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>> Mayor Reed: We can call this meeting to order. This is Rules and Open Government Committee meeting for August 4th, 2010. Any changes to the agenda order that we need to talk about? None, all right, let's go to the first item which will be the August 10th council agenda. Any changes on page 1? Page 2 or 3? Page 4 or 5?

>> Excuse me, mayor. Staff would look to request deferral of 4.2, the Santa Clara valley habitat conservation plan. They have worked on a supplemental that provides more information on the burrowing owls and there is more information, to have sunshine, we would like it to appear on the 17th and get it out on the packet for Friday.

>> Mayor Reed: Okay, anything else on 4 or 5? Or 6 or 7? Mercifully, a shorter meeting than yesterday.

>> Councilmember Constant: Motion to approve with deferral.

>> Second.

>> Mayor Reed: We have a motion to approve with that one deferral. I don't have any requests for additions or changes. And I do have information on the ceremonial item pursuant to our new form so we can figure out what's going to happen. I do have one from Councilmember Constant.

>> Councilmember Constant: Good.

>> Mayor Reed: All right have a motion to approve with the one modification, all in favor, opposed, none opposed, that's approved. August 17th, draft agenda. Anything on page 1? This one is an evening session as well as the regular session. Anything on page 2 or 3? Or page 4 or 5? And we have the one request to defer from the 10th to this agenda, that will go on here regarding the habitat conservation plan, so anything on page 4 or 5? 6 or 7? Land use items. 8 or 9, more land use items. Have request to add, got a appropriation ordinance and funding source resolution amendment in the General Fund for council District 3, request to add. And I had a travel request that I put in that I'm not ready to add that, just yet.

>> Lee Price: You'd like us to take that off, Mr. Mayor?

>> Mayor Reed: Yes, drop that and we'll redo it.

>> Lee Price: Mr. Mayor, also have a request from District 3 from councilmember Sam Liccardo's office for a commendation for Don Gagliardi for years of services as president of the 13th Street NAC. It's not on your add sheet, but I did receive a request for the 17th, commendation for the 17th.

>> Mayor Reed: We'll still have time to get the info in before then. How many other commendations do we have? I think there's just one. And is that one for the afternoon or evening, for Gagliardi?

>> Lee Price: I'm assuming for the afternoon. There's no -- we'll double-check.

>> We can do that.

>> Mayor Reed: We can tidy that up next week if we need to. Anything else on that agenda? All in favor? Wait, want to get a motion.

>> Councilmember Pyle: Move to approve.

>> Mayor Reed: Got a motion to approve. Second?

>> Councilmember Pyle: As amended.

>> Councilmember Constant: I'll second anyway.

>> Mayor Reed: We've got a motion on the floor, good. All in favor, opposed none opposed, so that's approved.

>> Lee Price: Mr. Mayor, I just wanted to make sure that the councilmembers remember for August 10th we did defer from yesterday the retirement board governance issue to this meeting so it will show up on your amended agenda. Just wanted to make note of it.

>> Mayor Reed: Do you think that will be ready to go?

>> Yes.

>> Mayor Reed: Okay. Anything else on either of those two agendas? We'll move then to the redevelopment agency agenda for August 10th. Anything on page 1? Page 2 or 3? Or 4? We have the strong neighborhoods business plan update item 8.1. I'd like to know how long that presentation is contemplated.

>> Abi Magamfar: Mr. Mayor, members of the committee, staff anticipates the item will take somewhere between 20 to 30 minutes, with a presentation perhaps some members of the community will be in attendance and conversation, discussion with the council.

>> Mayor Reed: You're not saying that staff presentation is going to take 20 to 30 minutes?

>> Abi Magamfar: No, staff presentation would not be more than five minutes.

>> Mayor Reed: Okay. Anything else on that agenda? Any other requests for addition or changes? I don't see anything in writing.

>> Mr. Mayor, redevelopment agency, Gary Miskimon if I could. Also on 8.1, strong neighborhoods plan there is a supplemental memo coming out and as soon as that's signed we anticipating have its up and posted on the web as well.

>> Motion to approve.

>> Councilmember Chirco: Second.

>> Mayor Reed: Motion is to approve. All in favor, opposed, none opposed, that's approved. Redevelopment agency August 17th.

>> Mr. Mayor, if I may again, the agency has no items scheduled at this time for the 17th, and we would notify the committee next week if we need to cancel that agenda.

