I went the first year I was skeptical as to whether it really made a difference or not. A lot of us were on delegations to D.C., and you just find being face to face even when we see some of these representatives on the weekend at events or what have you, being there in an organized fashion, in a' with Richard and the police chief it makes a difference. I want to thank you. I'm sure one of us will pick up the baton, it won't be the same without you, you've created something that hips collectively demonstrate to some of our state leaders some of the important economic development public safety and other priorities to our community. Thank you, Nancy.

>> Councilmember Pyle: Thank you. Did you want to talk about the enterprise zone amount all that now?

>> Councilmember Kalra: I'll allow you to continue, but thank you for allowing me to be part of it.

>> Councilmember Pyle: You bet. And chief Moore of course spoke in reference to the realignment in the city's police department, the status of dealing with releases with no state funding to go with it, preservation of the COPS funding, and continuing the booking fees reimbursement, which has been slow coming. We also talked about the priority issues, and legislation. For example, Sam, you spoke in reference to BART, the federal funding, Warm Springs, would you like to speak towards that? No?

>> Councilmember Liccardo: No, I'm just grateful for the support we've gotten from the state delegation so far for over \$600 million. Again I want to echo Ash's comments. I think it's fantastic that you spearheaded these efforts.

>> Councilmember Pyle: Well, thank you. BART of course just updated the federal funding in reference to Warm Springs-Berryessa station and they had their groundbreaking on April 12th or they will tomorrow I should say. The ACA for infrastructure funding backlog will allow 55% voter approval. It is expected to pass. And then basically, I've followed up with the need, the great, need as did Sam, in reference to representation on the MTC seat and the commission for San Jose and Oakland. There were letters as well of support from Mayor Reed and

others. And so I think it did help our cause. I think it certainly didn't hurt. But it was a long, full day. And it -- we began at -- well, I began a little later, but some of you began at 9:00 in the morning and left at 5:30 in the afternoon. So by the time we got home around 7:00, 7:30 we knew it had been a long day but very, very worthwhile. With that, any questions?

>> Mayor Reed: Any questions for Councilmember Pyle? No, I also want to add a trip report from my trip to Washington, D.C. last week. I was in Washington, D.C. Sunday and Monday, pretty quick trip but we spent the morning with the national forum on youth violence prevention. It's an initiative by the Obama administration to bring cities together from across the cup and find out what works. And San José is there because our mayor's gang prevention task force is one of the best in the country in dealing with the youth violence issues. We made a presenting on behalf of the task force. We wept a group of people that went paid, for by the Department of Justice. We talked about the reentry program, which is a collaboration with the Santa Clara County, supervisor Shirakawa, the president of the board, was there as well, and just to add a little icing to the cake the Department of Justice did announce that the six participating cities would get grants of \$120,000 over the next couple of years just to keep us engaged in the program. Although we do have other grant applications as well as we tried to fund ways to make our reentry program a success. A quick trip but I think a useful trip, paid for by the federal government so that helps. Any other trip reports? Okay, then we'll move on to the next agenda item which will be report of the City Manager.

>> Debra Figone: Thank you, Mr. Mayor. I do have a couple of reports. First of all I'm proud to congratulate three women in our organizations who have just been recognized by the San José Silicon Valley business journal as women of influence. Those would be Vice Mayor Madison Nguyen, councilwoman Rose Herrera, and Budget Director Jennifer Maguire. They are among the 100 women honored by the Business Journal this year for their outstanding professional contributions and leadership in our region, and for being excellent role models. Kim Walesh and I were pleased to nominate Jennifer Maguire in acknowledgment to her tremendous commitment to our city. What we didn't know is two of our councilmembers were also nominated so we were delighted to see that they were on the list that the business journal released last week. Altogether it is a very impressive list and a well deserved honor for three of our women leaders. I'd like to congratulate them all. The last report is a very brief

one. It's an announcement. Tonight we start our annual series of ten community budget meetings with the first one in District 9 at 6:30 p.m. at the Cambrian branch library on Hillsdale Avenue. Over the next six weeks we'll be visiting each council district, and the last meeting will be held in District 6 on Thursday, May 24th. The complete schedule listed on the home page of the City's Website. These meetings are an important step in our efforts to prepare our budget each year. On May 1st the City Manager's proposed budget will be published and so the community feedback will bridge this period of time, and it will be very valuable to the council as you proceed to make your essential policy decisions in developing what will lead through your deliberations an adopted budget. Although I am relieved that we're not facing the same kinds of painful choices that we've had in the past several years, we are still a long way from reaching the level of financial stability that I know we would all like to see. I am optimistic, however, that we're on the right path, that will allow us to begin to stabilize and hopefully some day restore service levels to meet the expectations of our community. That concludes my report.

>> Mayor Reed: Our next item is 4.1. Actions related to the building equity and growth in neighborhoods funds. I have one request from the public to speak. I'll take that now. David Wall.

>> This is another one of these grant programs that basically are designed to benefit developers. And I quote: The funds which are managed by the state's Department of Housing and community development, are offered on a competitive basis to cities that have demonstrated that they have significantly reduced housing development cost to builders through various regulatory relief and development incentives such as modification of density standards, flexible parking standards, streamlined project reviews, and fee waivers or deferrals. Period close quotes. These are neighborhood destroyers. What benefit does the city receive out of conferring preferential treatment in the loan process, there's no real fairness on who gets these loans. But then flexible parking standards. This is now the norm for all your housing projects throughout the city. You don't build car parks so developers can pack more people in per square inch and this has become the nuisance property. The other people that seem to benefit a lot out of this is, housing departments, in other words government programs. Realtors and this is all borrowed state money anyway. So it is a very big boondoggle that the City of San José should not have and above all the biggest curse is, because of this really asinine inclusionary housing program or policy, these people are hoisted into good neighborhoods, have no place to park their cars but on the

street. They don't deal with any type of overpopulation or residence in these places so you're creating government slums reducing people's property values and creating nuisance properties at the same time.

>> Mayor Reed: That includes the public testimony. I need a motion. Councilmember Pyle.

>> Councilmember Pyle: I would like to move to approve. I did have a cull of questions but --

>> Councilmember Liccardo: Second.

>> Mayor Reed: We have a motion on the floor. Councilmember Pyle.

>> Councilmember Pyle: First, I think this is phenomenal. I praise Leslye Corsiglia for putting all of this together. But the question has to do with the income range for first time buyers. I notice that with the one-person household, \$88,200. That seems pretty moderate. But I wondered is that gross income or is it income after taxes?

>> Sure, this is Jackie Morales Ferrand, I'm the assistant director of the housing department. And the income limits that you'r seeing, that's gross.

>> Councilmember Pyle: That's gross, I figured it would be. That's pretty much it for me. I like the fact that it assists people to get into housing that they normally wouldn't be able to get into. And it also creates a fund that can be -- keep on going to help more people in the long run. Plus we've always heard about how unfair some programs are to developers. And this certainly takes a different tack and I think a very welcome one. So that's it for me.

>> Mayor Reed: We have a motion, no other questions. On the motion, all in favor, opposed, none opposed, the motion is approved. Our next item is 5.1, an ordinance amending chapter 9.44 of the San José municipal code to regulate outdoor smoking. We'll have a presentation on that. We'll take just a minute for the staff to get into place.

>> Laurel Prevetti: Thank you, Mr. Mayor. Laurel Prevetti, assistant director for Planning, Building, and Code Enforcement. With me this afternoon is our acting deputy director Diane Buchanan with code enforcement as well as our division manager Jamie Matthews also with code enforcement. So we have a very brief presentation, and we welcome your questions. With that, please Diane.

>> Good afternoon. I'm Diane Buchanan, acting deputy director for code enforcement, and I want to provide a brief overview of the draft outdoor smoking ordinance. Code enforcement division has worked closely with deputy City Attorney Brian Doyle to respond to council direction provided in August 2011. On December 8th, 2011, code enforcement, partnering with staff from the Santa Clara County health department conducted citywide stakeholder meeting. More than 40 people attended including business, representatives residents, and health advocates. Additionally, information on the ordinance was mailed to all owners of multi-family residences as an enclosure to the annual billing statements. Code enforcement also met with representatives of the downtown business association. As you may be aware the Santa Clara County health department received funding through the American resource and recovery act. They have made available approximately \$101,000 to the City of San José, in the form of a reimbursable grant to offset anticipated staff cost associated with the ordinance development and outreach. Although no funding is available for enforcement it is expected based on the experience of other jurisdictions that the ordinance will be largely self-enforcing once the outreach has been completed. This ordinance builds upon San José's success and leadership in the area of reducing the public exposure to secondhand smoke. Specifically the ordinance will extend the current smoking prohibitions to outdoor areas of restaurants, public service lines such as ATM, movie or event lines, and unenclosed common areas of multiunit residences. Utilizing the reimbursable grant funding, code enforcement inspectors will be conducting direct outreach and distributing trilingual brochures to the affected businesses citywide. We will continue our outreach and partnership with the tricounty apartment owners association and are implementing a partnership with breathe California who will receive all business and resident concerns and provide the necessary outreach and education to address those concerns. We respectfully request that the ordinance be adopted and we are available if you have any further questions.

