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>> Councilmember Herrera: For Councilmember Liccardo, vice chair confident transportation and environment committee, calling the meeting to order on this Monday, October 3rd. We'll take roll, Councilmember Rocha.

>> Councilmember Rocha: Here.

>> Councilmember Herrera: Councilmember Campos.

>> Councilmember Campos: Here.

>> Councilmember Herrera: We do have a quorum, although I've been told that in order to move forward we have to have unanimous agreement on these items, according to our attorney. So we will start with review of the work plan. And we have several items here that deferral is recommended. We also have someone that wants to speak on that. Before we do that David we'll have you come up.

>> David Wall: Good afternoon, Your Honors. I would like to recommend that you reject the deferral request for Item B-3. I would respectfully request that you demand full disclosure of EPA and regional water quality control board inspection results now, if not monthly and not defer this to January. I think that the watershed protection division since the year 2005 has had ample tint with reference to program expansion as well as their affirmative duty to comply with these mandates, and I think it's pastime that excuse-making and double-talking be eliminated, for a more performance-based result. Deferral of this will accentuate that type of behavior. Thank you.

>> Councilmember Herrera: Okay. There are a few requests for deferrals. Item number 1, city tow contracts, referral requested to November. And I understand there's some more coordination needed on that Ashwini did you --

>> Yes. Ashwini Kantak from the City Manager's office. There's multiple departments, and so we just needed some additional time for coordination to bring the report back to the committee.

>> Councilmember Herrera: Second is status report on mitigation monitoring, again a recommendation for deferral to November.

>> That's right.

>> Councilmember Herrera: And similar reasons.

>> Yes, staff working.

>> Councilmember Herrera: Okay. And also number 3 the pretreated program implementation, recommend deferral to January. There was a memo submitted on that request as well from Kerrie Romanow, and could you talk about the reason why, could you -- maybe we can just have a repeat of why, of these questions about that.

>> And sure Kerrie can step in too. But we basically have submitted initial response to the state and we're waiting for feedback from the state as well as the EPA. And then we can bring that information based on what we hear back. Staff can kind of work on that and bring back a report to this committee in January. And it will still allow us to kind of meet our deadlines. And Kerry if you would like to add to that.

>> Councilmember Herrera: That's pretty complete. Habitat conservation plan is recommended be dropped. It's been already presented at the city council twice on the 20th and the 27th. And then finally, our fleet outsource pilot RFP status, update has been recommended deferral to November.

>> Right, again we've received proposals on that and staff is currently evaluating as well as talking to the proposer, so we thought we would be able to bring back a more complete report to the committee. Let's defer to next month.

>> Councilmember Herrera: Okay so I would need a motion to defer this work plan with these deferrals.

>> Move approval of deferrals.

>> Second.

>> Councilmember Herrera: All those in favor, eye, opposed, motion carries. Moving forward. On the consent calendar, we have a report on the urban award management plan. I do want to pull this from consent, just to -- I had one question on it. I think Mansour Nasser is here. I was just wondering about -- they talked about plans for a regional alliance, and I was just wondering how you would view that in terms of, if there was an unforeseen drought or some other condition, could you comment on what you think about moving forward on a regional alliance.

>> Mansour Nasser: Good afternoon, Mansour Nasser, environmental services department. The regional alliance doesn't address the drought issue. It talks about the current target for Muni water is to go from 180 gallons per day per capita to 144 by 2020. A regional alliance will call for the region to go from the current 173 gallons per capita to 138. So rather for Muni water to go to 144 we would need to go to 138. I just want to kind of clarify. Muni, the reason we have a high gallons per capita is the way it's calculated. You take the total use, and you divide it by the population. And Muni's customer base is only 45% residential. 55% is commercial and industrial. So that's why we have a higher number. So for example, San José water company is less and Great Oaks water company is less. When you look at the regional basis it goes from 173 to 138. So we would have to increase our be conservation measures by about six gallons per day per person.

>> Councilmember Herrera: If we were to do a regional plan?

>> That's correct.

>> Councilmember Herrera: Do you see benefits in the regional do you think that's something we should be working towards or just -- I just wanted staff's thoughts on it.

>> Mansour Nasser: I don't see a benefit. The reason is because we have a higher strum base so we might be impacting our industrial customers. So I would rather keep it San José, Muni water different than the regional -- again, there's not much difference, but it will make us work -- the effort I think will impact our industrial customers.

>> Councilmember Herrera: So make us less competitive in some ways?

>> Mansour Nasser: Well, it would impact the industry. They would have to invest more in capital and so forth to achieve that goal.

>> Councilmember Herrera: Okay thanks for answering that.

>> Councilmember Rocha: I have a question if you don't mind.

>> Councilmember Herrera: Sure.

>> Councilmember Rocha: I notice that we need to approve this. Is that as a local city jurisdiction, so do all the cities in the county that are served by this water company have to approve this as well?

>> Mansour Nasser: We are just providing you an update of what Great Oaks water company and San José water company have done. You already approved our urban water management plan back in June, the council approved it, and we submitted the plan to the Department of Water resources.

>> Councilmember Rocha: So when we approved it back in June, so we're required as a municipality to approve those, the UWMP?

>> Mansour Nasser: That's correct.

>> Councilmember Rocha: Okay, so does every city in the county approve?

>> Mansour Nasser: Every water retailer, even private companies that serve more than 3,000 acre feet a year, which is -- each one acre foot is 325,000 gallons. Or they serve more than 3,000 people. So private companies, like Great Oaks and San José, also are required to submit it. So are public agencies.

>> Councilmember Rocha: Okay so then we're -- our role is as Muni water, not as the city council then? So the submittal is to the regional water quality control board, right?

>> Mansour Nasser: That's correct. Your role is as a governing body for Muni water. So the board of directors for San José water company approved theirs.

>> Councilmember Rocha: That was the question I had. And the component of water recycling and water reuse is that a part of that as well?

>> Mansour Nasser: That's correct. That's part of our water supply portfolio.

>> Councilmember Rocha: Thank you. I'll move approval of consent.

>> Councilmember Campos: Second.

>> Councilmember Herrera: And before we vote on that David Wall wanted to speak on that.

>> David Wall: Many areas of the city should show pride and distinction the operation of the municipality water, especially the previous speaker its former manager is something to be prideful to be thankful he's a city employee. My main two issues here are water supply and the calculations of water conservation over an extended period of time. Now, it's true where water conservation water usage is dropping. However we are having more building more people here so I think these calculations over these spreads need to be revisited. Plus too and more importantly would be the emphasis on study and some form of plans for catastrophic or material

interruption of water supply from Hetch-Hetchy. And other water retailers. As it applies to municipal water. Thank you.

>> Councilmember Herrera: Okay. We have a motion on the floor. All those in favor? Aye, opposed, motion carries. Now we move on to our expanded street sweep program. And Jim Ortbal is going to speak.

>> Good afternoon, vice chair Herrera and members of the committee, I'm Jim Ortbal, the assistant director of transportation and joining me for this presentation is Diane Melowicki. She's our division manager for landscape and street sweeping services. Back in May of this year the committee requested that we review the feasibility of starting back up or expanding our signed street sweeping program for those neighborhoods that are being heavily impacted by parked cars during sweeps and not being able to get their streets as clean as we would like or they would like. So we've completed that analysis. And we're back to present that to you today and Diane will take you through slides so Diane.

>> Residential street sweeping in San José is carried out through a collaborative effort between the Department of Transportation and the environmental services department. In partnership with the contractual service provider that performance the street sweeping which is currently Green waste. There are approximately 1500 residential streets or 3,000 curb miles of residential streets that are swept once a month. And we use two primary service delivery models to accomplish this street sweeping. The first is what we refer to as regular sweeps and that's the vast majority of our streets throughout the city. And those are streets that do not have any signage that indicate when the street sweeping would occur. That model relies on the voluntary effort of the residents to keep their cars off the streets on the day of their sweep. And the other model is the sign sweep. And currently we have approximately 8.5% of our residential streets that are in that particular model. And that is where we do have signed parking restrictions that do indicate when the sweep is going to occur, and that prohibits parking during that time. The other sweeping model that we utilize currently at the average of once per month is what we refer to as an enhanced sweep. And that is a sweep where we use temporary signage to restrict parking typically for one day and we do a very labor-intensive concerted effort to go into that particular street or collection of streets in a neighborhood and do a cleanup effort to really get the streets clean and also, to build awareness in the

neighborhood at a -- of the benefit of getting their cars off the street when it is time for the street sweeping. They see the benefit of that. Through the use of those three models collectively, 7500 tons of debris is removed from the residential streets annually that otherwise would have entered the storm system. In identifying those streets that would most benefit from the installation of parking restrictions, a number of factors would be considered. Certainly the presence of parked cars is a significant one. But also, the degree to which the neighborhood actually wants the installation of the signs. And then we would look at that time effectiveness of the current street sweeping efforts. Are the streets getting cleaned or is there actually a lot of debris, litter, other types of debris that is collecting along the curbs? We would then also look at that time capacity of both the service provider, as well as parking enforcement, to take on the additional work, and at what cost? We'd have to consider whether or not there was a need for significant investment in order to continue with additional signage. And then we would look at whether or not there was any other means of addressing the situation. Such as utilizing an enhanced sweep. And whether or not that was effective in getting the street clean and more importantly keeping it clean for some period of time. Effective street-sweep only happens when the sweeper can get to the curb and there are many things that can prevent that. Most notably the presence of cars and large amounts of litter and debris that collect in the curbs that the sweeper cannot sweep up. In addition to that, the presence of damaged or in some cases unmaintained infrastructure can also present a problem for the sweeper. But of all those things the most significant and most typical factor that does prevent the sweeper from getting to the curb is the presence of parked vehicles at the time of the sweep. The city had addressed a large number of highly impacted streets between the years 2004 and 2009, when 228 curb miles of parking restrictions signs were installed. And this was done because there was a survey that was conducted in 2001 that indicated that approximately 12% of our residential streets had a parking impact greater than 50%. And we found that with the installation of these parking restriction signs in those 228 miles that were added during that time that we saw a typical reduction in parking impact over time from that greater than 50%, to somewhere in the area of 20%. So it's a highly effective way to address parking impacts for the long term. We currently have a request list that we have been maintaining since that program came to an end and it includes both streets that were not addressed during that program as well as new requests that have come in since then. And that request list is currently comprised of 119 curb miles throughout the city of signage requests from our residents. And we only, of those 119, we only have 18 curb miles that currently exceed the threshold of 50%. If we look at going to a 40% threshold and those streets are still

