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>> Mayor Reed: 2008. Any changes to our agenda order?

>> Councilmember Pyle: It's 2009.

>> Mayor Reed: It is. This is an old agenda. We're just recycling them.

>> Councilmember Chirco: We managed to say the right day, and the right people.

>> Mayor Reed: Okay, any changes to the agenda order, besides the year? It is 2009. Like it or not. Okay, council agenda for August 11th. Any changes on page 1? Page 2 or 3? Page 4 or 5? Or page 6? I have a question regarding the presentations on the independent police auditor's year end report, 8.1. We have got three items on there for actions, are we going to have three different presentations? First the IPA, and then the manager, and then the department, on the department initiated investigations? How do you plan on organizing that?

>> The IPA will present. Our response is generally in agreement with the IPA's report, we will respond under item B if there's questions and Rob will provide a verbal on item C, very brief.

>> Mayor Reed: So it's essentially two reports?

>> Uh-huh.

>> Mayor Reed: All right, that's the afternoon agenda. We have an evening agenda, and just matters, anything on page 7? CWS or 8? Or 9?

>> Councilmember Constant: I just have a quick question, I think I know the answer but I just want to be sure. On 11.5, the moratorium on bail bonds, we had an e-mail that we received a few days ago, about a public hearing in front of the Planning Commission, and then the city council. But the Planning Commission meeting is after this council meeting. Are we separating it, so one is the current proposed moratorium and the second is an extension of that or what's the actual difference?

>> I'll ask for Ed's assistance after I comment. There are two ordinances that are being proposed. One is the ordinance to put in place the interim bail bonds approach and the second is the ordinance to extend the moratorium. The first is the moratorium, the second is the extension of. That's guided by state law. Separately noticed, that's correct. Do you have any additional comments? Okay.

>> Mayor Reed: Okay. I have one request for an addition here. That's for other agenda. I do have some requests to add to the 11th. Accommodation to ASE scholarship recipients, proclamation for Indian Independence Day and then administer oath of office to District 2 youth commissioner in the evening. Any other additions?

>> Councilmember Constant: Motion to approve.

>> Mayor Reed: Motion is to approve. All in favor. [ayes]

>> Mayor Reed: Opposed, none opposed, that's approved. August 18th, draft agenda, anything on page 1? Page 2 or 3? Page 4 or 5? We have the Sunshine Reform Task Force phase II recommendations. I believe the memo is out from the staff on that already. Is what I heard.

>> It is.

>> Mayor Reed: So that's ready to go. Page 6 or 7.

>> Item 8.1 will not be distributed until tomorrow. However, it is time-sensitive and we are preparing a separate closed session on the same date. So we'd like a sunshine waiver to get the report out after the early distribution requirement which was yesterday.

>> Mayor Reed: So it will be out tomorrow?

>> We have a briefing tomorrow. We need to get the report out. Yes, Friday would be the normal distribution packet.

>> Mayor Reed: That's for the 18th, right?

>> Uh-huh.

>> Mayor Reed: So Friday would be ten days before.

>> Right.

>> Mayor Reed: Okay, I think that's fine. And item 7.1, proposal for power purchase and site agreement. We had responses to an RFI due on Monday. So probably by the 18th we'll have some idea what additional information we might have gotten out of that. So that should be -- we should be ready to go.

>> City Manager Figone: We do expect a supplemental as I understand it from staff.

>> Mayor Reed: Any other issues, changes? Addition, Ashland public relations outreach agreement, to be added regarding a global fluency continuation of contract.

>> Councilmember Constant: I'd make a motion to approve as amended with the sunshine waiver for the one item.

>> Councilmember Chirco: Second.

>> Mayor Reed: Okay, motion to approve, with a waiver on the police substation project to be out on Friday. Any discussion? All in favor? [ayes]

>> Mayor Reed: Opposed, none opposed, that's approved. Redevelopment agency for the 11th. Anything on page 1? Page 2 or 3? Or 4? Any requests for additions?