>> Mayor Reed: Councilmember Kalra.

>> Councilmember Kalra: Thank you, mayor. I'd like to put a motion forward, accepting the staff recommendation.

>> Second.

>> Mayor Reed: We have a motion on the floor.

>> Councilmember Kalra: And I don't know, I know there are a number of public speaker cards, I'd be happy to wait until after public comment for further comment.

>> Mayor Reed: Okay, Councilmember Liccardo, you had a request, you want to wait until after public comment?

>> Councilmember Liccardo: That's fine I'd be happy to.

>> Mayor Reed: Let's take public testimony at this time, please come down when I call your name. There's empty seats down front, like church always an empty road. Jean salmon, Ellen prior, Maria Francisco. Come on down. Whoever gets here first, can go first.

>> My name is Jean salmon. I'm a resident of Santa Clara, the City of Santa Clara. I see my mayor is here today. I sent you all a letter, an e-mail the 5th of this month, and I just want to repeat that I urge you to approve this amendment to the ordinance. In the condominium complex where I live now, there are continuous problems, sometimes involving the police department, from the City of Santa Clara, about the effects of secondhand smoke. So if San José takes a position of leadership, it will help us all. So I urge you to consider this, and to give further study to having indoor, second or -- secondhand smoke protections as well. Thank you.

>> Mayor Reed: Ellen prior. Maria Francisco, Josh Howard.

>> Good afternoon. My name is Ellen prior. And I live in a large apartment complex in South San José I believe district 9. I'm right on the border. So I get birthday cards from Nancy Pyle so I don't know. Anyway, I experienced last year people living in the apartment next to me and smoke somehow was coming into my apartment. And it was very, very difficult. Because the apartment complex manager said his hands were tied, there was nothing he could do to help me out. Thank goodness those people finally moved but that doesn't mean this couldn't happen again and I don't want to see this happen to other tenants anywhere, children, adults. We still have people smoking in my apartments outside in the patios, in the maintenance rooms, I go down to my car in the parking garage and my car smells of smoke coming through so the vents. I walk the dog, I smell it when they are out on the pation. Legislation is very welcomed for everybody who does not want to go through this anymore. It is a long time going. In the '50s and 60s when I was growing up. Nobody ever addressed the fact that my father was a chain smoker and that may be why I was sick. And I asked my mother years later why, and she said I guess the doctor didn't want to offend your father and say anything. We don't want to look 20 years later and say, we had an opportunity to make a differential in people's quality of life and say, why didn't we say anything? It was a no brainer. So please take action on this thank you very much.

>> Mayor Reed: Maria Francisco, Josh Howard, Vivian willzack.

>> I had a speech prepared but I want to cut it really short. I'm from the smoke free multiunit helping housing work group. And I just want to say that it would be -- it would be a big thing if you did cut the smoking out of the units completely. In all multiunit. Especially the senior units. Or apartment buildings. That's all I want to say. Thank you. I had a big, you know -- yes.

>> Mayor Reed: Short is actually best. Josh Howard, Vivian willzack, Carol Baker.

>> Good afternoon, pair, members of the council, Joshua Howard with the California apartment association. Are I want to first thank Councilmember Kalra and the city staff for their collaboration in this process reaching out to

stakeholders both owners of residential rental property, residents in the property as well as advocacy groups who represent the different stakeholders. I think because of that outreach and the process that was used you have a product before you that actually I think meets the health goals of rental property owners, health goals of the residents and health goals of the city. Let me also just mention that there's been recent trends if you will, on this topic. A survey that we at the apartment association did last year, 55% of rental property owners in California already have some form of voluntary policy in place regulating smoking at their apartment community. Several insurance companies now offer discounts to rental property owners who have smoke -- nonsmoking policies in place at their community. And now, this year, the Chaff apartment association our lease agreement we offer is a template to our members across the state. Our standard lease is a nonsmoking lease and the property owner and the resident have to agree as an addendum that smoking is actually allowed if they use the formal provide. I just want to thank the opportunity to be a stakeholder in this process. We look forward to the continued partnership with the city and the staff and look forward to helping you implement this ordinance as it's presented. Thank you.

>> Mayor Reed: Vivian Willzack, Carolyn Baker, Tom McMann.

>> Hello, my name is Vivian Willzack and I'm here reading this statement on behalf of two ladies who use American Sign Language. I am most pleased to hear the City of San José's proposal for a smoking ban in outdoor areas of restaurants, public services lines, and unenclosed common areas of multi-apartment and condominium buildings. I am in favor of this proposal. Please vote to approve ordinance regulating outdoor smoking in San José. I'm requesting you to consider about additional regulation to ban smoking in enclosed indoor areas of multiunit apartment and condominium buildings. Breathe California supports my position on going further than just common areas. My partner of 41 years and I have lived in an upstairs condominium unit that I have owned for 22 years. For the first time we are suffering severe secondhand smoke issues. And in 2009, with a rental tenant downstairs. She smokes downstairs by her front door which is under our front porch and on her patio which is directly under the balcony next to our dining area. When she smokes indoors the secondhand smoke invades our unit through the spaces in floors and walls including spaces for pipes and heat ducting such as the furnace closet under kitchen and bathroom sinks and in the laundry room. We cannot escape this toxic secondhand smoke. I contacted Code enforcement in November 2009. The San José city inspector came. Unfortunately smoking

complaints cannot be addressed because smoking is not regulated by the City of San José. Also our HOA does not have a regulation for smoking and CC&Rs. My partner and I have a right to a smoke free environment in our own home, both indoors and outdoors. Our health is a key issue in this matter. We had cancer and are currently cancer free. Without a smoke free home environment who can say how long we can remain cancer free? Whether indoors or outdoors nonsmokers have a right to protect their health from secondhand smoke. For indoors the smokers want us to believe that we must respect their property right. But what may be true for a stand-alone home is not true for multiunit buildings. We live in the same buildings and breathe the same air. We are not alone. My neighbors had the same secondhand smoke --

>> Mayor Reed: Sorry, your time is up.

>> Oh, respectfully, Jane Oakley.

>> Mayor Reed: Carol Baker, Tom McMann, Bill Leninger.

>> Mr. Mayor, members of the council. Thank you for having me here. I am a volunteer with the American Cancer Society and the co-chair for the tobacco-free coalition of Santa Clara County. I brought a bag full of reasons you should vote for this ordinance. If my assistant here will hold them up, you will see how full it is. (inaudible)

>> You can't come here with it, you can hold them up.

>> No, you can hold them up.

>> Oh.

>> You can't bring them down.

>> Anyway the bag is full of reasons, and I want to start with the maybe reason. I've brought my portable Wikipedia with me. And looking up the definition of a carcinogen. A carcinogen is any substance that produces cancer. That is the sole definition in this book of a carcinogen. Does secondhand smoke have a carcinogen? Yes, I think you'll find in that bag lots of reasons that it does have it. I have another bag and my assistant will hold that up. She thought she couldn't do it, but she can. That's the second bag. These are the reasons to force people to suck in secondhand smoke. None. There are no reasons to force people to suck in secondhand smoke. Thank you. [applause]

>> Mayor Reed: Tom McMann, Bill Leninger, Larry yamasaki.

>> My name is Tom McMann. I'm 83 years old, a cancer survivor. I'm a retired mental health therapist, licensed until 1997 in the state of California. For 16 years I have been a volunteer teacher at a senior health and senior history at our Almaden community center. I speak today only of my experience of criminal smoking on Tuesday evening when I am a volunteer Amtrak station host at the San José Diridon railway station. Amtrak has a strict policy of no smoking on its trains with severe policies. The San José Diridon station is designated a smoke-free facility. Yet Amtrak announces as the number 14 from Seattle arrives that it's okay to smoke along the track as the train is in the station. There is a designated smoking area, which is virtually difficult to find and is avoided by most smokers, especially train personnel. The boarding passengers eager for the cigarette lieup mingle with San José boarding passengers, at times families with children and baby in mothers' arms who are waiting to be screened for boarding are exposed to secondhand smoke. There is no way for innocent victims to avoid the foul air. For my own health, I myself often leave the area to avoid secondhand smoke. As a licensed therapist I am demanded by law to report child induce. I've seen child abuse. A young woman smoking with a two-year-old child during the short stop at the Amtrak station. I advocate the City of San José to eliminate this possibility. It is virtually impossible to monitor the smoking group. The train is usually 14 cars long, sleepers separate at a distance from coach. I advocate that total prohibition of smoking in this congested area of human beings be implemented. Thank you.

>> Mayor Reed: Bill Leninger Larry yamasaki, Kathleen King.