having relatively ineffective street sweeping we expand that number to 69 curb miles that could be considered in the event that an expansion to this program is approved. Our experience with the previous program has indicated that the single best predictor of success with new sign installation is the degree to which the community wants it and supports it. And in fact, in those streets where there has been better than some proactive effort by the residents on those streets or in that neighborhood to actually seek out the signage. That has been our best factor of success in terms of long term reshaping of parking patterns on those streets. So as we mentioned neighborhood support is critical but many other things have to come together and work synergistically in order to ensure success in getting and then keeping the streets clean. The vendor must have the capacity to adjust the routes and add more sign sweeps and our parking enforcement group must have the capacity to provide a consistent presence that helps to establish the new parking patterns on the affected streets. Inspection is also needed to ensure that the contractor is performing the operations to acceptable standards. And of course the availability of staff resources and funding must then be considered and then allocated. Based on our feasibility analysis in putting this report together a 40 mile expansion of the sign sweep program seems to be the most feasible option to consider. It certainly does require some resource investment. Total startup costs of about \$221,000. But fairly minimal in terms of staff adds and ongoing costs. Most of that startup cost is the one-time investment of the actual materials, the signs, and the installation of those signs. And we believe that a 40 mile program would address the most significant concerns represented on that request list. Those areas where we have residents who have expressed the greatest amount of concern and desire to have sign installation. So we'd be able to handle -- we'd be able to address the areas of greatest need through a 40 mile program.

>> So thank you, Diane. Let me conclude with our recommendation to the committee. So what we're recommending is that you accept the report and with acceptance of the report we are proposing that a 40 mile program is the most feasible and cost effective way to go about expanding the program. With acceptance of the report, staff would bring forward in the budget process next year in the 2012-13 budget process a proposal to implement the 40 mile expansion as part of the overall kind of storm fund rate analysis and budgeting for that program. If it was adopted by the council we would move forward with updating our park impact studies and ensuring that the preliminary information that we have today on parking impact is accurate and up to date. We would initiate outreach to various neighborhoods and streets and communities that we think best meet the criteria

that we've laid out for the committee and laid out in this report. Once we got to the process of identifying and finalizing those communities and streets where we think it made the most sense to implement and we had support from the community, we would proceed with procuring the materials. And then do the sign layout engineering and installation throughout the winter and into the spring of 2013, completing the program by the end of 2013. Excuse me, by June of 2013. So that includes our presentation. We're here to answer your questions or to receive your comments.

>> Councilmember Herrera: Okay, thank you Jim and thank you Diane for the report. Sounds like today our task is to vote yes or no on accepting the report. We're not really going to look at how it's funded right now, you'll move forward to during the budget process to look at how it's funded.

>> That's correct.

>> Councilmember Herrera: I had a question before I turn to my colleagues, on page 9 of the report, number 7, I was trying to understand what you were trying to get at there. Used the enhanced sweep tool on certain candidate streets to determine if alternatives exists to permanent signed streets to improve sweeping effectiveness.

>> What we mean by that is, there may be certain streets that have a high level of marketing impact. We aren't getting the street clean. But it doesn't seem like there's a willingness on the part of the community to support permanent signage. But given the condition of the street it's just really necessary to try to get it cleaned on an occasional basis so we would go in with temporary signage. Put the signage out, get a decent sweep to you know directly to the curb and gutter line and try and kind of bring it back to a decent level of cleanliness. So that is one use of that tool. So it's where permanent signs may not be accepted by the community. The second situation would be, there may be cases where, through an enhance sweep, we may raise the awareness of the community, they may understand that wow, if we get our cars off the street we're really going to improve the conditions. They may be more aware of when their regular sweep would be occurring and we get a little bit more voluntary compliance and the sweepers can get to the curb more. So we use that as a tool when permanent signs may be not the right solution for that particular community.

>> Councilmember Herrera: Are you going forward are you looking at it as an ongoing situation for the streets or is it more of an interim step as you get more community awareness and can you tell me the cost difference between this enhanced sweeping versus having a sign?

>> Yes. I would say it's more of a periodic or an ad hoc tool in the tool box if you will. If we're having to consistently and regularly use enhanced sweeps, and the community is engaging with us, it's probably a good candidate, if they have high park impact for a regular sign sweep. So we don't see it as being something we continuously do. It is facial labor intensive. We will use not just no parking signs, but we will use tow away. Because if we're not going to be there that frequently, it's imperative that we get to the entire curb length, so we will use on occasion tow-away which obviously brings -- kind of raises the stakes if you will for the residents when their cars could be towed as opposed for just cited for no parking. In terms of the cost difference Diane I would ask you if you could try to provide --

>> Councilmember Herrera: I would think it would cost more.

>> Barricades and signs so that installation isn't in there as well but maybe Diane if I could just ask you to provide a little more detail on that.

>> Sure. If you look at the cost for permanent signage per curb mile you're looking at approximately 6,000 rounded, about \$6,000 per curb mile for permanent sign installation. And that's the one-time costs. Then there's the, you know, nominal ongoing cost for inspection, support and enforcement that is included in there. For the enhanced sweeps, the cost per curb mile which is primarily made up of our inspection staff that is out there ensuring that the sweeper is effectively getting to the curb, our enforcement cost, the contractor premium fees for doing the enhanced sweep which involves setting up the barricades with all of the signage for the neighborhood, we're looking at approximately \$750 per curb mile cost. But the average enhanced sweep is about three curb miles. So somewhere between \$2,000 and \$2500 for an enhanced sweep, which is of course a one time temporary solution.

>> Councilmember Herrera: So yeah, I guess the fixed cost of installing it adds cost to the other, to your permanent one. And the other thing I wanted to ask you guys about. I remember, I think you probably going to change the system but when we were receiving things in the mail, in the paper world, they were sending notices out when sweeping was about to occur. And I know that we actually got some things from one of the recycling companies so that we could put it on a refrigerator to remind us when the streets were going to be swept. So I imagine that you're probably moving away from those kind of paper systems and maybe Kerry wants to talk about it. But what I'm interested in can we do something via e-mail can? Can we also do something via cell phones, is there some kind of alerting applications where we can let people know in advance when there's street sweeping, to get enhanced compliance? I'm thinking in general it might help us. Because for us it really helped us knowing when the street sweeping was going to happen.

>> Good afternoon, Kerry Romanow acting director environmental services. We do still do the magnetic refrigerator magnet. Those seem to be useful tools. We're trying to move away from mailing, it's expensive and not everyone reads it. We're looking at lots of different things from you know phone apps to tweeting. To you know "like" us on Facebook. So we're looking at those options, and we are trying to figure out where will we get the biggest bang for our efforts. Because we don't want to raise rates to do messaging too much differently, but we also want to make sure that the residents are paying attention to it. So we're trying to figure that out but right now that refrigerator magnet seems like the most useful tool in advising residents when their street sweeping day is.

>> Councilmember Herrera: Would I think if there's some company that wants to come and do a pilot study and not charge it so I think we would use it, a cell phone app would be very interesting.

>> I would just add probably the targeting or the most benefit from that type of outreach, whether it's the cell phone the magnet or what have you are not too greatly impacted, where residents have a driveway or carport or those types of things. The streets where we have been zeroing in, where the parking impact is great, even if they get the word there are so many parked cars or so many cars to be parked if you got 50% compliance on all the

ones that do park you're still not going to get that close to the curb. I think these are the more kind of extreme street that we're dealing with. But for the other you know 75%, those types of outreach methods are very important because the residents do have more options and there's more voluntary compliance. So I think it's important to distinguish where our outreach might have its greatest impact.

>> Councilmember Herrera: And not to belabor it too much, but one thing I will say about cell phones is I think you'll find that almost everybody has a cell phone even in areas where maybe they won't have a computer they'll have a cell phone so I think cell phone is something we should really consider in terms of communicating and I say even in areas where cars are heavily impacted people don't want to get tickets and they don't want their cars towed so I think those new ways of communicating are important and I would say you're probably going to have more people parking on streets because you have got people whose children are moving home in this economy, you have more people living in homes renting out rooms. So I don't know I am seeing a lot more cars parking on streets now. That's my two cents on it. I want to let my colleagues --

>> Thank you for those ideas. We'll take them into our thought process.

>> Councilmember Herrera: Okay. Councilmember Campos.

>> Councilmember Campos: Thank you. So people, going -- I mean following your train of thought right there, on ticketing people that are parked during the street sweeping days, people will only get ticketed if their streets are marked, is that correct, marked with no parking signs?

>> That's correct.

>> Councilmember Campos: I just wanted to get that clear. I'm curious why, why the option of the 40 curb miles, this is what it's going to cost and not do a tiered approach where you do an analysis on 40 miles, do you an analysis on the 69 miles, if you combined the 40% to 50% or the 40% to 50-plus percent as to what that would cost, because my concern is that you're not getting the council options. You're basically saying this is what you

evaluated, you either vote yes or you vote no. And there's neighborhoods that might not show that -- that might have been on the list for you know five years and they're thinking okay well I'm getting my turn, I'm coming up and they might be 34%. And, you know, they drop back down on the list even though they made the request, you know, years ago. So I would like more options to be -- for the council to be able to make that decision on whether or not we feel this is important enough to be able to go through the budget process and say you know this might cost another half million dollars but it's well worth it. So I would like to see something like that. The other -- how do you calculate curb miles? Because I might have found a typo here. Is it just like a regular street, a regular mile?