>> Mayor Reed: Okay. Next item on our agenda would ordinarily be legislative update, we have nothing to report at this time, I believe. And public record, anything from the public record the committee would like to pull for discussion? I'd like to just note, city attorney's letter which is item I, to the children's discovery museum board of directors dated July 29th. If you've got a response to that?

>> City Attorney Doyle: Not yet Mr. Mayor. We're planning to meet internally and then plan a meeting with the discovery museum folks as well. So this was really -- we had exchanged correspondence and as indicated we wanted to have a face to face meeting.

>> Mayor Reed: Okay, I think that will be helpful. There are repair and maintenance issues there that need to be addressed. The question is how, when and who. Anything else from the public record the committee wants to pull and discuss?

>> Councilmember Constant: Motion to note and file.

>> Councilmember Pyle: Second.

>> Mayor Reed: Motion is to note and file. All in favor? Opposed, opposed that's approved. We have nothing on boards, commissions and committee appointments, so we will take up the adopt-a-pilot program implementing assembly bill 321 which allows reduction of speeds around schools. Councilmember Oliverio.

>> Councilmember Oliverio: Thank you, mayor Reed and Rules committee. Before you is a memo asking that the city proceed with a two-year pilot program adopting assembly bill 321 which became effective January of 2008. This bill summarized essentially allows cities, cities have done this throughout California to lower a speed limit where there's a school and a 25 mile per hour posted. We had a special circumstance, we had a fire that burned down 16 classrooms and a library. So the school has now put up portables on both sides of Dana avenue so children and be parents and teachers will be crossing during the day. I think this will be a fine time to do a pilot on the specific scenario. In addition a traffic study was done in 2009 which is still current and would support the lower speed posting.

>> Councilmember Constant: Well, I think that this is probably one of the best spots in the city to try this at, because of the -- just the situation with the three schools and the traffic in that area is incredible in the morning, the pedestrian traffic, the vehicle traffic. My question is, do we really need a pilot program, or is this something where we can just say that in accordance with this bill, as we identify locations that are appropriate, we'll start doing it? Because I'm not sure what we need to evaluate. That's my question.

>> City Attorney Doyle: You have to do a traffic study, and the councilmembers indicated there was a traffic study. I think the staff has got to come back and make sure the T's are crossed --

>> Councilmember Constant: My question is not on the traffic study, I know we always need a traffic study but why a pilot program? My question is, implement here and other intersections, Hans, perfect timing, just got to your question.

>> Ed Shikada: I assume you heard the earlier conversation. We actually haven't had the conversation -- Hans you can take over.

>> Councilmember Constant: The question I asked when you came in, first off I'm 100% supportive. I think it's the right area for this type of action even without the portable situation that's happened after the fire. It's something important and I think we should do it. My question is, why would we necessarily have to establish a pilot program to do this, knowing that we do traffic studies at any time we're contemplating doing anything that affects traffic whether it be stop signings or speed limits or anything like that, why can't we just develop a set of guidelines, and be ready to do it when situations warrant it, and take them on a case-by-case basis versus doing a pilot that could delay us having to do this in other areas, by a year or however long the pilot may be?

>> Hans Larsen: Apologize for being late, figured we had a little bit more lead time here.

>> Mayor Reed: That's okay. We prefer you keep working until the last minute.

>> Hans Larsen: We have also Laura Wells and Jeff Smith from our police department here for the item. Let me just add a couple of comments. First on the proposal, we think that given the unique circumstances on Dana that this is an appropriate opportunity to I guess -- to try this out, and we think, we in discussing this internally, that using our administrative authority we think it's appropriate to take quick action and put this in place with the 15 mile an hour signs so that they are available when school is open. So we can move very quickly on this. We think this is a very good suggestion from Councilmember Oliverio. There is a -- just sort of the -- there is a formal process that we need to go to officially have the speed limit signs be enforceable. And essentially the action would be putting up the speed signs so we can do the education to the community that this is a special slow-zone. We would need to come back to council, though, with the action to allow this to be formally enforced and there is a public process that we need to go through and some engineering reports that we need to prepare to formalize that. So our suggestion is that we take administrative action that's consistent with the spirit of this, and I think from a process, you know, a referral from council to have us follow through with the -- kind of the official actions to make this a formal and enforceable effort. In terms to answer your question about the ability to do this, the council will recall, we as part of the budget actions that there's about a 50% reduction in our traffic calming resources. So we are having to really focus on the most important, urgent issues in terms of neighborhood traffic

safety. Our ability to kind of roll out a new program and pilot this and have it available, citywide, is not something that we'd have the resources for right now, as we project doing that, there is quite a bit of study and work for that. So my recommendation is, what we think you know there are probably other areas in the city that would benefit from this kind of program to take advantage of the legislation we just don't have the staff resources to kind of roll out that kind of program at this point. So but again to this, we think this is one we can justify because of the very unique circumstances, and so we would as I mentioned kind of support taking quick action on this particular case.