>> I come to speak in favor of the motion, as well. My dad who worked for the city of all those years died at 61 of lung cancer. My two sisters died of lung cancer, both heavy-duty smokers. Fortunately as a young boy of 8 I had one puff, and that killed me, so I never smoked again. But I end up last year with vocal cord cancer. And an operation and 30 shots of radiation later, I stand with kind of a fuzzy voice. And I know very well, as I went in, the man who was the doctor who analyze it said, it was secondary smoke. He didn't even hesitate for a second. And that the radiologist said the same thing. They didn't hesitate for a second. And I was also told that I have as my calculations a 20% chance of recurrence when I'll lose my vocal chords totally if I'm exposed to smoke on a regular base. So -- and I'm very much in favor of the ordinance obviously. And I would like to see that you know, continuation. Now I know that people who smoke, it's the most serious addiction that we've got, to break. It's very difficult, and I empathize with them. But I also recognize if they want to kill themselves, amen. But I don't want to be killed by it. And I'd like to see that ordinance pass to protect all of us so I thank you.

>> Mayor Reed: Larry yamasaki, Kathleen King, Margot Sidener.

>> Good afternoon. My name is Larry Yamasaki. I'm a resident of the Willow Glen area of San José. It is common knowledge that exposure to secondhand smoke is as dangerous a health hazard as smoking itself. There are opportunities that come up for elected foibles to do things that will impact many people. Today you can save the lives of countless people especially children and seniors who are most vulnerable to secondhand smoke. I was stunned to learn that in 30 minutes of secondhand smoke exposure, your arteries stiffen, your blood thickens and your body's ability to process cholesterol is diminished. You are exposing yourself to a heart attack trigger in the time it takes to eat your lunch on a restaurant patio. If you are an older person like myself the risk is not just heart attack but secondhand smoke can worsen or trigger bronchitis, pneumonia and asthma. I urge you to support this ordinance which will create safe places to eat, wait in lines, and live without having to worry about secondhand smoke. There is no risk-free amount of secondhand smoke. Thank you.

>> Mayor Reed: Kathleen King, Margot sidener, Marty Fensterscheib.

>> Good afternoon, I'm Kathleen King, and I'm here today as the executive director of Santa Clara Family Health Foundation and also as a person that eats often in San José. You all know I care passionately about children's health and I'm grateful that so many of you do, also. Making sure children have health insurance and access to care is essential to health. But not enough to prevent innocent children from getting sick or sicker when they play outside their apartments, eat in restaurants or wait with their parents at an ATM line. Those who have experienced an asthma attack know how frightening and potentially deadly they are. Secondhand smoke is a nightmare for parents with asthmatic children. In 2006, the California air resource board classified secondhand smoke as a toxic air contaminant, in the same category as asbestos, cyanide and arsenic, all of which can lead to serious illness and death. The U.S. Surgeon General says there is no safe level of exposure to secondhand smoke. Children are especially vulnerable to the harmful effects of secondhand smoke. In fact, secondhand smoke exposure can cause asthma in children who have previously not had asthma symptoms. It also can lead to low birth rates, lung problems in infants, acute lower respiratory tract infections, middle ear infections, and chronic respiratory symptoms or problems. Secondhand smoke is the third leading preventable cause of disability and early death. After active smoking and alcohol is 1 and 2 in the United States. You have an opportunity today to improve and lengthen the lives of not just children but also seniors and other adults. There is risk for all of us each time we breathe in secondhand smoke. By creating smoke-free places to live, dine, and do ordinary errands, you are making it possible for us to choose. If we want to take the risk of secondhand smoke then you are saving countless children and their parents from heartbreak, including my son who is a San José State student.

>> Mayor Reed: Margot Sidener, Marty Fensterscheib, David Wall.

>> Good afternoon, Mr. Mayor and councilmembers, I'm Margot Sidener. I'm president and CEO of Breathe California the Bay Area. And I am here to enthusiastically support this ordinance. You might remember in the past representatives of our agencies have stood before you many times asking for such an ordinance. Beginning in 2005, with our release of the strategic plan for tobacco control in the City of San José. And I'm here today not only to urge you to pass this ordinance, but also, to pledge our support for the implementation. Our support of the secondhand smoke help line services, our public education services sign distribution. So I know you know the drill. You know the statistics and I know you're prepared here to vote today. So I'm going to keep it

simple. Breathing should not be a hazard of everyday life. Not when you're sitting in or waiting in a service line. Not when you're stopping for a bite to eat. And definitely, not when you're at home in your housing complex, and decide you want to use the pool or walk through the breezeway or just keep your windows open. So I ask you today, please pass this ordinance, and take away that breathing hazard of secondhand smoke for the residents of San José. Thank you.

>> Mayor Reed: Marty Fensterscheib, David Wall, Victoria Borden.

>> Good afternoon, mayor and city councilmembers, I'm Dr. Marty Fensterscheib. I'm your health officer for the County of Santa Clara. And this is I think a very momentous occasion and to me a big day in the life of San José. I'm a city resident also, and I'm very -- I've been proud to live in San José and I think after the vote I'll be even prouder to live in the City of San José. I want San José to join many, many other cities including Lagos, Mountain View, the county and Campbell in prohibiting smoking in outdoor places. You've heard all the science, the science is very firm, it's very clear, that there is no safe levels of secondhand smoke. Stanford study up the road showed that even a smoldering cigarette in an outdoor dining area is going to affect even people sitting in seats one table away. So there's no question on the hazards of secondhand smoke. As far as the enforcement as you've heard, it's pretty much self-enforcing. We are making available our Department of Environmental health to help educate and provide outreach to our restaurants and to other communities in the city, breathe California certainly is also going to help in the education of the city. Of the city areas that are affected. The issue day think is just taking this next step. And I hope that after today's vote you will also consider as you've just heard moving further along and prohibiting smoking in multiunit housing I think which sends some cities in the peninsula have done, the county has done that and I hope you will do that. So again we have shown that businesses don't suffer from this. Studies in Southern California show that businesses have actually done very well after these ordinances. Again I've been proud and I want to be prouder after this vote and I really am very, very happy with the movement that the city has done in regard to second and smoke. So thank you again in anticipation of your vote. Thank you.

>> Mayor Reed: David Wall. Victoria Borden, Jeff Moore.

>> I first would like to thank councilmember Kalra's distinction in his pit bull doggedness so to speak, in presenting this ordinance you did a really great job and it was a pleasure to see you present your case in chief to Rules. However, the ordinance does beg one big question here. The city has embarked upon supporting medical marijuana clubs for tax purposes or what have you. How is the smoking ban going to affect somebody if they want to spark up a doobie because their back hurts? And they have the medical card and doctor's authority to do so. Or evening a bong hit? How are you going to regulate that? We have seen a lot of staff time and council time for these medical marijuana clubs. Are you going to have a rider for this that they are going to have to eat their daily dose of marijuana? They could get their dietary fiber that way. But I don't see this ordinance having any -- I don't have the ordinance before me but I don't know if you've addressed this little quirk in the ordinance on how you regulate somebody's intake of a medically prescribed drug. I would like to thank the mayor of Santa Clara who's appearing as code enforcement for the city for his dutiful efforts and also for all of your efforts in this regard. Lastly, it would be interesting to note, too, how you're going to regulate city employees to have to enforce medical marijuana smoke, and then their being sensitized on whether that precludes them from operating a city vehicle or interferes with any type of drug screening that they may incur as part of their public safety background checks or what you have. Thank you.

>> Mayor Reed: Victoria Borden, Jeff Moore, Elisa Koff Ginsburg.

>> Good afternoon, councilmembers, my name is Victoria Bardon, and I am a community co-chair with the menthol flavored tobacco prevention project of Santa Clara County. And I am also an enthusiastic bar-hopper and patron of local restaurants here in San Jose, as well as a resident in an apartment complex. And I want to implore y'all to adopt an outdoor smoking ordinance. I think that all residents of San José, smokers and nonsmokers alike can benefit from this ordinance. Being that we all have a right to breathe air that is as clean and healthy as possible, and a great way to reduce the harm that all pollution brings is to limit outdoor smoking. Businesses also don't have anything to lose from this ordinance. I mean, you know, it will be better to not, you know, have to eat food that tastes like smoke or have to deal with you know just smoking in general. And you know, I think a good thing to do. You guys should do it, all right thanks, have nice day.

>> Mayor Reed: Jeff Moore, Lisa Koff Ginsborg, Vanessa Star.

>> Hello councilmembers, Mayor Reed, I am pastor Jeff Moore, president of San José Silicon Valley NAACP. Even though we live in an era where the dangers of smoking are known and accepted as scientific fact by a majority of Americans and with more people choosing to avoid tobacco, smoking is still the leading cause of preventable death in America. San José ordinance will fill in one of the last but most important gaps in protecting the public from secondhand smoke, the cloud that threatens the lives and health of people who have chosen not to smoke but still cannot escape its harmful effects. This is especially true for people below the poverty line. For male African American workers, construction workers, blue collar workers, and service workers who are exposed to secondhand smoke at higher rates than America as a whole, according to the CDC. The purpose of the San Jose ordinance is not to prevent people who choose to puff away from doing so. It is prevent smokers from inflicting the dangers of their behavior on the rest of us. While the rest of us could choose, and many of us have, to avoid indoor places we know will be fogged by smokers, it is impossible for us to avoid smoke in places where people congregate outdoors. Secondhand smoke is deadly whether we encounter it indoors or out. Unlike exposure to some other known standard chemicals, there is no known safe exposure level to secondhand smoke, which contains more than 7,000 chemical compounds. Secondhand smoke is a public safety issue that threatens more people than crime. Communicable disease, epidemics are the only natural phenomena to kill more Americans, but exposure to secondhand smoke is preventable. The city council should treat that in that way. If you care enough about noise to ban aircraft from departing and landing in San José, if you care enough to spare the air days, not allowing fireplaces to burn, if you care enough to ban the use of styrofoam containers, if you care enough about creeks and waterways to ban plastic bags you should ban smoking. If you care enough about human life you should care with the citizens of this city and make this ordinance pass. Thank you, mayor.