>> We have no additions or changes.

>> Councilmember Pyle: Move for approval.

>> Councilmember Chirco: Second.

>> Mayor Reed: Motion is to approve. All in favor? [ayes]

>> Mayor Reed: Opposed, none opposed, that's approved. The 18th.

>> Mr. Mayor, members of the committee, the agency has no items for the 18th at this time. Next week's Rules Committee we would probably recommend cancellation of that meeting if it stays that way.

>> Mayor Reed: Okay. We have nothing under upcoming study sessions, no legislative update today. Got plenty of that on Tuesday. Meeting schedules, we need approval to set a general plan council fall hearing for the evening of December 1st, 2009.

>> Councilmember Chirco: Move approval.

>> Councilmember Pyle: Second.

>> Mayor Reed: Motion is to approve. All in favor? Ayes.

>> Mayor Reed: Opposed, no opposed, public record, anything from the public record anyone wants to discuss?

>> Councilmember Chirco: Move to note and fight.

>> Councilmember Pyle: Second.

>> Mayor Reed: Motion is to note and file. All in favor, opposed, none opposed, that's approved. We have no appointments to boards, commissions and committees. Next item is a request to direct staff to return to council on an expedited schedule for amendments to the muni code regarding programmable display signs. From Councilmember Liccardo, we can take that up now. Roma, did you have something you wanted to say on that? Okay, Councilmember Liccardo is coming down. We'll just pass it by for a minute here while we tidy up the rest of the agenda. We have no additions to council committee agendas -- yes, we do. Not the Community, not the Neighborhood, we do have one for Transportation and Environment Committee, that's right. We have an amended Transportation and Environment work plan, we have a memo from Ed Shikada I think on that.

>> Councilmember Constant: Motion to approve.

>> Councilmember Chirco: Second.

>> Mayor Reed: Motion is to approve. All in favor? [ayes]

>> Mayor Reed: Opposed, none opposed, that's approved. Open government initiatives, we have nothing. Open forum, anybody want to speak on open forum? Mr. Wall.

>> David Wall: Yesterday at the council meeting, I saw saddened faces from all of you about the employee health care. There's not one of you that's not a good, decent human being. Everybody in this room. A lot of people are afraid, and for good reason. And so therefore, this is now innovation time. The City Manager, another good and decent human being has commanding resources at her disposal insofar as the ability to contract out for actuarial studies, finance, and fund construction. In other words, it should be looked at, that every employee at some date, in the near future, has an annuity set up for them. Once they pass probation, and during the probationary period, they're taught if you do pass probation, not as a threat or anything, here are additional incentives to save for your retirement, but your health care, as well. Now, how this can be formulated, I do not know. This is just an idea. But Councilmember Constant, whose monument will take all the concrete in the world because of his work on the budgeted funds guide, it can be done! You can construct these funds, long term. This is nothing, really new. But it is new as applied to government systems. And government systems has to reinvent everything from the beginning, because the old models are failed economic models. And so, from an innovation standpoint, this is an idea for you. It won't help out anything now. It will take time and investment to create these funding mechanisms. But I believe them to be a sound investment, and I believe them to work, to where you won't have, our future, you won't, but other mayors and councilmembers, and administrative people, will never have to bother with this type of problem again. Thank you.

>> Mayor Reed: Sorry, your time is up. That concludes the open forum. Let's go back to item H-1, which is the request from Councilmember Liccardo on the programmable display signs. Joe Horwedel is here to talk about this request to sort of accelerate some of the work you're already doing, I think.