>> Yes, that's correct.

>> Councilmember Campos: Both sides of the street, looking it up?

>> Street miles you double it.

>> Councilmember Campos: Martin avenue is not close to being 17 miles long even if you double the curbs. Because Martin avenue goes from white road to mountain pleasant road and you know that's not even --

>> That includes the surrounding area as well. That's right, I think that was maybe where some of the -- most of the requests came in from but where we gave the curb mile it would be the surrounding neighborhood and mile and maybe we would have better described or characterized that. It is the broader area.

>> Councilmember Campos: I would re-categorize that area as Mt. Pleasant, or Mt. Pleasant neighborhood. As a matter of fact, the neighborhood association there is Mt. Pleasant neighborhood association. So that's probably to distinguish that. And lastly, I think Rose might have asked that question already. I think that's good for now. Okay.

>> Councilmember Herrera: Councilmember Rocha.

>> Councilmember Rocha: Thank you. So the referral, can you refresh my memory about using the storm sewer funds for the installation? Was that question really answered? And maybe I missed this reading through this document.

>> What we've put together for you councilmember is our feasibility and assessment of how we would approach selecting streets, identifying the size of the program, the cost, I believe, maybe I'll refer to Kevin fisher, that there was some information communicated to council as well about using the storm sewer fund as well. So that, I don't know Kevin if you want to respond to that at all. But we believe that we can recommend an expansion of the size we've talked about here, and that can come forward in the budget process using storm sewer funds for this program.

>> Councilmember Rocha: So then it became more a legal issue as opposed to a policy one?

>> That's correct.

>> Councilmember Rocha: That's what I was trying to get at. So the funding you were identifying helped me understand -- you haven't identified I guess, \$221,000. You expect to find that in next year's budget or it would be a budget request?

>> It would be a budget proposal and we'd have to assess a number of things. We'd look at everything we're doing within the storm sewer fund kind of deciding priorities, is this a priority within the overall funding, do we need to include this as part of any rate increase that might go forward next year that council has noticed up to a potential 5% increase for the storm sewer fund for next year. The administration obviously brings forward the ultimate recommendation through budget process whether it's 5% or less or nothing. And we would assess all that as part of the budget process to bring forward that recommendation. What we think is the most cost efficient proposals, is 40 miles. The reason why we are recommending 40 miles is the current street sweeping contract that we have allows us to add 40 additional miles at the same cost and rate that we get today. If we go beyond 40 miles, our sweeping vendor has indicated to us they don't have enough sweepers and enough capacity to do

more miles. So they would be in the business of having to buy additional sweepers. Our parking compliance unit has capacity, in terms of how many sweeps that they can cover, so that 40-mile range was something that we thought we could do quite efficiently, you know almost within existing resources. When the expansion goes beyond 40 and we picked the 100 miles, kind of the other alternative to get close to the amount of miles that have been requested. And from our previous parking impact studies the amount of miles that had greater than 50% parking impact that were still left to do. So you could probably scale it anywhere in between there and identify a program. But we knew as soon as we moved past the 40-mile range wherein we're negotiating a new agreement buying new vehicles and the like and probably hiring new staff as well.

>> Councilmember Rocha: Help me with a little remedial stuff here. The fund it would be coming out of that would be part --

>> The storm sewer fund would fund this addition --

>> Councilmember Rocha: 221,000.

>> That's correct.

>> Councilmember Rocha: Okay, any of the other work would be through traffic enforcement would be another enhancement or just as you mentioned just now you explained that they can do that within their current work program?

>> Yes, that for the startup we're not proposing an additional cost. We'd just do some redeployment, and look to add any additional miles, and sweep days, on the days when our parking compliance staff has some capacity.

>> Councilmember Rocha: Looking at -- we're looking at a year and a half when I looked at your time line when we would really get this done.

>> That's correct.

>> Councilmember Rocha: I guess we have to wait for the budget process, I guess, you can't find that within this fiscal year's budget?

>> We don't have the fiscal resources within this fiscal year's budget.

>> Councilmember Rocha: The hauler that does the street sweeping is within our hauling contract?

>> That's correct.

>> Councilmember Rocha: Have we ever explored signage as part of those contracts?

>> I don't believe we have, I don't think so.

>> Councilmember Rocha: When does that expire?

>> Would I ask Kerry or --

>> We just renewed the hauler contract so another ten-plus years.

>> Councilmember Rocha: Missed that boat, okay. The impression I got on page 9 where you referenced --

>> We can revisit things, we can negotiate add-ons. So it's not that it's closed, we can't add anything, it would just be an additional cost.

>> Councilmember Rocha: Okay, page 9, the last sentence, the vast majority of curb miles selected will come from the current list. So we're not going to then go out and look for other ones, we're just going to go from the list

that you have accumulated here, which is fine by me because I'm going to assume that these ones that we have here have brought the most attention either to staff or the community.

>> Yeah, good question councilmember. It is not our intent to do additional outreach just to try and find additional streets or neighborhoods. If between now and this program getting approved if there were other requests that came in we would certainly roll those requests onto the list and they would all be evaluated based on the criteria and guidelines that we've identified.

>> Councilmember Rocha: Okay. My concern out of this is, just generally the amount of work we're going to put into this or you may put into this and then get in the budget process and have this compete with other items and it just not be approved. And you spent a lot of time and effort on that. Mirror question I guess to you is do you have confidence that the work you're going to put into this is worth that time and effort? Unless you're assuming that in June of next year it will get approved?

>> We've already put the work in.

>> Councilmember Rocha: You're done?

>> The study we feel like these, we have the list, we have identified the criteria and guidelines we would use to implement. So if the administration can find the resources within the budget proposal and makes that recommendation the council adopts in the budget we would proceed at this point in time, I don't believe we have more of the feasibility analysis to do if it's a 40-mile program.

>> Councilmember Rocha: That's good to hear, okay thank you.

>> Councilmember Herrera: I just had another question on terms of other sources of funding for this. Since this sort of kind of work with the storm water permit in cleaning streets and minimizes that, is there any chance for

funding in any other -- is there any other funding source that we could look at? I guess there would be some grants or -- Kerry.

>> We'll continue to look for additional resources. But the proposal is to use the current storm funding and 446 and I don't know that we have identified additional resources. I know that Melody Tovar's team has done a great job finding grants and we'll continue to keep that on our radar. And then as we get our permit renewal and that becomes honed down on the expectations, we are looking for opportunities to fold in some programs where they may make sense to meet our permanent compliance. So anything that relates to trash in the streets, we're looking to fold into something that can get us kind of a better bang for our buck. So if we do things that the neighborhood wants and we get credit in compliance, then we want to do that.

>> Councilmember Herrera: So this might be one of those things then.

>> We'll continue to -- we'll continue to track that.

>> Councilmember Herrera: Okay. And if we were on the contract issue that Councilmember Rocha brought up, if we were to -- if this were part of a negotiated part of the contract with say Green waste, then that would -- where would that cost get passed onto then, how with that cost be handled? I'm guessing customers would pay more, then.

>> It would still be folded into the 446 charges because we can't use integrated waste management funds to clean the streets. So even though they perform the service we would -- we would want to fold it in if it's an added cost.

>> Councilmember Herrera: So then the customers, the rates would go up for the customers.

>> Right, regardless, someone is going to have to pay the incremental. Unless we -- as Jim indicated, unless there is something that we are currently doing that we can maybe pull back on. We're looking at current programs and saying is there something we could slow to free up money for something different.

>> Councilmember Herrera: Okay, thank you. Before we move -- take action on this we have David Wall would like to speak on it.

>> David Wall: Normally I have nothing but sweeping comments of congratulations for D.O.T. But this report is incomplete. Therefore it is incompetent and should be rejected on its face. There's way too many issues that cannot be covered in my two minutes at this time period but the public record will afford me that opportunity. On noticing, there should be an item to make certain that the San José Mercury News is incorporated into noticing but above all the San José police, when they do regional alerts looking for people could also be utilized in this regard. The sweeping and I want to put this in context, last week before the council meeting, I happened upon a greenwaste street sweeper proceeding eastbound on St. James street and I followed it for two blocks. License plate of the vehicle was 6 union 90527. The street sweeper had no parked cars whatsoever. It was completely utterly incompetent as far as picking up debris that was in the street with reference to dirt, debris, cigarette butts, little pieces of paper. The street sweeper itself program is not audited as far as a function of a performance audit. The amount of tonnage that's brought in well, whether or not it's accurately quantified is another issue. Other type of contaminants that are found on the street is of course illusory without any type of chemical analysis. The whole issue is determinative upon keeping the trash from the storm drains to begin with. This is a failed program the storm drain program and the street sweeping is not going to work as it's configured. You're going to spend a lot of money a lot of time the signage program is going to fail and as a matter of fact this whole street sweeping program as it is designed is going to fail long term but my time period is up on this issue, thank you.

>> Councilmember Herrera: Okay, do we have a motion to accept the report?

>> Councilmember Campos: Move to accept the report.

>> Councilmember Rocha: Second.

>> Councilmember Herrera: All in favor, opposed, motion carries. We have pavement maintenance policy issues, states update. And Hans.