>> Councilmember Constant: Whenever I think of pilot programs I think of more work. Because there's -- you establish the pilot program, you implement the pilot program, you monitor the pilot program, you report on the pilot program, and then you convert the pilot program to a program. And I look at that and I say, given resource constraints, wouldn't it be easier to just say, whatever time period you need, come back in 12 months with administrative procedure to have this, where we can just meter it and say, okay, put in the list with all the other traffic calming but here are the rules and regulations or the guidelines, versus creating a pilot that could just be a waste of energy. I'd rather the work be productive. So we don't need an answer today. I just think it's something that we should discuss when this comes to council, because I'd be much more comfortable just saying, let's not create a bureaucracy on it, let's just do it. And put it in line with everything else.

>> Hans Larsen: And I think that's how we'd look at this particular case. It's just go do it because of the circumstances. And then if we were to -- to do a program where we look at where we implement this, you know whether its a pilot or whether it's a program with criteria and where we'd do it, there is still a body of kind of administrative work, associated with kind of pulling that together, figuring out kind of what the warrants are, and which locations would be best for running the program. So again, I think with the limited resources, it's not something that we would recommend getting into now. But it's certainly something we can monitor, and I know through Councilmember Oliverio's leadership in the past, this is something you know he's been wanting to do since we have the legislative authority. And we'll just kind of have to look for kind of the right time where we have the resources to take that on.

>> Mayor Reed: And we don't get enough out of the speeding tickets to pay for it, right?

>> Hans Larsen: I don't think so, no. If I could just add. Other things that we would do for this particular circumstance, is that you know, ensuring the safety of schoolchildren in this area, where we have the unique situation where we've got kids crossing the street on a regular basis, you know, we won't have the resources to be out there, you know, for every class period when the kids are going from classes to recesses, and so we will be working with the school to have them take on, you know, as much responsibility as they can in terms of managing safe crossing of the kids, you know, during the school time. And so we'll be working further with them to sort of figure out that relationship. And really, again, looking for them, since they're out there on a regular basis to take really as much of that responsibility on as possible. But by having the signage out there and setting the tone that this is a special area where lower speeds are warranted, that's certainly something the city can do to help the situation.

>> Mayor Reed: Vice Mayor.

>> Councilmember Chirco: Yes, I had a question. It says it doesn't require a speed at least I was told by my staff that state law does require a survey be conducted. I was wondering about this bill, SB 321. Does it allow us -- I'm sorry, AB. Does it allow us to lower speed limits or do we have to do not just administrative work, but a traffic survey?

>> Hans Larsen: Let me refer that to Laura Wells. She's more familiar with the details of implementing the legislation.

>> Do you need a traffic study?

>> We do need a traffic study and we can use the one that's two years old.

>> City Attorney Doyle: I think Laura is the one that addresses that issue.

>> Laura Wells Department of Transportation. We actually don't need to do a traffic study on a street like Dana now. We might have one in place, I'd have to check. The law that was implemented does require a study in the vehicle code and in the traffic manual in order to implement the 15 mile per hour. And it's on a school-by-school basis so it's not something we --

>> Councilmember Chirco: So what are the unique circumstances that allow for that at trace elementary?

>> The unique circumstance is what Hans already pointed out is that you have children crossing throughout the day.

>> Councilmember Chirco: Okay, so that would kind of make it much more difficult at schools that didn't have that unique circumstance.

>> Right. And it is very specific in the vehicle code. Unusual circumstances. So it --

>> Councilmember Chirco: Okay.

>> Hans Larsen: So I think that's part of streamlining of there one, that because of that unique circumstances, that is what our study would point to as the justification for going to this. At other location where the school campus is more contained, you don't have the activity, in order for it to be kind of legally defensible, you probably have to have speed surveys, pedestrian count, accident history. But we think the unique circumstance makes it a simple straightforward study that we can hang our hat on, unique circumstances as the basis for setting the 15 mile an hour speed limit.