>> Mayor Reed: Alisa Koff Ginsborg, Vanessa Star, Gabriella Antolovich.

>> Good afternoon. My name is Alisa Koff Ginsborg. I'm here today representing Working Partnerships, and I've lived for over a decade in District 6. You've heard today that if you adopt this ordinance you're joining other cities

that will take a number of steps to protect children and families and adults. You've heard that there's no risk-free level of secondhand smoke. You've heard the importance and the impact this will have on workers of color, particularly African American males. And low income people. I also want to point out the impact you have and the opportunity you have to impact the health disparities that we see all over the one and in San José. Those living in multifamily housing are disproportionately low income and people of color. I'm here not just to support the important provisions of this ordinance but also how it came together. The leadership of the county Public Health department, and this city, leveraging resources of nonprofits, like breathe California's secondhand smoke help line, is an example of our community working at its best. Working partnerships and numerous neighborhood associations and faith organizations are committed to help educate San Joséans about the protections provided through this ordinance. Councilmember Kalra I want to thank you for your leadership and development of this ordinance and I urge you all to vote for this ordinance which will add to the length and quality of the lives of the people in San José, and serve as a good example of collaboration between county, city, and nonprofits. Thank you.

>> Mayor Reed: Vanessa star, Gabriella Antolovich, Greg Miller.

>> Good afternoon, and thank you for your time. I am definitely in support of this law. Not only has Dr. Schneiderman opponented out that there's first and secondhand smoke, but there's also third and fourth hand smoke. It is important that we, as a city, address this matter. In many ways. One, that today is a great day if we pass this law. Even a greater day will be when we become, like I've heard, some cities and maybe we would be the first, to be a nonsmoking city. Which goes beyond the apartment complexes, and the patios. I am an apartment renter. And I visit Los Gatos almost every day. Not only do we need to have this law, but we need to enforce it. There is a problem right now at the large Starbucks, patios, in Los Gatos, where they put stickers on the tables, and they were taken off. I will not say who I think it was. But they're still smoking out there. I am someone who has had pneumonia twice and been hospitalized for it. The second time I was told, where are you around smoke? I realize I was visiting occasionally out on that patio. I am no longer able to enjoy that patio and go out there and enjoy the evening or the day. Like I always like to and never did because I'm adamant about cigarette smoke. We need to help our children. They are innocent and cannot speak for themselves. I only

represent myself but I am very encouraged that we, as a nation, do not help our children or our senior citizens. The other thing --

>> Mayor Reed: Sorry, your time is up.

>> Thank you very much and I appreciate this day. One real quick thing is --

>> Mayor Reed: Sorry, your time is up. Your time is up, ma'am. Gabriella Antolovich, Greg Miller, Ross Signorino.

>> Hello, I'm Gabrielle Antolovich, and I'm a resident of Ryland Mews, a very famous complex, Downtown San Jose, and one of my neighbors was once the mayor. And we had a lot of police protection, and it was amazing how much our people based even around the smoke issue and now that my neighbor is no longer the mayor, and the police protection has gone away, people have smoked more, and left cigarette butts all around our complex. And I've had no luck with our homeowners association board of directors to change anything so I really want you to pass these ordinances. Because I'm a former smoker and I do not want to get triggered back into my addiction. Are it was a very heavy addiction, it was three packs a day and I do not want to go back to it. In our complex a lot of people have pets and I have a pamphlet for all of you here about how secondhand smoke impacts your pets. And also, they tend to eat what is on the ground. And eknow that cigarette butts are poisonous for babies that are crawling around and eating them and also little animals that are eating cigarette butts. You can see commercials on TV where a hamster is eating a cigarette butt. So there are many hazards when people are able to smoke and just drop their debris around. So please pass it.

>> Mayor Reed: Send those cards to the clerk. She'll get them distributed. Greg Miller, Ross Signorino.

>> Hi, I'm a registered nurse, retired. And I'm here to speak in favor of this ordinance. I'm glad that you're considering this and I'm thankful for the leadership of Councilmember Kalra and promoting this ordinance. You know, you as a city council have the responsibility to protect and promote the health and safety of people in the

city. And you know, the customers and the workers that work at -- you know, work in places like restaurants, or near lines where you know people were standing, they have the right to be protected against secondhand smoke. It's -- each year, secondhand smoke in California causes 1600 cases of low birth weight in newborns, 4700 preterm deliveries, 3600 cardiac deaths and 400 lung cancer deaths in nonsmoking adults. My partner lived in a household she never smoked in her life. Lived in a how hold where her parents smoked and she has chronic asthma as a result of this. So it's an important thing for y'all to pass, and I hope you'll do that today. Thank you.

>> Mayor Reed: Ross Signorino is our last speaker.

>> Mr. Mayor, members of the council, I'm going to keep this short. All the speakers that you've had up here, their testimony was correct and accurate. There's no question about it. And this code needs to be implemented. But what worries me about this thing now is that you will talk this thing to death. Just enact it. There's not much say on it, that's it. Thank you.

>> Mayor Reed: We'll see if there's not much to say. It's time for the council to talk about it. I think everybody will have a turn here. I doubt if I can hold the councilmembers to two minutes. Councilmember Kalra, we'll see. Thank you.

>> Councilmember Kalra: Thank you and as the paper has clearly shown, I talk a lot of things to death. I'll try not to today. Anyway, thank you mayor and I'm really excited that this is finally here. And I certainly urge the council to approve the recommendation put forward by staff. And it has been a long process. I know that it has been made a priority in August of last year but it was at least a year or more when it was a priority on my desk that I tried to really bring forward and it took a lot of time and a lot of partnerships and a lot of work with staff and we finally have it here so I'm very excited about that. So I think that one of the issues that I think is really important here is the workplace component of this. I know many people here certainly and I have as well worked in the food service industry. Those are already tough enough jobs as is without having them forced to inhale secondhand smoke. And we know that with outdoor dining not only does it improve the quality of the dining experience for the patrons but the day in, day out negative impacts of forecast who are just trying to make ends meet and usually

lower income folks and often time students as well. And so you know I think when we talk about the Public Health and Public Health in the workplace is critical and this is good for business. You know New York City has an outdoor dining ban for smoking and certainly the restaurant industry in New York is critical for their economy. And they've seen that the businesses have appreciated and customers have not stopped coming, in fact, they've actually customers are anxious to enjoy outdoor dining there because they don't have to be disturbed by the smoking. And other elements including the service lines would include the food trucks. You know just yesterday, I was at the movable feast south side with eight food trucks there. Hundreds of people were there, during the time I was there, dozens of families with children, couple dozen high schools there just trying out the different food, and to know that those areas will also be protected from the harmful effects of secondhand smoke in addition to the atm lines those waiting in line to get movie tickets really is phenomenal and really it's something that I think we all can be proud of going forward with these regulations. In terms of the multifamily housing I agree. I think we can do more. Thankfully we do have good partners like Josh Howard with some of the really important data he indicated the trend is for the apartment complexes to move in that direction. We know that they have certainly liability issues which encourage them to do so. But I think that for those that live in those apartments, I bet if you go to the HOAs we've already seen this happen downtown and other places around the city. Some of these apartment units these privately run HOAs are self policing and putting in place these bans themselves because they know it's what their residents want. And so certainly as government we'll be there, as city leaders, I'll certainly be there to help support that movement -- the movement in that direction. And I think this goes a long way in doing that. Because indoor common areas are already banned and businesses are going to ban all outdoor common areas for apartment buildings, which is huge. Especially in San José where outside of the downtown we have a lot of apartment kind of sprawling over large acreage with a lot of common area and the pools and the laundry rooms. And so a lot of children live in those types of complexes and they are now going to be protected which is wonderful. So all in all I think it's great. I do want to give some thank yous because this would not be possible without the help from so many people from the public that came here today including Victoria Bardone and Kathleen King, Gabrielle Antolovich, that shows you the diversity of people that continue to advocate on behalf of the health of our children Pastor Moore from the NAACP including that wonderful op ed you penned in the Mercury News, including the partners that made this happen, Santa Clara County Department of Public Health, this would not have happened without them. And so Dr. Fensterscheib, your continued leadership