>> Hans Larsen: Madam Chair, members of the committee I'm Hans Larsen director of transportation and joining me with this report is our assistant director Jim Ortbal and ReneÉ cordero our division manager in infrastructure maintenance. The representations we have are twofold one is to have you receive and accept a one year status report open the pavement maintenance program, and as you may recall, last year we had an afternoon-long study session on the topic of pavement maintenance and the City's needs in that area. So we'll give you a one-year update from the conditions that we reported last year. The second thing is, we wanted to get your feedback on an important policy issue. As we indicate in the report, we have very limited funding to meet our pavement maintenance needs, approximately 15% of the amount that we'd need to take good care of our streets. And so we are proposing to consider some policy direction in terms of how we allocate the limited pavement maintenance resources that we have. This would be a topic that we would take back up with the council, as part of the annual budget process. But we're seeking the committee's input on this topic at our meeting here today. So in terms of the overall status, as the committee is aware we have an extensive system of roadways in the city that cover a good 20% of the developed area of San José. Almost 2400 miles, if you took all of our streets and you put them end to end, you'd have a roadway that would go from here to Detroit. Unfortunately, the condition of the system is in decline, and it's primarily due to the age of the system. The majority of our streets were built more than 50 years ago and there's also an issue that we've not had the ability to provide adequate preventive maintenance on our system. It is much like if you have a car if you do the regular oil changes you can extend the life of your car and the engine. Unfortunately we haven't had the resources to provide the timely preventive maintenance that would be normally prescribed. And the reason for that there are a couple of things is there has been a decline in the available revenue for pavement maintenance and because asphalt is a petroleum based material. The cost of oil and petroleum products has risen, and so the amount of work that we can do with the existing revenues has been declining. San José has a notoriety of having among the worst conditions of pavement within the Bay

Area. We are at the bottom of the list within jurisdictions within Santa Clara County and around the bottom 20% of jurisdictions within the Bay Area, but we do have good company with the other older big cities. San Francisco has similar conditions and Oakland has actually worse conditions than both San José and San Francisco. As indicated at the study session last year we should be spending about \$100 million annually to have our -- to have and keep our streets in good condition. Unfortunately, we are currently looking at an allocation of funding that is approximately \$15 million a year, and this is a level of funding that we project for the next five years. So we are definitely in a period of low amount of resources for pavement maintenance. Since last year we are seeing a growth in the backlog of deferred maintenance from \$250 million to \$270 million currently and we have more of our streets that have declined into a poor condition increasing from 18% last year to now 21% this year. This chart here illustrates the history of funding that we've had for pavement maintenance and it's approximately a 20 year look where we go back 15 years and then look forward for five years. So we're at about, if you follow the graph from the left to the right, we're at about the three quarters point on the chart. Couple of things to point out. First off is the red bar represents the amount of city funding for pavement maintenance. In the past decade 15 years we've probably averaged over \$10 million a year for pavement maintenance that comes from local funding sources. You can see now and projected forward we have \$1 million programmed in local funds for pavement maintenance. So this has been really an issue of the City's budget challenges over the last decade, where we've seen a significant drop in local investment for pavement maintenance. A couple of other things to point out. You can see the green bars. These represent grant funds that we receive from state, federal, regional sources and they, they actually are not steady but there will be various programs that provide new moneys for this area. Most recently, we received the benefit of the state voters approving the prop 1B program in which San José got dedicated one-time moneys for that. There was also the federal recovery act the stimulus bill in which we received \$15 million for local pavement maintenance. So those two spikes, there are a couple of years of spikes recently where we were receiving over 30, over \$40 million. We are past those points, and now, in a period of low funding, as I mentioned, approximately \$15 million a year. A couple of things of good news is that the state prop 42 program which is the yellow bar was a fairly recent increase in money for pavement maintenance. And then you can see moving forward, the next five years, the new blue bars which represent approval of voters in Santa Clara County for a \$10 vehicle registration fee. And this new funding source is bringing in about \$5 million a year for San José. So even though our funding is down to \$15 million, if it hadn't have been for the voter approval recently of that new

program we'd be looking at about \$10 million a year. Okay, so what -- actually I'm going to jump ahead a couple of slides here. I wanted to make another point about our source of funds. We have as I mentioned we received about \$15 million a year and if you look at where that comes from the majority of funds come from state and federal gas taxes indicated in the green bars, in the green pies here. So about \$7 million in state gas tax, \$2 million in federal gas tax. And one of the concerns we raise in this report is that the gas tax source is actually declining due to economic activity. We're seeing about a one-third reduction in gas tax revenues. And we are expecting to see additional reductions because of the conversion, and this is a good thing, but vehicles are becoming much more fuel efficient and there's a movement towards electric vehicles and it is forecast that we may see a 50% reduction in gas tax revenues over the next decade due to a shift in the kinds of vehicles that people have. And then this bar also indicates the pie chart shows the \$5 million and the new county vehicle registration fee which is administered by the VTA and the \$1 million out of the 15 represents the local funding investment. Wanted to also show this chart here, which is based on the work that we did last year at the study session that based on the level of funding that we have, we can forecast that the declining conditions of our streets are going to do two things. One is that the cost to recover in terms of the deteriorated pavement conditions will escalate up to 800 million by the year 2020. And would represent an over 50% of our streets being in poor condition. So you can see relatively steep escalation in terms of the increase in the backlog and the decline in our street conditions. Last year when we did the study session we evaluated a number of different revenue sources to address this. And our conclusion was that it's very, very challenging to be able to generate money for pavement maintenance due to a number of restrictions that are in place in state law, that prevent us for doing things like charging fees for truck activity or garbage vehicles. We have no ability to do that. Most fee programs require a very strict nexus between the fee and who benefits from it, and it's very difficult to meet that nexus, particularly in something like streets where there's definitely a strong general benefit and in most programs there is a requirement for two-thirds approval. What we have identified is reality the best opportunity to increase investment. At the local level is using a combination of a local parcel tax and bond measure. This would need two-thirds approval based on current state laws and this would be very similar to the investments that the city made in the last decade, when we refer to the decade of investment in which there were parcel taxes and bonds program that supported libraries, parks, community centers and public safety. And through those three ballot measures which all received two-thirds approval back a decade ago when we were looking at better economic times we

generated almost \$600 million in local investment for primarily the City's public buildings. As staff we see that as probably the best opportunity to make an investment in our transportation infrastructure, certainly for pavement, but it could be used for other things, that promote our safety and sustainability goals. It's not all gloomy news. There are a few positive developments that we did want to report. One is, an exciting new construction method that involves recycling in place the pavement, and then re-laying it down. We received very positive bids on a project that we have funded this calendar year on Monterey highway where we bid the project out, using conventional methods, as well as the new recycled asphalt process. And we received -- the bids were 23% less for what we call the green pavement method. So not only is it reducing energy and waste but it's also saving us money. And so this is a very positive new development in terms of using our resources as efficiently as possible. Another positive development has been the announcement by the Obama administration to pursue American jobs act. This is a \$447 billion program that, if you looked at how the moneys were allocated as part of the federal recovery act, if you used a similar distribution formula, there is potentially \$15 million of one time moneys that could come to San José for pavement maintenance. We will certainly be tracking that effort very closely. Another positive development is an effort to modify the voter approval threshold for local infrastructure bond measures that would lower it from two-thirds to 55%. And this is referred to as assembly constitutional amendment 4. This is something that has passed previously to support local school bond measures. But is not currently available for other kinds of infrastructure investment. So this is a bill that the City of San José has supported. It did get approval through I think a local government committee, in the assembly, and it will be looked at further as part of the upcoming legislative cycle. There was also legislation introduced this last session to allow regions to impose their own gas tax to generate money for transportation investments. That bill didn't pass. But the author, Steinburg, has talked about reintroducing it the next legislative season. On the negative side, wanted to let you know that what we're seeing in terms of taking care of our pavement on a day-to-day basis, that the number of money we are having to put into corrective pothole repair has increased. Four years ago we were doing about 7,000 pothole repairs a year. That has more than doubled now to over 15,000. So one of the implications of having our streets deteriorate is that there's more corrective pothole maintenance that we need to attend to. And so that's more money on corrective maintenance that goes into keeping our streets safe and less money that we can put into preventive maintenance to avoid the deterioration. And then the last point here is one that I noted already, is that the gas tax revenues both at the state and the federal level are declining because of

the economy and the move towards more fuel efficient vehicles. This is a serious concern in that the gas tax has been the main source of transportation funding. And there is the need to find new ways to both maintain and enhance our transportation systems looking at some new revenue sources. Few other developments I wanted to note, there's a recent study this year by MTC that highlighted the very significant impact that heavy vehicles such as buses and garbage trucks have on our roadways. And I was staggered by the comparison that a bus, like a VTA bus or garbage truck produces the amount of stress that's 8,000 to 9,000 times more than a single SUV. And so when you have these vehicles with multiple axles and they're bouncing around on the pavement they do much more damage than your regular passenger vehicles. And I think that's something that we see, that you'd see the pavement along a bus corridor is much more deteriorated than you do on other streets. MTC is proposing some new policies that allocate their regional revenues towards areas where communities are planning to grow. And glow smart ways. And so there's some policy-making that perhaps would reduce some of the discretion that we have today on how we apply the moneys, where they're proposing that areas that are transit oriented and are planned for smart growth would receive priority allocations of funds for things like pavement maintenance. Also, worth noting is that the city and county of San Francisco has similar pavement conditions as San José does. They recently announced that they are taking to their voters on the November 2011 ballot a bond measure that would generate almost \$250 million for both road repaving and street safety improvements, with the majority of those funds going towards repaving. This is actually a bond measure against existing revenues in San Francisco. They do have a dedicated source of sales tax moneys that the voters approved that they are through this bond measure they would essentially be accelerating the application of those funds. So this is not new funding but really, a question to their voter, should they accelerate work related to pavement and safety. So I'm going to close with this last slide here which is really a -- the question we'd like to receive input on. And this is the question of, with the limited moneys that we do have for pavement maintenance, should we be considering policies that allocate those limited dollars into certain areas of the street, of the street system? We have historically a practice of trying to keep the entire street system in the best overall condition, without making -- giving priorities to major streets or residential streets. But with such limited moneys that we have now, we are interested in looking at setting priorities that's based on a number of criteria. And so those are the ones that are listed here on the slide. And some of these come from some work that's been done that supports the general plan update, the envision 2040 process. Where there's a definition of certain streets, of special streets in San José and they're

mentioned in our report but referred to as grand boulevards and main streets. There is as part of our sustainability goals there's references to giving priority to streets that carry our transit services and bike ways. We know that, you know, the economy in San José is very important, and so a consideration could be in areas where we are promoting job growth, or retail tax growth, that we may allocate priority to keeping those streets in better condition. So that would support some economic development goals. As I mentioned, MTC is proposing to allocate regional investments towards what are considered priority development areas. And these are areas in which future growth is planned, particularly around transit corridors. If you took all of those street classifications and added them up, it would represent about 25% of the streets in San José. So if you had a program that said you know these would be our priority streets, it would represent as I mentioned 25%. They're largely the streets that carry most of the traffic. And I think you can probably look at, you know, 20% of our streets carry about 80% of the traffic. And then if you looked at the major roads with the highest volumes that would be, if you followed this process, what we'd be looking at. I think it's port to note also is that the ones that aren't being addressed, what's not on this list are for the most part residential streets, the streets within the neighborhoods of San José. If we went with the priority approach, structured around this would mean that neighborhood streets in our city would not be maintained other than corrective pothole safety related improvements until such time we had significantly new revenues. And so just to wrap up, the terms of next steps, in terms of what we're recommending is that we continue to pursue legislative advocacy to try to make it easier to generate revenue or get more revenue with the key focus being on adjusting the voter approval threshold which is contained in ACA 4, try to get benefit out of the American jobs act, pursue a regional gas fee and then the second next step is the one we're seeking feedback on is whether or not we should consider priority streets for future pavement maintenance activity that's based on public benefit, economic development and sustainability. So that concludes our presentation, happy to answer any questions or facilitate a discussion with you today.