>> Joe Horwedel: Yes, thank you, Mr. Mayor. Staff has looked at the request from the councilmember and looked back at the work we've been doing on the citywide sign code change. We have been studying for the downtown area programmable signs of this type, and we've also been looking at some larger scale ones elsewhere in the city but not of this particular type. And we do think it is something that we can move forward with, for -- to accommodate Safeway's schedule for opening. We think it's really important for this very unique grocery store format, to make sure we put our best foot forward of how that succeeds on a nationwide rollout, and we're seeing that as helping that happen. We have started the process to put this on for the August 25th agenda, to deal with kind of that narrow piece of the issue. So staff is prepared to move forward with that. The one thing that I do need to point out is that on the citywide effort, we have been working really hard with that. We've gone into the fourth round of outreach with the community, just finishing up some survey work on the issues of the citywide. We

were scheduled to come back to the CED committee the end of this month, with a written report on that, where at this point we're going to do a verbal report to update where we're at. We've slid a little bit on the just a little on the schedule, it was pointed out on Councilmember Liccardo's memo that we have a schedule we're working towards on it and a couple of other things have come up that have taken away some staff time. This takes a little bit, but it's not a dramatic piece, but it is kind of part of the puzzle that the one staff person is doing, a number of juggling. City council members here, anything else you want to add? Staff is ready to move forward.

>> Mayor Reed: Okay, let me just clarify. What is it you think you'll have on the council agenda on the 25th?

>> Joe Horwedel: 25th we'll come forward with the sign code change that will allow programmable LED signs really at the pedestrian level that are the small-scale sizes, as opposed to the large ones that we're looking elsewhere for.

>> Mayor Reed: And that would be just for the downtown?

>> Joe Horwedel: That would just be for downtown, and we would put it into the downtown sign district, which already allows some programmable signs already. So we are tweaking the signs that are already allowed in the downtown to allow it.

>> City Manager Figone: Joe, since I raised it with you the other day, could you just comment on the relevance or concern about our ability to control aesthetics and that part of this?

>> Joe Horwedel: Yeah. One of the concerns that has come up as we've been talking with the community is the overall aesthetics of signs and onsite versus kind of billboard type advertising or things that have nothing to do with businesses. And we do have some amount of ability through our sign approval process to deal with aesthetics. One of our concerns about just rolling this out very quickly citywide is we haven't dealt with how to really deal with the true issues. We haven't come up with standards about brightness, we haven't come up with what are the basic form factors of that technology, so that are there things we can do besides getting a basic box put on the side of a building. And we've worked really hard in our sign code to encourage creative signage. And the concern that staff has, a couple of the proposals we've seen thus far are really replacement of taking a creative three dimensional sign and replacing it with a box that has LEDs on it that allows you to put in motion, but the basic sign itself is very simple and something we've worked to try to get away from. One of the things why we want to look, the things we're looking at the larger sign code update is how to go through and incent quality signage kind of creative signage that takes advantage of all the technology but really presents a -- something that adds to the vibrancy of the street, rather than just kind of putting more visual noise out on the street. So it's balancing that piece of it.

>> Mayor Reed: Okay.

>> Also for the council, having it for the 25th would mean that an ordinance would have to be ready and posted by Friday of next week. That's a very expedited schedule. We're trying to make that schedule but --

>> Joe Horwedel: It is a very aggressive schedule.

>> Turn around to get the documentation out and make sure that we address the issues that Joe just mentioned.

>> Joe Horwedel: It's part of, when I talk about the consequences for scheduling things, is that we are juggling some things to do it. In this case we think it's really important to do. Ordinarily we wouldn't do it but with the opening, going, it's something we think the tradeoff is worthwhile.

>> Mayor Reed: Okay. Sam do you want to speak to your motion?