is certainly appreciated, we thank you as a city. Jenny Burkhart, who I don't believe is here, but worked very hard with my staff in coordination in making sure we got this done, Nicole Cox and Frances Kapili also from the county staff. Breathe California, Margot, thank you so much, along with Hewitt Joyner kind of the lead with Breathe, the surveying and research done beforehand allowed us to convince folks that this was not going to be bad for businesses, that businesses wanted it and the outreach that you continue to offer is going to be critical to all of us to make this happen. I mentioned Josh, Josh Howard you've been phenomenal, you could have just as easily put up a blockade and said we really don't want to touch this, but you did the opposite and you worked with us, and I think you got something here in place that's going to make it easier for apartment managers and apartment owners to really enforce rules that are better for the Public Health of their residents. Working partnerships, Derrick Merens, Alicia Koff Ginsberg, Sara Muller, thank you so much and I know you're going to be partners in terms of outreach but you were very helpful already in terms of helping to craft this and do outreach in preparation for today's vote. And of course, our city staff, Laurel Prevetti, Ashwini Kantak, Brian Doyle, Mike Hannon, Diane Buchanan, Jamie Matthews, Coleen Winchester and many, many more I know I can't name all of them but just want to make it clear that I'm very appreciative of all the help you've given. Of course I see Ed Shikada back there with the City Manager's office and I know how much work and coordination this all took. And finally, my chief of staff Joseph Opaku who put in work and worked with a lot of the people out in the audience and staff to make this happen. I'm very excited about this day, about moving us even closer. I think that one of the leaders in the nation in terms of Public Health when it comes to tobacco and secondhand smoke. So thank you all and I urge my colleagues to support this memo.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thanks mayor. I wanted to commend Councilmember Kalra for his leadership in pushing this forward. Particularly I think we all know that we had very challenging time being able to find the resources in the city to be able to move forward on this, and staff was I think really magnanimous in being able to make time available. I know it had a lot to do with a lot of help from the federal government, certainly we appreciate President Obama and the money that ultimately went to the CVPW, the communities putting prevention to work that's been led by Dr. Marty Fensterscheib and I think many of the folks that Ash mentioned

deserve a lot of thanks. I also want to mention Bonnie Broderick over there who has really done a great job in bringing a lot of folks together to push in the same direction. So anyway thanks to staff. I also just wanted to mention a couple of other folks, mentioning the reference to the business community certainly tricounty demonstrated that while it's easy for businesses always to just say no, it's really commendable when folks see enlightened self-interest in the community that there's benefit for looking for ways to get to yes. I also want to thank in addition to the Tricounty, the downtown association who really took the time to survey their members and concluded that this was something that was a net gain for the community and really despite the many downtown restaurants and clubs and bars and so forth that obviously would cater to folks who smoke, the general conclusion was that downtown is a happier place without it in outdoor areas. I appreciate their support. And I also wanted to say thanks to SVLG for their participation on the CPPW. Jean, I think it's been a really remarkable amount of work that's been done at the county level with a lot of leadership in the county health department and making some great progress both antitobacco efforts as well as antiobesity efforts.

>> Mayor Reed: Vice Mayor Nguyen.

>> Councilmember Nguyen: Thank you. I just wanted to also echo my thanks to all the stakeholders. Many of them have been mentioned already. But I just think that this is such a great addition to the existing ordinance. I remember back in 2007 when breathe California approached my office, and then, Vice Mayor Dave Cortese, to implement the no-smoking ban in public parts and we quickly embraced that and quickly incorporate to the existing ordinance. So I think that this is a great addition to our no smoking ordinance so I'd be happy to support the motion. Thank you.

>> Mayor Reed: Councilmember Herrera.

>> Councilmember Herrera: Thank you, mayor. I just want to join in the chorus. I'm not going to mention everybody individually but I think this is another example of putting people first in San José. Just like our general plan, and looking at quality of life, so I want to thank everyone who came to testify today. Especially calling out the editorial that the pastor wrote, pastor Moor, that was incredible. Dr. Fensterscheib, our staff looking for this

leadership too and for coming together to do something that's going to save libels. This will save libels, this will help contribute to saving libels and that's ultimately the bottom line. So I'm very proud today to vote yes on this.

>> Mayor Reed: Councilmember Campos.

>> Councilmember Campos: Thank you, mayor. Again Ash thank you for your leadership on this. Many of you and as I see Margot in the audience, the first time I met Margot you were with American cancer society. God this was about 20 years ago when the first grant out of the state came to the county for tobacco control. And back then, I remember having conversations with, I mean, people -- I don't know if they're still working on this but you know folks like Trish Jensen and Richard Nichols who just recently retired from the county if so forth and this was 20 years ago and we kind of you know laughed it open off, because back then we were just trying to get the Cinco de Mayo to give out freebies to kids to encourage them to become smokers. To come 20 years ahead to put bans on place where folks can smoke and expose other people to secondhand smoke that's a great employment. It just shows you that if you stick to something and you know what you're doing is the right thing to do, eventually, we'd all love it sooner than later, eventually we all get it done. So congratulations to all the hard work everyone has done out there. And I'm glad to support the motion.

>> Mayor Reed: Councilmember Rocha.

>> Councilmember Rocha: Thank you, mayor. I'll echo the praise colleagues on the council, Councilmember Kalra, Councilmember Liccardo, former Vice Mayor Chirco had pursued this so thank you all for your time and effort on this. I do have a couple of practical questions, in terms of enforcement I know you spoke to more of a voluntary enforcement similar to other ordinances like this. Can you talk a little bit more about fines and what -- I don't understand any of that and looking through the document it's kind of a short one. And that's fine given the direction we're going. But I want to understand a little bit more in terms of how we see enforcement and fines, et cetera.

>> Well, thank you councilmember for the question, it's an obvious question to be asked. It is the experience of other jurisdictions that have implemented this that it was largely self-enforcing. The benefit that we have here in San José is that San José has long been a leader in preventing smoking and secondhand smoke being exposure. I think the residents are ready for it. Had anyone expected that tricounties self-enforcing. The practical way it will happen is through our partnership with breathe California is that all the complaints that we receive will be filtered through them, so they can do the outreach and education they have done so well and so effectively. As a last case, if we have a repeating violation at a location then it will come to code enforcement and will become part of our routine complaint response and of course we will respond to it in the way we have resources available, using letters and field visits as it indicates. I expect that it will be a very small number and the expectation of staff to go out and do enforcement will be very little and be very little impact on staff. We find it will be more impact than we expect then we'll come back during budget time.

>> Councilmember Rocha: Help me with a question, is the property owner responsible for a tenant who is not in the area? Or are they both responsible?

>> It's a joint responsibility and one of the things about our ordinance I think of it as well crafted and I want to give credit to Brian Doyle, no relation to Rick Doyle is that it's well crafted to allow apartments to be able to set up designated smoking areas with conditions. I think that's an important component because it will be over time a phase out of people expecting to smoke in complexes. So it does allow designation of a smoking area but it has to be well designated and there's lots of conditions on it. And I think that's an aspect to ease us through a time when smoking is prevalent and regular and expected to a time when we realize that it's not something that we want to have in our libels.

>> Councilmember Rocha: On that apartment complex scenario in suburban areas there are apartment complexes not often just the one 16-unit, sometimes we have the large track so to speak. And is the expectation tear going to set up areas throughout the whole or just one? Because I'm seeing one on one side of the development. And someone else living on the far side, in the expectation that they're going to walk whether it's

raining or hot or whatever the case 98 be all the way to that end. So are we talking about how we're going to instill our implement or require this to be set up by the multifamily housing property owners?

>> There's no requirement for them to set up a designated smoking area. However if they did they'd have to comply with the regulations and the distance away from adjoining properties so they couldn't put it on one side of their property. But they certainly are not required to. And I was actually very pleased to hear Joshua talk about the leadership of tricounty now adding in lease provisions that will be added too. Because lease provisions are very powerful because of this expectation much the person entering into the property to enrepresent it and the expectation of what they'll do is behavioral change. I was very pleased with that but now you would no set one up if you wanted to and unless did you you would have to Pete certain conditions.

>> Councilmember Rocha: Thank you very much.

>> Thank you, councilmember.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: I want to join the praise and thank you so much Councilmember Kalra. This is -- you really did it. I had my doubts for a while and I have to tell that you I'm one of those people that have has a penchant for picking up pneumonia so I'm just delighted that people who have that kind of fragility at least a couple of times a year are going to be more protected and I want to thank you for that.

>> Mayor Reed: Councilmember Kalra.

>> Councilmember Kalra: Thank you, mayor. I just want to dispute --

>> Mayor Reed: Do you want to dispute anything your councilmembers have said?

>> Councilmember Kalra: No, I appreciate all the praise of the staff and the county and everyone who has done so much work but I just wanted to make clear there was -- we want to make clear this is not in any way an ordinance, amendments to owners is not in any way punitive to property owners. We wanted to be sure that property owners are partners with us and we gave them tools to enforce it residents that are smoking in common areas there as long as they go through their process of making sure they're informed and they can notify the city as well can do further action. Because I don't want to make -- we certainly did -- we wanted to keep them on the partnership side and because of Josh's leadership that was very tough to do. Thank you.