>> Councilmember Herrera: Thank you, Hans. We certainly heard this report, I've heard it at the VTA, I've heard it presented at the city and you know we always like to be noted as first in certain categories but this isn't the category we'd like to be known for certainly. Although as you said we have some companies, some of our large city neighbors. Can you refresh my memory on what's the -- what are we looking to in the future if we don't start correcting the problem in terms of -- you probably said it in your report but just to frame the discussion again, if we

don't start doing this \$100 million a year to correct this, as I recall more of these streets are going to have to be completely redone, it is no longer surface, resurfacing but complete reconstruction of these streets. Where do we reach a tipping point where we find it hard to catch up? Probably already there.

>> Hans Larsen: Let me see if can I find that slide, really the cost to recover. We're here in year 2011. 21% of our streets in poor condition. And the cost to deal with streets in which we've deferred maintenance today is about \$277 million. And so the longer we defer, taking care of the streets or from having the appropriate level of investment, we're going to have more streets that are in poor condition, and it's going to cost a lot more to be able to bring those streets back into good condition. So what we're seeing you know, really less than a decade from now is the potential cost up to \$800 million, with half of our streets being in poor condition.

>> Councilmember Herrera: So that tells me we need to find some solution to really start attacking this problem. And again, what are the cost to individual drivers? I think there was a number that was thrown out in terms of the added maintenance. This does affect people as they're driving down these streets and having to spend more on aligning their tires, having to spend money on cost, of their cars, driving around on streets of less than good condition.

>> Hans Larsen: The public is already paying for the cost of streets in less than a good condition. So bumpy roads, and the studies have indicated in the condition that they are in San José, is costing the driver annually between seven and \$800 a year in accelerated wear and tear on their vehicle, need for more frequent wheel alignments, damage to their rims, things of that nature. What we've assessed if I'm recalling correctly at the study session we had last year is that the actual cost per motorist to have good streets in San José is less than half of that.

>> Councilmember Herrera: So it would be a bargain if we could --

>> Hans Larsen: It would be a bargain, it would save our community money.

>> Councilmember Herrera: Such a deal. On that note ACA floor, bloomfield's bill, where do we -- where is that now?

>> Hans Larsen: It was introduced last year and it will -- it will be considered again in the next legislative season, we have -- we're on record as being one of the supporters for it. There's only one other city that has formally gone on record and that is the city of thousand oaks. The thing to note, this is not just for transportation. So this is -- this would lower the approval threshold for a variety of types of infrastructure. So it would be streets and parks, recreation facilities, public safety sewers and water. So it has a broader scope than just transportation. Certainly because it's through our decade of investment we did improve many of our city facilities already. And so at least in my opinion I think transportation is the area in which we have the greatest needs. But there are a number of supporters for it from public safety and interests that represent parks and recreation. I think the league of California cities has not weighed in on it and so that's certainly an opportunity, I think, where we might have some influence.

>> Councilmember Herrera: And I sit on the transportation committee so we have to talk about that. That's something the league would probably definitely be interested in. What about other big cities? Are we working together with the other big cities to support this?

>> Hans Larsen: You know I personally had discussions with Public Works, transportation staff from the cities of Oakland and San Francisco. And make sure they're aware of it and urge them to actively work in support of this. So yes, we are definitely talking it up.

>> Councilmember Herrera: Great and I want to weigh in a little bit on the priorities. So I think Hans you and I had a discussion about some streets in my district where we were looking at some residential streets and then looking at some areas where major streets were -- folks are driving past shopping centers and people are trying -- businesses are trying to present an image to protect shoppers and try and invigorate the area and obviously bolsters economic development and sales tax dollars and all of that. I definitely think with the smaller amount of money we have that we should make sure that those entries into our neighborhoods, into our areas, the main

large streets should be, I do think they should be prioritized. I think it's -- I think that then benefits everybody if we can have more sales tax dollars flowing and hopefully will help provide more money in the long run for services for our community. They are the welcoming mat. They are the things that people see when they come into the community. People drive on them. I think there's a safety issue too because people are driving at higher speeds and I guess that could create more of a safety issue if the streets are in really bad repair, if they're getting a pothole at 45 miles an hour versus 25 miles an hour. So I do think that's important and it's not to minimize anybody's residential street but I do think that one of the priorities we should have are some of those larger streets. Also I think I'd like to have you look at the pedestrian and bicycle areas because if a bike lane is in bad repair, and somebody rides their bike over it, and they have an accident, that could be -- that could be very serious if a bicyclist cannot ride along a path. So I think just in terms of safety, that those ought to be looked at. And I also feel that way about any of the residential streets, too. If it's a safety issue, then I think we need to deal with that. But I think you do that already with the pothole repair program but so those are my comments in terms of priorities. I like how you are setting them, not happy about the \$15 million, I think that's ridiculous that we don't have more money than that but I'm really grateful that we got the tax passed that we did, the voters supported that vehicle registration, and I know, Hans, you put a lot of time into that too and I'm very grateful that we have that additional \$5 million in our coffers to take care of that issue. Those are comments I'll turn to my colleagues. Councilmember Rocha.

>> Councilmember Rocha: Thank you. Do you expect this item to be cross referenced when this item goes to council the T&E report?

>> Hans Larsen: I certainly -- if that's the will of the committee to have some discussion of the full council I'm sure we --

>> Councilmember Rocha: I had some thoughts and I'm going to pass this out to my colleagues and I'm sorry for this late submittal. Reading this report over the weekend didn't give me a lot of time to put something together. And I started putting my thoughts together as I was sitting down this morning, and I thought at this much I had so much, I might as well just put it on paper. So I'm really just going to put it forward really just for the

conversation at this point, and if my colleagues would entertain it later at the end of this maybe we will consider this. And if there's no support for it, I understand. But I apologize for the late submittal. So let me start with just a few questions, and we don't need to jump into that. These are more just general questions. The -- when you talked about the repairs for potholes that we do now, given we don't have the funding up front for doing full streets, where does that -- those dollars come from? Is that General Fund money? Or is that through D.O.T?

>> Hans Larsen: No. So we have that pie chart illustrates really all the resources that we have for pavement maintenance. And so there is -- is zero General Fund dollars going to the City's pavement maintenance program.

>> Councilmember Rocha: It is all exclusive through your department?

>> Hans Larsen: We receive -- there are moneys so the state gas tax revenue actually passes through the -- comes to the General Fund and then allocated to D.O.T.

>> Councilmember Rocha: Okay.

>> Hans Larsen: But we are required by state law to show that we are spending those dollars on transportation.

>> Councilmember Rocha: And I guess not having a good reference point for a lot of this discussion is really for me the biggest problem I have and that's more of the pure residential streets versus the arterial streets and you have terms for different streets, some are regional some of state? Federal, arterial. But do you have a term of art for just the pure residential where a street just fronts two residential blocks?

>> Hans Larsen: We consider that a local street.

>> Councilmember Rocha: Local street so the amount of dollars spent on local streets versus all streets in the city, do you have a breakout?

>> Hans Larsen: Rene do you have a breakout?

>> Councilmember Rocha: To understand that better before I make a decision about the prioritization that you talked about. For me I represent a district that is predominantly mostly residential. I don't have the luxury of the employment centers of the downtowns where you have some of the issues my colleagues spoke about in terms of economic development, and I completely respect and recognize that. But my feedback that I've gotten about street pavement is more from the residents. I haven't really gotten, I'll use the word complaints from the businesses or employees. So then can I use the reference I have employees in my district who work at other places, he their comments tend to be more about the street in front of their home or the street on their way home not predominantly those big intersections that you're talking about. So I have a little bit different opinion on where I would like to see our dollars spent. It's not that I think they should be spent purely on local streets. I would just like to see that case be made to me why we would be spending that and how that affects the local streets, who the ones that actually the dollars are coming from, where they are intended to be spent. So really it's about equity for me and getting a better sense of understanding where our dollars come from and you have the pie chart and it shows that so that was very helpful but really getting a true sense of where those dollars come from and what their intent is for. The state, the federal, the grants. Are they intended purely for those highways those regional roads those arterial, are they intended for commerce or are they intended for residents and the streets in their homes? That's getting a better understanding from me would help me make that decision. I think that's why I started asking the question about having this cross-referenced one go to council. Maybe you can help me at that point and maybe I can understand that and be comfortable about that, and the full council might have an interest in having a bit of dialogue on that as well. That was more of a editorial dump from my opinion. I don't know if you want to have anything to say on that or I can jump on a couple of questions for clarification purposes.

>> Hans Larsen: I'll speak to it just briefly to get to as much information as we can right now. So we do have -- so these are the dollars that we have. Some of the funding sources that we receive are restricted in terms of how we apply them. I think the category that has the most restrictions is the federal gas tax moneys that we get. And those are intended to be spent on our major street system.