>> Mayor Reed: I want to just think about the work that you have to do, as engineers, to do your professional job on these. Because I've been through the traffic calming now since I think I was chair of the traffic calming committee when I first got onto city council. And I know that there are some things that seem like good ideas, that

turn out not to work for a variety of reasons. And we find that out by you guys doing your professional work. And the one that comes to mind are the various forms of lighted crosswalks. Because I remember that first time we installed some lighted crosswalks down in the pavement, it was really cool. You know, we all thought it would work. But after piloting them, we discovered there were better ways to do them and cheaper. That require a lot less maintenance, and for a lot of reasons, and we don't do those anymore. So we can't just assume that this will work, that it will be effective, and that it won't cost anything, if we're going to put it into the tool box of traffic calming, and I think that's where it belongs, it is one of those things that will probably be very helpful. But I do prospect the need for some professional analysis of it not in this particular case because we've got these circumstances but before we could say all right we want to do this in lots and lots of places, how much is it going to cost and what would be the results, I think are important especially in this era of constrained resources, the amount of traffic calming money is much reduced from what it used to be. But I think starting this and getting it going is important just from the time standpoint, scientific work because of the unique circumstances but it should be helpful as we analyze what to do next with it. But I'm kind of with Pete, let's do this, get it in the tool box some it doesn't have to be a pilot program but it has to be something you as engineers believe, here is where we think it can be deployed instead of something else. I do have one request from the public to speak. Councilmember Pyle.

>> Councilmember Pyle: I just wanted to say that having -- I'm sure everybody in some district has had the same experience. But whenever you have the three schools with such close proximity, you get parents dropping off at more than one school it becomes absolutely problematic. So 15 miles would help tremendously in getting everybody calmed down. It would be a while though. I'm sure you're going to have a period of time where you're going to issue tickets or whatever, and would you issue tickets, would that be a part of it?

>> Hans Larsen: Well, I think you have Jeff Smith speak to that. But I think kind of as he's coming up I think certainly the most important thing is to kind of do the outreach and education.

>> Councilmember Pyle: Sure.

>> Hans Larsen: And kind of set the tone in terms of safe behavior there and hopefully we create an environment that doesn't require a lot of enforcement with tickets. But I know in our discussions with the police department, they have some ideas. And in terms of assuring kind of safety at this location because of the unique circumstances. Jeff, you want to add.

>> So let me just say PD is in lock step with D.O.T. on this and also with everything you guys have said regarding let's just do it and get out there and see what comes from it. In this -- you know, as everyone knows we went through this whole traffic calming process over the last few years and we've redeployed our resources and sort of came up with a different plan based on those public meetings that we had. And currently we have a program, the school neighborhood enforcement program that Councilmember Oliverio assisted with, where we quarterly move from area to area, and give a lot of direct enforcement at schools and neighborhoods. And it's been very effective. This area has been part of that program in the past. I don't believe -- I did not look at the map today. I don't believe it currently is. And so what I'm trying to say is, we are very disciplined about where we do our enforcement based on the request from the public and the crash data, et cetera. And we try not to deviate from that. Going out and doing a direct enforcement in this area would take us away from that program that we developed. But as I discussed with Mr. Larsen and Laura earlier what would be reasonable in our estimation would be during the three periods of Operation Safe Passage, which occur in the fall, the winter and then again in the spring, whereas normally we rotate those throughout the city and each school gets one deployment a year. In this circumstance, because of everything that we've discussed and the change, we would certainly commit to doing operation safe passage, every enforcement period out there, and see what results we get from that.

>> Mayor Reed: Okay. Any -- anything else from the committee? Mr. Wall.

>> Good afternoon. Personally, I believe this issue, following these various state statutes, fall under the doctrine of unfunded mandates. I believe each councilmember within this city knows their respective districts well enough alone to work with the honorable director of transportation, the police department, to come up and set traffic limits throughout the city without this Folderol of these statutes that are burdensome and oppressive therefore objectionable. Especially in today's funding scenarios, the San José police department especially the beat cops

assigned to your neighborhoods know very well what the speed limits should be and should be the driving force as far as speed throughout the city. In reference to Councilmember Oliverio's program here, he shouldn't have to go this distance for this, or neither should any of you. It should be done automatically. And with reference to this particular school, we have wounded police officers, park a police car there or whatever and just stop traffic for this particular school. That's one idea. But the main thing is, these unfunded mandates to obey these state doctrines that are archaic, those days should be over with.