>> Mayor Reed: That concludes the council discussion. We do have a motion. On that motion, all in favor? Opposed? We have none opposed, motion is approved unanimously. Congratulations to everybody for all the hard work. [applause] We'll now move to item 6.1 actions remitted to downtown bike lanes project.

>> Mr. Mayor, members of the council I'm Hans Larsen director of transportation i'm very pleased to present our recommendations to you for the downtown bike lanes project. And this represents another big step for San José in our effort to be among the best cities in the nation for bicycling. I have a brief presentation to provide you a little bit of context for this action. As the council is aware, we've adopted many bold policies that support San José being a great biking community. In 2009, we approved bike plan 2020, which sets a goal by the year of 2020 to have a 5% mode share up from the 1% we have today. This plan also identifies the 500 mile network of trails and on-street bike ways that make up our bike plan. Just last year the council approved envision 2040 that has an even bolder vision. By the year 2040 we'd have a 15% bike mode share. In 2002, the council approved the downtown couplet conversion plan which is part of the downtown strategy plan. And that envisioned downsizing a number of the one-way streets in the downtown area, and into our neighborhoods and calming traffic and making those corridors more multimodal and encouraging bicycle use within those corridors. We do actively pursue grants all across the city to develop our bike system that's in the bike plan. We've had tremendous success in getting grants for the downtown San José area. Primarily because of the density of uses. The system and San José State university is a key factor in getting grant funds for the area. You wanted to just highlight some of the grants that we've received and we're expecting to have a tremendous year in Downtown San José, with three big projects. One is public bike share system which will provide 200 bikes that people can rent for a low cost for a

period of time. To travel around the downtown area. Renting a bike, can you see here an example of a picture that's in Washington, D.C. So we'll have over 200 bikes located at 15 different stations. You'll be able to get from Diridon station to San José State university, the San Pedro urban market the sofa district and many places in between using the bike share system. Another project that we have that's funded by grants is to put in green bike lanes. This is something new for San José. Other cities have experimented with this, it provides a high level of visibility for key bike corridors. So we'll be installing this, in San Fernando street, providing the main east-west connect from the Diridon station to downtown core to San José State university. So the bike share and the green bike lanes will be installed over the summer and fall time frame and the third big project the third key downtown streets custody road diets and the effort is to make these streets more multimodal in this case making them more convenient for bicycle travel. Part of this is a network we'd like to have in place by this fall that makes it convenient and easy to travel around the downtown area. The specific scope of the project includes lane reductions on Almaden boulevard, Notre Dame, third fourth tenth and bike lanes. This is consistent with the policy direction from the bike plan and the couplet conversion project. We did for disclosure purposes analyze this from the perspective purpose of what's the service D which is generally a -- not a congested environment. So this kind of points to the fact that we have a lot of streets in the downtown that are oversized for cars that we can quite easily take away lanes and make them available for biking. We've done tremendous amount of community outreach with this project, working with our bicycle and pedestrian advisory committee, the downtown association, downtown parking board. We had a couple of community meetings. We've worked with state holder groups that are advocating for bicycling. And other than a few comments where there's some concerns about congestion, the overwhelming feedback has been in positive support of this direction, and encouragement has been we should be doing more of that. And hopefully we'll have the resources to do more of these kinds of projects in the near future. Next slide. So the specific actions, what we're recommending are authorizing the removal of vehicle travel lanes on Almaden, third, fourth, 10th and 11th. Adopting a resolution that identifies the areas in the city where we have bike lanes that would be adding bike -- the new bike lanes to the resolution that we have. And because of the grants that we're using we're trying to accelerate this work and have it done by the end of June. We're asking you to authorize the City Manager to award these projects so we can get them in place as quickly as possible. I wanted to also acknowledge the memo from Councilmember Liccardo. That in support of our direction offers some other directions, continue to push us to be a bold biking city. The issue of having physically separated bike

lanes is something we've looked at very closely. The council's direction to look at it on Almaden boulevard, our conclusion it's not viable in this corridor but we do believe we have opportunities in some other corridors in the downtown such as 4th Street and park avenue. We are looking at a physically separated project on the river oaks corridor up in the North San José area and so we appreciate the encouragement to look at places -- areas where we can test out this new innovative type of treatment. We also support the other recommendation to do before and after studies particularly in the 10th and 11th street corridor, be happy to come back to the transportation and environment committee with that analysis. I wanted to just close on looking ahead. We did present to the transportation and environment committee on April 2nd, our annual report on our on-street bicycle program. And we did identify 30 other projects that we are pursuing as part of a three-year plan. If we have more funds and grants, we would hope to be able to add to that. I'm pleased to say that we have projects in every city council district as part of that three-year plan. And then lastly wanted to just acknowledge that to get people to ride bikes it's not just building the facilities. It's having the encouragement and we've got a wonderful leader in Corrine winter, who's shown here, executive director of the Silicon Valley bicycle coalition. Her and the coalition are leading a summit which will be held next week, we'll be hearing from some of the leaders in Chicago and New York City about what they are doing. We have bike-to-workday on May 10th, encourage everyone on council and city employees to get on their bike and ride, particularly for that day. We're again hosting the Amgen tour of California later in May. We have -- are working with schools to encourage more walking and biking to schools. I'm pleased that we've signed up nine schools already to participate in this program. We have room for 35. So we certainly have more schools that we can work with. And I think one of the best things that we can do to just celebrate biking is to participate in the monthly San José bike party. So lots of exciting things are going on in the area of encouragement and that concludes my presentation. Be happy to take any questions. I think we may have some speakers from the audience.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thanks mayor. I'd just like to put a motion on the floor. I wanted to thank Hans and his whole team. I know they've been working hard on finding grant money and finding ways in limited opportunities to find more areas for bike corridors I wanted to expand on my conversation with Hans, improving

the staff representation with the following recommendations, one to continue to analyze the feasibility of segregated lanes along key corridors but merely swap bike lanes with the space typically allocated for parked cars and secondly report to the T&E committee as it states there in 81 year, regarding the traffic Utah accident data.

>> Councilmember Herrera: Second.

>> Councilmember Liccardo: I'll be after the public speaks.

>> Mayor Reed: Please come down. Aaron Jasper, Mendoza, Corinne winter.

>> Good afternoon, my name is Ann Jasper. I own a business on the Alameda just up the street here. And I cycle a lot in my -- where I live in Los Gatos. And I cycle a lot there because they have such a great network of bike lanes. I'd love to see that here as well because when I go to lunch I would love it if I didn't have to drive a car and find parking and all the things that go along with that. And I also know that when I cycle I tend to be a lot more hungry so I would spend more money downtown for lunch. And as a group I think cyclists tend to be more hungry than the average person. So I think it would help the businesses a lot out too to have these extra bike lanes. When I look at where they are I can see all the restaurants I want to go to. And also I had the pleasure of riding alongside Mayor Reed a custom years ago with my son in live strong '08 and he thought oh my son said I would like to ride in San José I thought oh there aren't really very safe travel ways for him. It would be really great if you could put together a night network of bike lanes so I could bring him and it would encourage other young people as well to ride their bikes. Thank you very much city council for considering this project and with the Department of Transportation for working with the bicycling community. Thank you.

>> Mayor Reed: Amy Mendoza Corrine winter, Colin Heyney.

>> Hello everybody my name is Amy Mendoza thank you for increasing the bicycling infrastructure in Downtown San José i'm really excited about the work the D.O.T. has done on these plans. I attended the public meetings,

I'm here as a new San José system of bicycle coalition I live downtown and I ride my bike around here pretty much every day. While I was an urban planning student at San José State I lived on 11th street and that street felt like a freeway. I did not use it for cycling. So I'm very excited that one of those lanes is going to be dedicated for a bicycle. I think doing that, at 11th street and all the streets that are being considered here, they all have that capacity. That is to say that the traffic on those streets is such that adding a bicycle lane is not going to dramatically impact car traffic. Making these streets safer for cyclists will make our city even more progressive, more friendly, more human-scaled instead of automobile scaled and will provide more opportunities for fun and physical fitness. As an urban planner it's exciting to see that the city is moving towards the goals set out in the general plan, where bicycling is a priority. Thank you for the work that's being done here. So many wonderful things are happening in downtown related to music and arts, it's encouraging that the city is encourage healthier people, thank you so much.

>> Mayor Reed: Corrine winter, Rocky hay nguyen.

>> My name is Corrine winter I stand here primarily as executive director of Silicon Valley bicycle coalition, a local nonprofit with our offices in this fine city but I'm also on the downtown parking board and I'm a long time resident of San José living in downtown so I bike around quite a bit. I address you today in strong support of the actions recommended by D.O.T. staff related to the downtown bike lanes project. Implementing these bike lanes will help the city realize our envision 2040 goal of 25% of trips taken by bike. These projects will help create vibrant downtown and if the several public meetings that staff has attended is any indication there is a lot of public support for these projects and having a bike friendly downtown. I'd like to thank D.O.T. for their vision in promoting sustainable travel in such a cost-effective manner and perhaps soon we will be able to identify some appropriate corridors for fully buffered cycle tracks and we are happy to support Sam's amendment to this motion. We at Silicon Valley bicycle coalition look forward to continued work with the city and in particular concerning the establishment of the San José bike clinic a project with the mission to provide a shared space for bicycle repair and education and to build a robust and diverse community in San José. Thank you.