>> Councilmember Rocha: What is that major street system?

>> Hans Larsen: That's your arterial streets.

>> Councilmember Rocha: So not on the local roads?

>> Hans Larsen: Correct, correct.

>> Councilmember Rocha: Okay.

>> Hans Larsen: Those we need to spend on the major roads. Most of the other sources are discretionary, and so between you know the staff and the council we have some discretion in terms of where we apply that. Just to give you a couple of numbers, the split between pure local residential streets and the rest of our streets, so if we go local and major which would be collector, arterial, the split is about two-thirds local streets, so the vast majority of our street network are local neighborhood streets. And one-third are the major street system which you know carry the majority of traffic and connect people around the city. So from the context of --

>> Councilmember Rocha: That's helpful thank you.

>> Hans Larsen: We have 15% of the money we need and you know 65% of our streets are local residential streets. And so clearly, no matter -- the challenge I think for us and the council is, with such a small amount of money, we're really not going to be able to provide great coverage anywhere. And so --

>> Councilmember Rocha: Not even close.

>> Hans Larsen: It is a challenging topic to really target where you want to do that. And I think we have the programs we've had in the past 15 years focus a balance of residential sealing work within our neighborhoods and taking care of our major street system. If you look at the funding charts we've had a lot more resources in the

past than we do now. And I think it's probably safe to say maybe the allocation of funds are approximately 50-50 between residential and major streets. There is an issue is that the major streets typically it's more expensive to maintain those, usually do seals or an overlay much thicker than you would do for a residential maintenance.

>> And they should be maintained on a more frequent cycle too given the bus traffic and the heavier traffic the higher speeds as well.

>> Councilmember Rocha: So when you talked about historically though a lot -- you also mentioned historically there were more General Fund dollars put forth for that.

>> Hans Larsen: Yes.

>> Councilmember Rocha: So while you may have been spending more dollars in the residential areas, there is also more funding coming from the General Fund side which often is intended for San José residents.

>> Hans Larsen: Absolutely, that's correct.

>> Councilmember Rocha: The ACA 4 is that for bonds or parcel taxes or both?

>> Hans Larsen: It's for both.

>> Councilmember Rocha: Both, okay that's good to hear. My inclination is I like the parcel tax idea a lot and for me that would go to the concept of the tiered where it would apply to parcels and you would tier it out to residential parcels what they would pay industrial commercial all that but that really requires a lot of analysis and then also requires a lot of the background information to really know the fairness in it. Because my intent is not to have the residents fund 90% of it or flip it and have the businesses fund 90% of it. My intent would be to have equity in that, and you can't really make that case until you know who is providing the dollars and who is providing the impact. I think the point you made about the stress on the roads from the oversized vehicles is a great point

for that argument because you know they are traveling through city streets. And those are sometimes businesses, that's purely for commerce in some cases. So I think really understanding all of that would really help me make a decision about our focus going forward. I'm completely on board with where you're going. I'm just not sure I'm ready for us to focus all our attention on those roads that really don't have any value for the residential side. But again and I may be there but I just need a better understanding of that maybe in the direction that the city should be taking as a whole. I'm sorry go on.

>> Just a little clarification on that. I think what we're seeking is the committee okay with us further analyzing this issue and bringing back for the full council during the budget process either options or alternatives around creating priorities. I think we're not at the point where we're saying we're going to establish priorities around the major streets. We're literally in the phase of asking the committee given our limited funding and given our inability to effectively maintain the overall network, should we take input and consider developing that among other alternatives for the full council to consider. So I think we're at the very early stages some of the analysis you're talking about here we fully intended, I don't know these exact questions working through them when we would bring the whole issue back to the full council.

>> Councilmember Rocha: Gotcha in the way understood thank you for that clarification. Reading this to me is like a set of priority streets and I looked at that time criteria for those priority streets and I just in my mind thought there is no way a residential street is going to be at the top end of that priority. That may be where we should be going in investing the limited amount of dollars. I just would like to better understand the bigger picture before I made that decision right now, and I didn't want you to put a lot of time and work into something that at the end of the day may have been for nought.

>> Very good.

>> Councilmember Rocha: So I don't know if you had any questions about any of the other specifics and would I like my colleague to give some of his opinions, I don't mean to dominate the conversation. So I'll stop there.

>> Councilmember Herrera: Councilmember Campos.

>> Councilmember Campos: Thank you, same sentiments. I felt you know I'm sitting here looking at percentages of how we classified our streets and 25% are in the grand boulevards and main streets which leave the rest and residential. Which I mean I think that we should be looking at this in the opposite way. I know that people are coming into our city to do commerce and to shop and so forth. But if 66% of the streets are residential, then we should not be -- we should -- we should be treating that population with a lot more respect than to say you know what, we don't have the money to repair your road, and you're just going to have to live with it. Even though that's not what we want to do. But that's a hard pill to swallow. And so I do like the idea of putting it before residents that you know, we all need to share in the maintenance of our streets. And I'm sure that if you put it in the right perspective, I think people would want to help. You know I think all of us have had to repair a tire or we constantly have to get wheel alignment every six months or every year, if we don't have to buy tires every year. That adds up and the economy is bad and people would rather be spending their disposable income on families as opposed to you know maintaining their vehicles. I remember last -- I think it was February or March, when we had our priority-setting discussion here in this room. And we talked about, and I think this was the first time that I heard, where you know this \$800 million number. If we don't start tackling these street -- the repair issues, on our streets, ten years from now or 15 years from now, this is our price tag. And then I didn't hear anything more. And then Councilmember Rocha was saying, we do need to have -- have this as a main discussion with the rest of the council. Goes back to, as we were talking about the -- you know the previous item, you know, these are things that we -- these are quality-of-life things that we really need to be having a discussion about. And I think not looking at the 66% of the roads which are, the residential roads or the loam roads and sort of just looking at well your long term solution or the get-by solution is just potholes, that's not -- that's not acceptable and I'm sure that there's not one resident in a neighborhood with a street that looks like an alligator back that wouldn't agree with me. So I -- I -- we need to have a full discussion from the council. And whether it be a special study session like we had you know the last time or you know, it's -- we carve out an afternoon at a council meeting and put out all the -- you know all of the options, and exactly as you explained today, hey, 20 years from now this is the price tag. San Francisco tackled it or is tackling it, of course they're a different situation but they're doing it. And we can't just sit here and not put ideas on the table or even

take a risk and go to the residents and say you know here's what we're looking at. You know we need your help again. So those are my comments. I'll let Councilmember Rocha take the rest and decide what he wants to do with his memo.

>> Councilmember Rocha: I don't know if the chair had any -- I'm sorry.

>> Councilmember Herrera: So I think the issue today is to, before us is to accept the report, I think it certainly is not the case today that we're going to be defining the priorities, is that right?

>> That's correct.

>> Councilmember Herrera: Okay. So I think all this input is really -- it is certainly welcome to staff. That's what you're asking for and I'm certain that having it cross referenced to council is certainly appropriate as well. So when somebody is ready to make a motion we can certainly have it cross -- referenced to council.

>> Hans Larsen: Just some thoughts in going forward and seeking more input, it seems like the committee would like the whole council to perhaps hear this presentation or an abbreviated version of it and have the opportunity to weigh in on the issue of limited moneys and potentially setting priorities. Another thing we could do, I think we were suggesting coming back to the full council as part of the budget process. We could certainly reagendaize this topic for this committee, as part of the next work plan cycle and work with this committee on fleshing out some of the alternatives based on input we received here today and from council as cross-reference item and then spend a bit more committee time on this topic. Those are just a couple of suggestions I had.

>> Councilmember Herrera: I have no problem going either direction, depending what motion comes forward either having it come back to us or having it cross referenced to council. I know we have had a lot of discussion on this prior to Councilmember Rocha and Campos joining the council so this is nothing -- not a new item but I think it's very important and I'm glad to hear everyone's very concerned about it. It is one of the things that gets pushed back when we talk about funding police officers and funding community centers and so on, this

maintenance has been growing continually and has been raised many times by many councilmembers. Definitely something we need to look at and I'm heartened that we hopefully will have the ability and the courage as a council to face really trying to come to a solution on this because I think it really needs to be -- needs to be addressed. I do want to say one thing about staff suggestion on some of the priority roads. I don't think you're talking about state roads, and I think we're talking about arterials like Tully road for example that runs through two council districts. And one thing I do want people to keep in mind is residents, all the residents that have these streets they live on drive on these roads, they drive to and from work. So having those kinds of roads in a priority fashion, does benefit residents and I hear a lot about that from my residents which is why I made that statement. And I also think again that bike trails in areas where people are riding where they can be injured or killed if there's something on the road that prevents them from driving is very important. So I think we have before we take action I'm going to have the public comment. So David Wall.

>> David Wall: I'd like to thank the director of transportation for his outstanding report. Excuse me, with reference to attachment which were your council study session for next week, the salient, it's all important but even more so, page 5 should be engrained in your memories. Second paragraph, quote, equally concerning is that the backlog of deferred maintenance needs will swell to approximately \$860 million by 2020 due to a much higher cost for rehabilitating streets in poor condition. Period close quote. The entire paragraph should be memorized by you folks. Furthermore the San José Mercury News could be given a grant for an educational tool to be used by the public for the explosive nature of this problem. As to who caused it, I'm not being disrespectful or not. Councilmembers, not the current ones on the block but the previous once don't dedicate a certain percentage to infrastructure. Isn't going to go away, always needs to be repaired. As far as this parcel tax business, parcel tax reform or reformulation has to occur. The reformulation I will discuss later on the public record. But it's far more advanced than what's been talked about. This can also be integrated to other areas of sewer service repair, for example, sewer -- the sewers need to be repaired, you have to tear up the streets you get a twofer. PG&E has a gas line, you could get actual funding for that, too. There is a hot to be talked about. One condemnation I will give as I give to all directors of all departments who lobby legislation. The lobbying aspect of this respect through ACA 4 and all issues pertaining to legislation should be neutral and go through the City Manager's or Betsy's group as opposed to each director coming forward. It gives a false appearance, even

though it is a good intention, well founded, government doesn't need any appearance of lobbying other areas just for their own good. And I think the attorney's office also should get a cut out of that economic pie as well since they have to oversee everything and they never do get adequately paid.