>> Councilmember Liccardo: Thank you, mayor. I just wanted to note first of all I know that planning actually reached out to Safeway in the spring and has tried to be very proactive actually. I think this simply wasn't on Safeway's radar, probably should have been. And you know now we're getting calls from the vice president of Safeway saying, hey, how can we make this happen sooner because they realize what the obstacles are

now. This is a pilot for their corporation, the urban concept and the LED. They realize the decline of print media and their new efforts to get into a smaller size store in urban centers, this is what they need and this is sort of critical to their whole effort. So a lot of eyes are on this effort for them. And in fact Jan Martin told me today she's willing to fly out to the council meeting on the 25th to be here. She's executive vice president over there. The concern is, of course, you know if we wait until December, knowing that there is still a lot of outreach going on, there inevitably is slippage if there are challenges that come up. This could be several months down the road. So you know, I know many folks some like Councilmember Constant and Pyle, express the desire to see what we can do. This could be sort of our test case for LEDs see how it works in the downtown where I think the risk of being overly demonstrative is minimized compared to some of our more suburban venues. This is our test case to inform the rest of the ordinance.

>> Mayor Reed: Councilmember Constant.

>> Councilmember Constant: Well, obviously since it's sign related, I'm supportive. Just two quick questions. When we talked about LEDs with the auto rows, there was a legal issue that was brought up. Is that something that's going to trip us up here, or has that hurdle been cleared?

>> Joe Horwedel: I think the issue with auto row was where the sign was being placed, as opposed to in front of the dealership itself. We're working and some of the test that we've been doing polling with the community, and business community, is also showing -- I think we did a photo-sim of Blossom Hill Road, of replacing out all the different monument signs and showing what LED signs would look like. And so we've been working through the mechanics of that, and so that's part of what we're trying to come back with, is that it's not -- if we ultimately deal with it on a citywide basis, it isn't then a legal issue, it's more the aesthetics and kind of the safety issues and things that CalTrans is dealing with. If we're only trying to do it just on auto row and not for, say, the electronics store, then that was the legal issue that we were talking about.

>> Councilmember Constant: Okay, and then the -- we had talked in the council meeting we were talking about auto row with LEDs coming back in September, but now I'm reading December. Is that the same or are these things the same or are these two different things we're talking about?

>> Joe Horwedel: I think they're two different pieces moving forward, the larger citywide piece as we're looking at a December time frame, I know we're still trying to work through some of the autorow signage provisions since we have -- did kind of the first pieces of it, and so we're going to come back and look-see what would be a next increment, is there is a next increment that works well.

>> Councilmember Constant: Okay, well I'm supportive and really supportive of seeing Stevens Creek in September and everything else in December.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: Well, I just wanted to say that after spending two weeks in Russia, you cannot believe the signage there. It is absolutely marvelous. It is bright. There were huge TVs on top of buildings about the size of that wall. It did not look garish, it did not look out of place. It just looked very with it, very sophisticated, and so I think little by little we'll have a very sophisticated city as a result as well.

>> Joe Horwedel: And that is what we're testing. We're actually showing various types of signage, whether it's on buildings, whether it's on free standing signs such as billboards. There is a wide variety of opinions out there, and it is surprising what's coming back, the community is supportive of use of programmable signs, but it's really on premise advertising as opposed to advertising some product that isn't available there. So it's more of the way finding directional who's there as opposed to you know selling something abstract that you have no benefit driven to the community. And so that's what we're kind of grappling through now, our ability to try and deliver that.

>> Mayor Reed: Anything else?

>> Councilmember Constant: Motion to approve.

>> Councilmember Chirco: Second.

>> Mayor Reed: Motion is to -- well, what are we going to approve here? If we approve this, that gets it to the agenda on the 25th. Okay. Motion is to approve. All in favor? [ayes]

>> Mayor Reed: Opposed, none opposed, that's approved. Thank you. When is the opening day for Safeway?

>> 27th.

>> Mayor Reed: Of? August?

>> August, two days after this.

>> Mayor Reed: That's great! All right, I think we're done with the agenda unless somebody else wants to --

>> Councilmember Constant: I'd like to chat for a while.

>> Mayor Reed: -- chat for a while. We'll have a chat room immediately after for those who want to chat. Everybody else will be excused so we're adjourned.

>> Councilmember Pyle: So is this a record?

>> Councilmember Constant: No, Judy got that one.