>> Mayor Reed: Colin Haney, Rocky Nguyen, Aaron Francis.

>> Thank you, Mayor Reed and members of the council. My name is Colin Haney, I'm the deputy director of Silicon Valley bicycle coalition, I'm a homeowner in district 5 it's my pleasure to come here in support of this downtown bike lanes project. The people who are currently skirting the city center in favor of more bike friendly routes around the gown. By encouraging more bikes downtown we're welcoming a group of peep who like tephra to stop to shop when they travel Osama looking forward to seeing more people in our city center. Out of their cars these people are not just going to be passing through the area. They are going to engage with the neighborhood, they are going to promote business and the downtown sense of community i'd like to thank the Department of Transportation staff as well for reaching out to us and the community at large and taking suggestions from attention at beings really impressive, we don't always see that for transportation projects. And after the project was explained the support at those meetings was almost unanimous. Threats hope this is just a first step in creating a more welcoming bike friendly downtown with not just ample bike lanes but cycle tracks and corrals. Please support this project, thank you .

>> Mayor Reed: Rocky Nguyen, Carol Francis. Gillespie I'm Rocky Nguyen with the San José bike clinic. Thank you the city council for supporting this and also the Department of Transportation for working with the bike riding community. first of all I'd like to address the safety of the bikers in downtown. These lanes would really help our safety, and it's a smart use of the funds. Installing these bike way projects as part of the city's pavement maintenance program bike way grant funds and then also business will benefit. After this past weekend at San Pedro square market I was actually surprised at the time turn out of all the bicyclists there. and that's all. Thank you.

>> Mayor Reed: Aaron Francis, Los Babcock, David Wall.

>> Good afternoon, my name is Aaron Francis, I live and work in San José, I was born and raised in San José. I'm a member of the Silicon Valley bike coalition I'm also on the bicycle subcommittee on the Silicon Valley leadership group and a group of the mission is to provide education and training for bicycle repair. And also, to help promote bike culture here in San José. Aside from the numerous health and environmental benefits of

cycling, what really excites me about improving the cycling community is that it improves your sense of responsibility and sense of community, sense of ownership. I'm fortunate enough to live and work along the Guadalupe river trail. Since cycling you.

>> Councilmember Oliverio: Become aware of such things like littering and Goretta cycling you feel much more connected and you want to participate more in things to address that and make the community better. So now, when I'm riding to work I tend to carry you know a gray and black spray paint with me to take care of some of the graffiti that's popping up. I volunteer with the graffiti task force with the parks and recognize. Anything we can do to expand the bike infrastructure here in the city is going to make the city a stronger place to live so strongly support that. Thank you.

>> Mayor Reed: (saying names) Ross Signorino.

>> Good evening, mayor and members of the city council, Carlos Babcock, I'm a member of the bike and pedestrian advisory committee, I'm here to speak strongly in support of the downtown bike plan. Key points. On March 10th hundreds of San José residents, Councilmember Herrera and other city staffers joined us with the lord mayor of Dublin, Ireland, in fact Corrine winter was in the picture there, where we cycled over many of the roadways that we were talking about this an, and the straw poll is that many are in very much support of the downtown bike plan over a lot of those streets that we talked about. Secondly as a member of the bike-pedestrian advisory committee, we voted unanimously in favor of the plan. And thirdly, just to point out, I bike share program that will link many key spots in Downtown San José and make a very vibrant, clean downtown, and will go along with the goals of the Green Vision program. So I thank you very much. I thank you for your support, Councilmember Herrera, Councilmember Oliverio and downtown, Councilmember Liccardo. So thank you for your cycling in Downtown San José.

>> Mayor Reed: David Wall. Ross Signorino.

>> For historical perspective I want to let everybody know, the tireless efforts of Councilmember Liccardo, Councilmember Herrera, Councilmember Rocha, and Councilmember Campos, as well as Councilmember Oliverio, and all other councilmembers, as they have participated. But as to the four councilmembers that I've mentioned, you're responsible for this. This is an outstanding application of your dedication and service and I'd like to thank you. I'd also like to thank our venerable and honorable Department of Transportation guru director Larson and would like to note for the record his tireless efforts to support Councilmember Liccardo, Councilmember Herrera, Councilmember Rocha and Campos at the transportation and environment committee. I think that one comment should be made about the award of an almost \$2 million contract. I would basically like to see this contract go to the Dot or Public Works versus some third party interloper and one other recommendation would be to fill in the sound wall on the Marcus street overpass so a bicyclist would not necessarily fall to their death if they had a flat tire and decided to take their bike off the road. I'd like you to look into that please. Other than that thank you very much for supporting the bicycle community.

>> Mayor Reed: Ross Signorino.

>> Thank you, Mr. Mayor, members of the council. I won't go too much into what I think of biking out on the street. I've spoken of that before. I'm looking at this photo of the bikes and so on. I just wonder, is that a Hollywood production up there somehow? You see people with their helmets on, light clothes, I don't even know if they've got lights on their bicycle. But I think this should be a code situation, where you should wear light clothes, a helmet and especially at night. You should have safety equipment on. There like a light to show you're there rear and front. I see this at times that it's dangerous out in. I'm driving along and I can't tell if there's a bicyclist out there or not. So I think this is important that you put this into the code saying you have to wear light clothes especially for schoolchildren. They're the biggest offenders of this. Or you are the offenders for not enforcing that. So you should enforce it, light clothes, helmet, night protection and especially for children. Thank you all very much.

>> Mayor Reed: That concludes the public testimony. Councilmember Liccardo did you want to speak to your motion?

>> Councilmember Liccardo: Yes, just very briefly. I just wanted to mention, although I very much appreciate the advocates and volunteers who have come out here from San José bike clinic. Silicon Valley bike coalition, pushing very hard and we appreciate the community support, I think we should prepare our cells what may not be a love fest and people are complaining about traffic and congestion on some of these downtowns streets and I think we need to be very explicit recognizing the tradeoffs we're making here as we're implementing a lot of great improvements in our downtown particularly in transit infrastructure, the bike share program what we hope will be a car share program that will roll out shortly, electrification of CalTrain, great improvements that our downtown is going to get much more congested as we develop no matter what and trying to find ways to creatively moves of move people from cars to bikes and onto sidewalks will be a great benefit to all of us. So we're working hard to get out in front of this program and Hans is a strong vision of how we can move mode share in our city. And we just need to be explicit with our residents with the fact that we made decisions years ago in the downtown that we roads were not going to be designed simply for moving track as quickly as possible through our downtown but in fact enabling residents to live, work, play in an area where they can be safe on the sidewalks and in the streets.

>> Mayor Reed: Councilmember Herrera hypothesis.

>> Councilmember Herrera: Thank you, mayor. Thank you, Councilmember Liccardo for your leadership on this. I just want to say once again we're looking at something that puts people first. We're creating community, notwithstanding some of the challenges and Councilmember Liccardo and I sit on the VTA and on the downtown advisory board this so we're looking at all these changes that are going to come about and yes there's going to be transition and change. Thank you those want to walk and who want to breathe clean air because this city you're part of the transformation you see people out in the accumulate that inherently creates a safer community. So you're part of a wonderful op going progression to a more people oriented better quality of life for San José and again I'm very proud to support this motion and support this change.

>> Mayor Reed: Councilmember Campos.

>> Councilmember Campos: Thank you, mayor. I'm going to support the motion enthusiastically. One of the bike lanes or dedicated bike lanes was enhanced on -- in my district, down San Antonio. And you know, it's amazing what an extra buffer will do, just to slow traffic down. And you can see that it's also slowing traffic down, because folks know that they have to share the road. And one, it also gives bikers the extra assurance that it is a safe route. And that being the direct connection from District 5 to the downtown makes that even more important. What I'm looking forward to is in the future that we look at other routes that can get folks from other parts of the city to the central core, you know, our downtown, you know in district 5 looking at Story Road, also being the major artery, coming from the East I'd of our city into the downtown, I know that resources are strained, but we need to plan well into the future. So thank you for all the work you've done on this. Hans, I do have one question regarding the green lane. And I saw the photo of San Francisco and that actually is a painted green lane. Is that surface slippery?

>> Hans Larsen: No, it's not. It's a paint material with substances in it that don't create a slick surface.

>> Councilmember Campos: Okay, thank you.

>> Mayor Reed: Councilmember Kalra.