>> Councilmember Herrera: Thank you, Hans is this ACA 4 on our radar on the legislative priority?

>> Hans Larsen: Yes, it is. I think council has already adopted a position of support for it.

>> Councilmember Herrera: Okay and I just had one other question. In terms of it's been brought up before, I think it was asked when I was on the council before, why can't we do something that having users who are damaging the roads pay more. Is there any trucks,s, buses, can we do anything in terms of the economic development areas, would it be possible to do a maintenance district or a P bid or something that would get to road resurfacing because I know a lot of those businesses would probably, I mean, I think they'd be interested in that. Is there a vehicle for us to do that? That would -- could include road maintenance?

>> That's possible, councilmember. I think the challenge in it lies in determining the general benefit, versus the special benefit that the property owners who were paying for it would end up paying. And there's a very kind of fine line and a difficulty in trying to really establish the special benefit that the property owners who are paying the assessment get for it versus anybody who's driving the area. So really, the only feasible way of doing that is very narrowly establishing these districts in pretty small areas where you're establishing that those property owners are kind of the only ones getting the benefit from the expanded assessment. So we've really kind of figured out it's administratively very difficult to pull off. We would probably have to if we were trying to do this on any scale to cover any area of the city we're talking potentially hundreds of these types of maintenance districts and they would still be more open to legal challenge from those that are paying saying, everybody else can drive on these roads, too. Why am I paying and where is my special -- we would try if we were going to move forward we would try and say that your business is getting certain benefits from having the roads in good condition and having improved access. That would go into a engineer's report. But I don't think we would --

>> Councilmember Herrera: Wouldn't they have to vote on it? The businesses themselves would vote on it.

>> The property owners would have to vote on it.

>> Councilmember Herrera: The property owners, yes.

>> So we do have all the property owners voting on it. We didn't see that making a significant dent in the impact, given the size of the issue and the size of our city we didn't think it administratively feasible to pull that off. And you know, the advice from our attorneys and just in the work we've done with other jurisdictions, the parcel tax is really going to get us the size and scope if we got one little area of the city taken care of but 95% of the rest of the city really isn't any better you know.

>> Councilmember Herrera: I was thinking as an interim, in advance of a personal --

>> If we aren't making headway on any of the other alternatives and we get to point where we're marching to that steep incline that we don't want to get to, and there are certain areas of the city that really want to take care of things. I think we will have to explore it. I think in three or four years if we're making no progress on any of these broader parcel tax ACA four type of initiatives we will probably need to hook at some of those. I don't think we'll have any alternative at that point in time.

>> Councilmember Herrera: Hopefully we will make progress on this. Okay, so I'd entertain a motion to accept the report.

>> Councilmember Rocha: Let me first acknowledge that in a sense I recognize we're preaching to the choir here. As we're sitting here obviously we're preaching about what our priorities are and what we should be spending our dollars on. I'm imagining you're sitting yes yes yes, Duhh funding funding funding. So I'm just voicing my thoughts and I recognize that you're doing your best with the limited resources, the extremely limited resources you have to do the work you're doing and you're just looking for policy direction how to do forward. Let

me first say that. What I'd like to do is kind of a little bit of a difference, accept the status report, defer action on number 2 and then cross-reference this for council discussion when the report goes to council and then include the rest of my memo just more as recommended direction. It doesn't need to be a formal action.

>> Councilmember Campos: Second.

>> Councilmember Herrera: I'd like to make a friendly amendment. If you could just take out the defer action and just include the comments from the committee. Because it's going to go to council anyway. So we're not -- the action is just to give input and we've given input.

>> Councilmember Rocha: I'm comfortable with that.

>> Councilmember Herrera: All those in favor, opposed, motion carries. We're on storm water permit. Melody Tovar.

>> Good afternoon, Kerrie Romanow, acting director environmental services. I'm joined with deputy director Melody Tovar and Elaine Marshall, environmental services program manager. And we're going to move pretty quickly given the time, so hopefully that will work for you and we can answer any questions if we speed through a little bit too quickly.

>> Councilmember Herrera: Okay.

>> While we are waiting I'll just note we're having our first rains outside right now so we just started the season.

>> Good afternoon. So I'm going to give a quick report out on the activities that the city undertook in 2010-2011 to comply with the requirements of the storm water annual report. As you know storm water flows through city storm sewer system without treatment to local creeks, streams and ultimately the San Francisco Bay. The water is comprised of rainwater, irrigation water and other water used outdoors. It collects pollutants as it flows across

rooftops, sideways, driveways, streets and parking lots and landscaping. The city storm sewer system is regulated under a federal permit and in May of this year we provided a report to the committee on the City's five year storm water management plan. That plan outlined the key activities that the city has undertaken and or would be undertaking under the next three years in order to meet the permit requirement. One of the specific requirements is submittal of an annual report. The annual report documents implementation and compliance efforts undertaken in the prior fiscal year and is required to be submitted to the local regional water quality control board by September 15th of each year. In the storm water management plan we divided the permit requirements into six key implementation areas which are shown on the slide here. The city can have great influence over the quality of storm water runoff that flows into our storm drain system. Through our direct activities and through the city's ability to guide and direct the actions of others through education, enforcement, and policy development there are many areas where the city programs can affect storm water runoff water quality and creek health. Many departments and operations can impact water quality directly and indirectly. Ultimately responsibility of City's compliance with the storm water permit is shared throughout the city. I've listed a few of the key implementing departments on the slide here. City departments implementing the permit have been working diligently to meet the challenge of conducting compliance activities and developing new and implementing new programs with limited and shifting resources. While all of the City's activities to protect storm water are listed in detail in our annual report I'm just going to highlight a few key accomplishments here today. In regards to shifting of resources we did place an emphasis on staff training over the last year, and we trained more than 300 municipal staff on storm water best management practices. This included staff in the maintenance staff in the departments of transportation, Public Works, parks, recreation and neighborhood services and what we wanted to do is really make sure that as those staff are conducting their daily activities they are protecting the storm drain inlets and or potentially discharging, directing wash waters to landscaped areas amongst other practices to prevent storm water pollution. Staff also works to ensure proper storm water pollution through our storm water inspection program. Our storm water inspection program inspected 5,240 facilities and responded to 555 complaints of illegal dumping. These reports came from residents and also from city staff who are out in the field. Additionally staff in ESD and Public Works inspected close to 950 construction sites, and DOT staff screened more than 300 of our storm drain outfalls for illegal dumping and illicit connections. Some of the new requirement for how development projects must treat storm water come online on December 1st of this year. As the requirements as

these requirements emphasized landscape based or low impact development measures for storm water treatment such as the one shown on the photo kind of on the bottom left. We've been working to prepare both the development community and city staff for these requirements and last year the committee approved updates to city policy 629 and the municipal code to align with the storm water requirements. During the past year we have continued to work with regional partners and water board staff to develop a proposal that would allow certain smart growth projects greater flexibility in how those projects treat their storm water. A tentative order related to this issue has been released for public comment and will be considered by the water board in November of this year. One of the other new requirements includes monitoring of certain water quality from certain discharges. During the last fiscal year our municipal maintenance -- municipal water staff monitored over 800 planned discharges from the municipal water system this includes planned maintenance activities that result in a discharge of water such as hydrant flushing. Staff in D.O.T. and ESD completed dry season monitoring and wet season inspections of all of our City's storm water pump stations and city staff also participated in water quality monitoring efforts in coyote creek and Guadalupe river. There are few other new efforts that we initiated in 2010-2011. These included implementing a \$200,000 grant from the Department of Pesticide regulations to fund training and development of a pesticide free park and demonstration park at Guadalupe river park. Today through the grant we've trained and graduated 30 professional landscapers as green gardeners. 12 city staff received bay friendly sustainable landscaping training, and in working with parks maintenance staff we've initiated a pesticide-free weed control pilot project in a part of the park known as courtyard garden. We are also continuing to work towards the aggressive trash reduction requirements. As you know we must develop a plan to achieve 40% reduction of trash in the storm sewer system by 2014 and we are going to be back here at the committee in December for recommendations for you to consider in that trash plan. In the meantime we have completed 32 of our trash hot spot cleanups, can you see the trash in one of the hot spots in the photo in the lower left. Actually in the photo in the top left is one of -- is sorry the training during one of our green gardener courses. During the cleanups last year we removed more than 80 cubic yards of trash from these creek hot spots. Public Works also completed construction and installation of the first two of our large trash capture devices. You can see the -- a part of the hydrogen separator that was being installed at wool creek drive in San José. We also applied for and received a \$680,000 grant from EPA to implement the clean creeks healthy communities project, and I'm happy to report that the downtown streets team has started their third week of working with homeless to clean up litter and

trash in our project area. Staff has also been working with the San Francisco estuary partnership, Bay Area pollution prevention group, and other Bay Area wastewater and storm water agencies to develop a potential Bay Area wide bay protection campaign. All of these agencies engage in public education in one form or another, and this unified campaign would create a single message that all the agencies can use in their public education efforts. We recognize that Bay Area residents tend to be very mobile so you can have residents that live and shop in San José work in San Mateo or in the East Bay and dine in San Francisco and as they're moving around the way we would like them to hear the same pollution prevention message and hope that that can break through the noise. We also believe that agencies participating in this unified campaign can experience efficiencies by leveraging resources and funding as well as sharing expertise amongst the staff in the various agencies. We hope to continue to advance that partnership and secure participation and funding over the next year. And then a final project I wanted to highlight today is focused on reducing PCBs and mercury in the Leo avenue area of San José. This area is located in central San José and has historic high levels of PCBs. PCBs tend to adhere to sediment or dirt and so this pilot project focuses on working with our regional partners to investigate and inspect facilities as potential PCB sources and also piloting sediment management activities such as street sweeping or line-cleaning as a way to prevent PCBs from making their way into our local creeks. So funding for a part of this work is coming from a regional grant. So in conclusion, San José continues to be a leader in the San Francisco Bay Area watershed community helping to shape local and regional efforts. We are committed to managing and protecting storm water and water quality for future generations. And I want to recognize that many departments are involved in these efforts, including ESD, Department of Transportation, parks, recreation and neighborhood services, public works, and planning, Building, and Code Enforcement. That concludes my quick presentation. We are happy to take any questions.