>> Mayor Reed: That's the only card I have for public testimony. So back to the committee here. Let staff run with this, and get this -- make this happen.

>> Councilmember Constant: I'd make a motion to approve and does there have to go to the council on a particular date? Or is this just --

>> Mayor Reed: This is just the direction.

>> Councilmember Constant: Administrative action --

>> Hans Larsen: We'll take the immediate administrative action to put in the sign and follow up with the process to formally endorse it and then allow it to be legally enforced. I think that process, given that's a fairly straightforward one, within two months, is that --

>> We anticipate bringing it back to council by the end of November.

>> Councilmember Constant: So that would be my motion what Hans just said.

>> Second.

>> Mayor Reed: Okay, we have a motion to let staff do their work and get it done.

>> Hans Larsen: Thank you.

>> Mayor Reed: All in favor, opposed, none opposed, thank you. I see Betsy Shotwell is here. Betsy did you have something on legislative update?

>> Betsy Shotwell: No I'm piggybacking on --

>> Mayor Reed: The bill 321. Then we'll move to the auditor's monthly report of activities for June and July.

>> Sharon Erickson: Good afternoon, Sharon Erickson City Auditor. You have before you our report of activities. We did issue one report during this period, it was presented, it will be presented at the August 19th public safety and finance and strategic support committee. That's a routine expenditure review of the Santa Clara county cities association. A project we've done for a number of years. During activities during this period we did host a group from the mainland China from the China national auditing office who are studying at San José State University. It was really fun to be able to talk with them about auditing topics across boundaries. And then closer to home we're hosting Allison McGuinnis, who is here with me today, for the summer. Allison joined our office for the summer as an intern as part of the Stanford University's Stanford in Government fellowship program. Allison grew up in downtown San José, graduated from Presentation High School, and loves being able to walk with work. She will be assisting with the police management audit. Then assignments in process, we have a number of audits in process. I wanted to point out that number 6 the police management audit we have started that pursuant to the council's direction. So this was identified in the Mayor's Budget Message. We are beginning with the review of Councilmember Constant's BDs. I'm sorry, I don't even know what BD stands for.

>> Councilmember Constant: Budget documents.

>> Mayor Reed: Talk about an arcane term.

>> Sharon Erickson: Sorry.

>> Mayor Reed: It was a memo but we call them budget documents.

>> Sharon Erickson: Sorry.

>> Mayor Reed: No one else knows what they are either except the budget office.

>> Sharon Erickson: So we're beginning with that project. We also have in process the annual external audit as of June 30th, the semiannual review of the City's investment program and that's my report for the month.

>> Mayor Reed: Have a question about a couple of 3 and 4 pension costs and disability retirements in terms of your timing on that. As last night, the county approved the reconvening of a stakeholder group regarding pension. And I think your work would be informative for anyone who is looking at budget issues. I'd certainly like to get your work in front of the council in a timely manner, and I don't know what your time line is.

>> Sharon Erickson: October is what we're shooting for, so the October public safety committee meeting. I'm not sure how that works with your schedule but that's our current time frame.

>> Mayor Reed: I think that will work. We've asked this committee to work quickly and get back to us in November so it would probably work for them as well.

>> Councilmember Constant: Motion to accept.

>> Councilmember Chirco: Second.

>> Mayor Reed: Motion is to accept the report. All in favor, opposed, none opposed, that's approved. We have nothing on committee agendas, open government issues, open forum, one card on open forum, I'm guessing it might be David Wall. Let me just see. I was right. Mr. Wall.

>> David Wall: An issue that you need to address fairly promptly before the implementation and expenditure of moneys for the regional municipal storm drain permit deals with how many vehicles a person can have at their house that they can store on the street. I know from neighborhood watch, several areas of my neighborhood where people either have car businesses, where they buy cars, put them on the public street, they're licensed, they're registered. Ten cars is not uncommon for one residence. Shortly, another car, he has a higher-end car business, Mercedes, whatever, he has about five cars, licensed, registered, but it's a business. But even so -- when you're trying to deal with this regional municipal storm drain permit, one item that needs to be changed, this warning business about parked cars and vehicle abatement, because they don't have time to give warnings anymore. And people know how to gain the system. It's time to hold them accountable, that's one item. The other item is getting cars off the street period. Instead of just storing them there, rotating them around neighborhoods. That should be enough for today. Thank you.

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