>> Councilmember Kalra: Thank you, mayor. What a great day for Public Health in San José. And I want to -- I'm sure Councilmember Liccardo's very excited about this. He should be. I want to commend him. I know especially with the bike share and the green lanes that's something you've been talking about and pushing towards for a long time and I fully support and certainly in any capacity I can identify any other sources in the regional level bring sources to expand this ultimately the goal but we have to have the strong center in the downtown first and create that infrastructure where people are working where we have more people living everyone involved in transit knows that last mile getting people you know to their workplace to their homes, that last mile can always be challenging so bike share or ensuring there's a safe transit route outside of using vehicles whether it be pedestrian or cycling is critical. So I'm very excited about this. I'm glad to support it. I like the recommendation that also asks us to look at kind of the safety. Because I do think that ultimately these measures are going to make it

safer for cyclists, it's going to make it safer for pedestrians but the more folks on bicycles inevitably you're going to have incidents. We want to make sure we're ahead of the ball and not reacting after it. This will enable us to have a close look going forward. My goal is a different route if we can have Monterey some day have some of these green lanes and eventually this is leading to that. So I'm very excited about this, thank you, Mr. Mayor.

>> Mayor Reed: Councilmember Rocha.

>> Councilmember Rocha: Thank you. And I'm going to echo the accolades to Councilmember Liccardo for being an advocate for this issue and continuing to ride it. Sorry I didn't mean to say that, ride it. Nice work. I had a couple of questions, and one you just spoke to them Councilmember Campos and Kalra as areas of the city. We know that destiny% of San José residents don't live downtown or travel downtown on their bikes. I recognize why we're doing that and completely support that approach. moving beyond the downtown core and into the rest of the city, Monterey corridor, the Winchesters, the meridians, the Berryessas, the Alum Rocks, major thoroughfares that people use to travel, how do you see that as the next step? Councilmember Rocha, thanks for the question. hello Councilmember Rocha thanks for the frankly it's because that's been the most competitive in getting grants. So with limited other funds we're generally relying on grant sources. I think one of the huge assets that we have is the developing creek trail network. If you look at what I call the big 3 trails from Guadalupe river, Los Gatos creek, Coyote creek that run north-south across the city as that gets developed, creating strong on-street connections from the trail system to businesses, job centers and neighborhoods, are some of the key strategic areas that we're looking at in terms of opportunities. We do -- some of our job centers we are looking at, at focusing those areas, as we discuss with the transportation and environment committee, when we have some near term opportunities up in North San José because they're separated dedicated funding sources to between fees to develop a bike network up in that area. But for example in your district we are looking at a buys cam boulevard that connects neighborhoods and neighborhood parks to the Los Gatos creek system. So those are kinds of the things that we have. As I mentioned, we have the three-year work plan that we presented to the transportation and environment committee. I believe that's coming up to council I believe a couple of weeks from now so that identifies 30 different projects that we're actively working on. 20 that are funded, another ten that are our priorities for planning and as more moneys become available we hope to expand on that.

>> Councilmember Rocha: Thank you.

>> Mayor Reed: And as you mentioned one of the networks we'll be linking to, that's the creek trail networks. I know we have a little over 50 miles of creek trails. How many miles do we have to the nearest whatever, doesn't have to be precise, of other bike lanes that we have in the city that we're actually connecting to. This is eight miles, we have a lot more than that.

>> Hans Larsen: Current we have 260 miles and about 51 or two are trails so the balance of that, about two 10 miles are on street network and we plan to double that.

>> Mayor Reed: I recommend the creek trails for anyone who doesn't want to have to worry about cars at all. It's a great place to ride. Councilmember Rocha Councilmember Herrera.

>> Councilmember Herrera: We are capitol expressway bike lanes and pedestrian improvements happening and of course that's with partnership of VTA but it's an incredible project. It's going to turn capitol expressway which has been more like a freeway into something more pedestrian and bike friendly.

>> Mayor Reed: We have a motion on the floor. I think that ends the discussion, on the motion, all in favor? Opposed? None opposed, motion is approved. Last action item on the agenda would be item 9.2, actions related to the proposed February-June miscellaneous budget for the successor agency to the Redevelopment Agency. We have a motion to approve. Good enough.

>> Councilmember Liccardo: Mayor.

>> Mayor Reed: I have a question from Councilmember Liccardo.

>> Councilmember Liccardo: Question, very sorry, don't aim to snatch defeat from the jaws of victory what we're attributing to the successor agency budget and I'm thinking about all the folks in housing and finance our own council mayor budget why wouldn't we allocate the reasonable share of all that time also to the successor entity since we're all involved in doing that?

>> Mr. Mayor, members of the council, Abe andrade, chief financial officer of the agency. At this time the agency had a limitation on the budget. And we have -- we're limited to the amount that is agency could budget at 2% of the agency's tax increment. Excuse me, 5% of the tax increment.

>> Councilmember Liccardo: Yes it was 5, yeah.

>> However, at this point the agency is -- had made a -- had started the fiscal year with a budget of approximately \$800,000 and has continued to stay with that budget at this point in time.

>> Councilmember Liccardo: Okay. I guess -- here's where I'm going with this. I understand by state law we have a cap of 5%. We are at 2% right now, we have some room. It seems to me and I'm sure there are reasons for this that I don't quite know yet but it seems to me that sort of the General Fund is leaving money on the table so to speak that is successor entity is clearly expending General Fund resources and the General Fund isn't being reimbursed. I don't know why we wouldn't want to claim housing and staff time as something that's allowable under state law .

>> City Attorney Doyle: If I could chime in briefly, councilmember, there are charges for support services in the budget for City of San José legal services HR finance City Manager's office agenda services and records.

>> Councilmember Liccardo: I see finance there that's the \$292,000.

>> City Attorney Doyle: That's 292. And there's the City Hall lease. Quite honestly, I think there is a real issue of, this has to be approved by the oversight board. They are the ones with the ultimate authority. We believe this will

pass muster with the oversight board and if in fact we're in a better financial position next year then perhaps we can look at adding more and we can take that into account. But the real practical issue at the board of getting a budget proved.

>> Councilmember Liccardo: Next year I think the capitol will move from 5% to 3%. We'll be more constrained.

>> City Attorney Doyle: There will be more discretionary moneys available. This is something we can justify. redevelopment board and it really is an effort to really justify -- as something we can justify.

>> Councilmember Liccardo: Sure. If this is a number that basically emerged in negotiation I get it, and there's no point in pushing. But if it's not and there's justifiable expenditures for example in the housing department that we're not claiming here, why not?

>> City Attorney Doyle: The housing department is able to tap funds from the housing department independent of the successor agency so the housing funds were transferred by the housing department they're able to recover administrative expenses.

>> Councilmember Liccardo: Okay.

>> Mayor Reed: Any other questions? We have a motion to approve. I have no requests to speak on it, on the motion, all in favor? Opposed? None opposed, that's approved. Taking us to open forum. Mr. Wall, Mr. Signorino.

>> Your Honor, this morning I addressed the Santa Clara Valley Water District and I gave them both letters from the City of Milpitas and the Cupertino sanitary district with reference to their disputing paying any more money into the South Bay water recycling program. I also mentioned that there's a good chance that west valley sanitation district will follow. Should their attorneys be involved and through the discovery process find that the City of San José has conducted studies that prove treated final effluent has never interfered with the habitats of the California

clapper rail, the salt marsh harvest mouse and the pickle weed, this will be catastrophic for the city, to try to defend South Bay water recycling, as any part and parcel access to the sewer service and use charge. For that was the foundational argument used back in the early '90s. Subsequently all sewer service and use charges will have to be reassessed and I, for one, don't want to support a water utility out of my sewer service and use charge. On another matter, that appears before Councilmember Pyle's committee tomorrow, is the community gardens update. This has a couple of problems. I don't support third parties running community gardens. The communal aspect of sharing harvests is rife for corruption. And there should be a mandatory tithe of the harvest produced to support the senior nutrition program which ironically is run by the same people, PRNS and they should have come up with that idea in my opinion. Thank you for a very lively meeting today.

>> Mayor Reed: Ross Signorino.

>> Thank you, mayor, members of the council. I've heard this about six weeks or eight weeks ago, on KLIV radio. Their practice is there to bring some business people and interview them and see how business is going here in the City of San José. And the one they had there the time that I was living to was a gentleman who owns a barber shop here in San Pedro square. It's called I believe quartet barber shop, I'm not sure. But in that conversation saying that business is going real well for him and it's good around he's glad he had a chance to get into San Pedro square. But what struck me throughout that whole conversation and listening to this gentleman, how hard it was for him to get a business license. I spent a half a billion dollars on this place. Frank Fiscalini, I remember when he was running the operation of building the new City Hall, said oh, we just go to one counter and have the whole thing settled right there and it speeds up the condition. This gentleman said had he a hard time to get a business license. I don't know he didn't elaborate. Mr. Mayor, since we're so business friendly in the City of San José is go down and find out what the problem was, not necessarily you Mr. Mayor, staff member, send people down there and find out what was his problem that he could not get a business license? It was difficult for him he said, he got it eventually, again he didn't elaborate but I think the City of San José has the obligation to go and find out what the problem was, and take care of it. Thank you very much.

>> Mayor Reed: That concludes the open forum, concludes our meeting, we're adjourned.