>> Councilmember Herrera: You were quick, thanks Kerrie. The 40% goal, reduce by 2014, how much of that will be accomplished with our plastic bag ban, how much will that contribute do you think?

>> We are actually working with our regional partners now in developing the methodology for credits. That is still underway. We will in the December report include the amount of credit that we will be getting towards that 40% at that time.

>> Councilmember Herrera: I'm happy to get that Had to say that one more time. I had one question on pesticides. Do you measure, do we have any way of measuring or do we regulate anything with regard to pesticide usage at residences? So you know you sort of have and I'm also thinking of the pesticide companies that come out and do their monthly treatment for residences, I suppose they do -- and they do those for businesses too. Do they understand what our regulations are in terms of what they would deposit and how that would impact storm water?

>> Our pesticide program is focused on two things. One is reducing the amount of pesticides actually used at city facilities, and so we do track that in great detail. As far as residents, the program is really focused on education and providing information to residents on the alternatives to pesticide use but we don't actually have a mechanism for tracking pesticide use by residents.

>> Councilmember Herrera: And we don't have any contact with these providers? I don't want to start naming their names but we know who they are. Companies who provide these services, do we have educational effort with them or do we have any --

>> There is an effort to reach out to the contractors, we also are reaching out to residents to hire contractors who are certified in integrated pest management approaches.

>> Councilmember Herrera: Okay so that sounds like a good avenue then. Those are my questions. Colleagues? Councilmember Campos.

>> Councilmember Campos: Thank you. In the background of the staff report, you know, it states we do have the 29,000 storm drain inlets and so my question is related to I know that by -- and you can correct me on this -- is it 2019 or 2020 we have to be 100% compliant with -- I don't know the jargon but we just have to be 100% compliant.

>> By 2022 we have to --

>> Councilmember Campos: That's it.

>> We have to reduce the amount of trash flowing to our storm drains by 100%.

>> Councilmember Campos: With those 29,000 storm drain inlets will those make or get us to be compliant or are we going to have to go back to some of these because you know they were installed 30 years ago and they don't meet the current requirements?

>> Well, currently with the 29,000 storm drain inlets we have about 100 -- a little bit over 120 of those that have the screens on them. That prevent trash from entering. What we will be incorporating in the trash plan that we bring to the committee in December is our recommendation for how much -- what the right mix of activities are to get to the trash reduction goals in terms of infrastructure -- infrastructure changes like additional screens or other control measures such as plastic bag bans or street -- additional street sweeping and things like that. Yes. What we're also doing is installing these large hydrodynamic separators. So they treat a larger area and capture trash within the storm sewer system so -- and these require less maintenance. So as opposed to having to maintain every single inlet that has a screen on it, this would serve a larger area, typically, I don't know, 40 to 100 acres and only have to be serviced once, once or twice by our maintenance staff. Whereas the smaller inlet screens typically treat about 3 acres of land area.

>> Councilmember Campos: Okay, to so which ever mode we use we have to be 100% compliant by 2022. So I guess my question and my concern is, one which was going to be more costly, because if at the end of the road you have to have the same result, you know, I mean, is installing -- I mean these don't look cheap. You know. And I mean, and if screens are -- and maybe I'm just looking at it in a simplistic way. I mean screens, you know, I mean it's from the source, I know you can't just go to Home Depot and get screens and attach them. But I mean they can't be as expensive as something like that. I guess at the end of the day, how do we get compliance, and

you know on schedule, and save the city the most money? And if this is the way, you know, I haven't seen that in a report from you and maybe that's what we're going to get in December?

>> Exactly. Exaggerate.

>> Councilmember Campos: And I know we're supposed to be meeting to talk a little bit about that as well.

>> And these devices are very expensive up front but then the maintenance is much less expensive than the screens. So the screens are a lot cheaper up front but you have to maintain them more frequently. So we're using grant money to purchase a few of these and then we'll continue to kind of experiment and see where should we install more of these and kind of the big collection areas and where can we get by with maybe some less expensive infrastructure.

>> Councilmember Campos: So I guess what I'm hearing you say is that in order to get compliant by 2022 it's going to be a combination of the two?

>> And resident education. Clearly if we cannot have trash in the street we have less work to do. So the regional campaign that we're proposing we think will help you know folks move between cities in our area and to the extent that every city is kind of sending the same message, we hope that it will lead to behavior change.

>> I'll just add that our Northern California regulators have taken a slightly different approach from the southern California they were given a ten year get to 100% reduction from your storm sewer system period kind of regulation right at the very start. What our permit says is for this five year window get a 40% reduction, and by the way, we expect to see this 70 and this virtual 100 down the road. Quite frankly, those targets are not legally enforceable under the current permit, it's a preview of what they think they'll do in future permits. We are not looking as L.A. has done to a 100% retrofit of our infrastructure. We're looking at overlaying some retrofit of our infrastructure with pollution prevention practices and maintenance practices that will collectively get us to a virtual

100% over time. We will learn over the next two permit cycles what kind of effectiveness we see in the various tactics.

>> Councilmember Campos: Are we coordinating with the county given there are a lot of county pockets that are surrounded by our city limits?

>> They have the same requirements that we do.

>> Councilmember Campos: Okay but we are coordinating with them?

>> Absolutely.

>> Councilmember Campos: Okay last question on -- on page 3 of the report, prevent pollutant discharges through effective enforcement. You did have a bullet here that states, one, 130 violations were identified during 950 city inspections of construction sites. What type of violations were those? Were those simple you know you're not washing off your tires, as you're leaving the job site or are these more complex?

>> Most of it has to do with whether they are effectively controlling dirt leaving their site. That is the vast majority of them. And that can be how the entrances are being managed, whether they are doing effective street sweeping outside on the adjacent to streets whether they are adequately covering loose materials that are being used for construction purposes.

>> Councilmember Campos: Is that also, are some of these violations also some of the end -- the end dumping points or treatment points, for example, by Spartan stadium I know they treat crushed cement or concrete there. And I'll tell you, I mean I'm there a lot and from one year to the next there's this huge pile of something that I know can't be good for, you know, for the air. And in the summer months, dust is probably flying all over the place. So are we dealing with that as well?

>> So if it's a construction site and certainly one that sounds like it would be of that size they're also regulated by the state. And so they're required to have a storm water pollution prevention plan and probably do dust control, watering, light watering et cetera to maintain those. If it's an industrial facility, a cement mixing facility they are regulated by a different permit and then also from us, where we look for again adequate controls to cover, suppress the dirt and/or control it before it leaves the sites. So perimeter, things that would keep it from leaving the site in the first place even if it did get away from the pile.

>> Councilmember Campos: Okay, that's not completely answering my question on the site but I can include that in our meeting. Yeah because it doesn't you know it doesn't look --

>> I've seen that giant pile of concrete.

>> Councilmember Campos: You know what I'm talking about?

>> I know what you're talking about and we'll follow up.

>> Councilmember Campos: Okay.

>> Councilmember Herrera: Councilmember Rocha.

>> Councilmember Rocha: Wonderful report, thank you.

>> Councilmember Herrera: So we need a report to -- is it accept the report here? Review and discuss implementation. So what is the motion is accepting?

>> Acknowledging.

>> Councilmember Herrera: Acknowledging the report.

>> I'm not sure. It's already been sent out.

>> Councilmember Rocha: I'll move acknowledgment.

>> Councilmember Herrera: All those in favor? Motion carries. We're at open forum. Roland LeBrun.

>> Madam Chair, members, very briefly. I'd like to follow up on a couple of the points that were brought up on our high speed rail during the last meeting. Specifically, a quick update on tunnels and the capacity of the underground station. Now, as you may recall there were two issues brought up with the tunnels on the last meeting, the cost, the construction risk the statewide equity. The cost and the -- and construction risk are caused 50 authority specifying a 33-foot, 250 mile an hour tunnel and that's in the diagrams that you have here. Can you see that's straight from the authority specification. As a speed increases, you need a bigger tunnel. What we are proposing for San José are 140 mile an hour tunnels just like London. These tunnels, the cross-section is half and the cost is one-third of what the authority is proposing. On the sheer statewide equity there is no issue because San José and San Francisco are the only cities in California with this kind of alignment here. So the entire state would actually benefit from having a straight alignment going straight to San José. And finally with regards to the underground station capacity which was an issue, we have multiple sources confirming a maximum of two trains per hour by 2035. And these trains would require a fraction of the capacity of the two platform station underground design proposed, and the last you've got is a proposal for Heathrow underground station. Thank you.

>> Councilmember Herrera: And David Wall.

>> David Wall: First issue deals with all the councilmembers that are becoming internationally famous by their trips to get airline traffic to the airport. This gives rise to the question of at what point in time is the curfew going to be eliminated? But here's something that's flat out of the vanity fair, our famous mayor, it is in the November 2011 California and bust and I'm going to make a quote out of it our great mayor. Quote when did we go from giving

people sick leave to letting them accumulate it and cash it in for hundreds of thousands of dollars, when they are done working? There's a corruption here. It's not just a financial corruption. It's a corruption of the attitude of public service period close quote. Well, he didn't tell the vanity fair guy, Michael Lewis of his vote to give the City Manager 872.9870 hours of sick leave on reinstatement, when she came back to work here along with Councilmember Liccardo chair of this committee, when you calculate that out it's over \$104,000 of gift. He didn't mention that in the article. I think somebody should tell him. Thank you.

>> Councilmember Herrera: Okay, meeting adjourned.