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>> COUNCILMEMBER LICCARDO: TO THIS MONTH'S INSTALLMENT OF THE T AND E COMMITTEE. I GUESS WE'LL HAVE A ROLL CALL.

>> COUNCILMEMBER LICCARDO, HERE. COUNCILMEMBER CHIRCO, COUNCILMEMBER HERRERA, COUNCILMEMBER CAMPOS. HERE.

>> COUNCILMEMBER LICCARDO: WE HAVE A LIST OF DEFERRALS.

>> ED SHIKADA: CLARIFICATION ON DEFERRALS, WE HAVE A NUMBER OF DATES THAT THE ITEMS ARE BEING PUSHED OFF TO. A COUPLE OF ITEMS, LET ME JUST STATE IT COMPLETELY IN CASE WE'RE WORKING ON DIFFERENT VERSIONS. THE CLIMATE ACTION PLAN. WE'D ACTUALLY LIKE TO DEFER IT TO SEPTEMBER MEETING. I HAVE A LITTLE MORE TIME FOR THE STAFF WORK INVOLVED. ON THE ORDINANCE FOR SINGLE USE CARRYOUT BAGS, THE PRINTED SAY MAY 5TH COUNCIL MEETING. THAT'S NOT CORRECT. SHOULD SAY JUNE 2ND COUNCIL MEETING. THAT IS THE DATE THAT STAFF IS CURRENTLY WORKING TOWARD BRING THAT ITEM TO THE FULL COUNCIL MEETING. SO IT WILL BE DROPPED FROM THE COMMITTEE DOCKET AND GO STRAIGHT TO THE FULL COUNCIL ON JUNE 2ND. AND WE ALSO ARE RECOMMENDING ON A CHANGE ON THE ITEM ON LAST ON THE COMMITTEE'S AGENDA, AND HAVE THAT COME BACK TO THE COMMITTEE ON JUNE 1ST.

>> COUNCILMEMBER LICCARDO: OKAY, ANY COMMENTS? QUESTION? NO, OKAY. I THINK THAT REQUIRES A MOTION.

>> COUNCILMEMBER HERRERA: MOVE TO APPROVE.

>> COUNCILMEMBER CAMPOS: SECOND.

>> COUNCILMEMBER LICCARDO: ALL IN FAVOR? NONE OPPOSED. WE'LL MOVE ON THEN TO 3.2, RED LIGHT CAMERA RUNNING -- OH, WAIT, WE DON'T HAVE A CONSENT, DO WE?

>> ED SHIKADA: NOTHING ON CONSENT TODAY.

>> COUNCILMEMBER LICCARDO: RED LIGHT RUNNING. WELCOME. LAURA, AGAIN.

>> LAURA WELLS, DEPUTY DIRECTOR FROM THE DEPARTMENT OF TRANSPORTATION. AND WITH ME IS --

>> ASSISTANT CHIEF DAN KATZ, POLICE DEPARTMENT.

>> WE ARE HERE RECOMMENDING THAT THE COUNCIL APPROVE A SMALL PILOT PROGRAM TO EVALUATE THE EFFECTIVENESS OF AUTOMATED ENFORCEMENT TO POTENTIALLY IMPROVE THE SAFETY, TRAFFIC SAFETY AT SOME OF OUR HIGH ACTIVITY INTERSECTIONS, BOTH FROM A PERSPECTIVE OF CRASHES, RECEIPT LIGHT RUNNING CRASHES AS WELL AS VIOLATIONS. AS OUTLINED IN THE REPORT, MANY OF THESE CRASHES THAT SAN JOSÉ'S EXPERIENCING HAPPEN AT TIMES WHERE WE DON'T HAVE ENFORCEMENT, TRAFFIC ENFORCEMENT STAFF ON DUTY, EITHER IN THE EVENINGS OR ON THE WEEKENDS. AND THERE ARE CRASHES ASSOCIATED WITH RED-LIGHT RUNNING DURING THOSE TIMES. THIS IS NOT A -- IT'S A SMALL PILOT. SIX OF OUR -- UP TO SIX INTERSECTIONS OUT OF 900 SIGNAL LIGHT INTERSECTIONS IN THE CITY. THIS IS REALLY TO EVALUATE WHETHER THIS IS AN EFFECTIVE PROGRAM TO AUGMENT TRADITIONAL POLICE ENFORCEMENT. IT IS NOT AND CAN NEVER BE A MEASURE THAT WOULD REPLACE ENFORCEMENT, RATHER, TO AUGMENT IT. OVER THE COURSE OF THIS LAST YEAR, IF COUNCIL APPROVES IT, D.O.T, OUR DEPARTMENT, WOULD TAKE THE LEAD IN EVALUATING THE PROGRAM AND IN COLLABORATION WITH THE POLICE DEPARTMENT, WHICH INTERSECTIONS ARE BEST SUITED TO THE CAMERAS AND ALSO TO EVALUATE THE TYPE OF CONTRACT THAT WOULD BE BENEFICIAL FOR SAN JOSÉ. AND WITH THAT I'LL OPEN IT UP TO QUESTIONS.

>> COUNCILMEMBER LICCARDO: GREAT, THANK YOU. QUESTIONS?

>> COUNCILMEMBER CAMPOS: THANK YOU, CHAIR. ACTUALLY, FIRST OF ALL I THINK THIS IS A GOOD OPPORTUNITY FOR THE CITY OF SAN JOSÉ WILL BE LOOKING AT HOW WE'LL BE MOVING FORWARD WITH IT. IS THIS SOMETHING WE'LL CONTRACT OUT, OR IS IT SOMETHING THAT WE'RE GOING TO DO IN-HOUSE? MEANING ARE WE GOING TO LOOK TO A VENDOR TO WORK WITH US OR SOME TYPE PARTNER OR WOULD THIS BE JUST IN-HOUSE?

>> OVERWHELMINGLY, THE CITIES THAT HAVE THESE PROGRAMS IN PLACE NOW, NOT JUST IN CALIFORNIA BUT THROUGHOUT THE NATION, I WANT TO SAY 99% OF THEM, CONTRACT OUT.

>> COUNCILMEMBER CAMPOS: SO THEN WE WOULD GO OUT FOR AN RFP?

>> YOU WOULD GO OUT FOR AN RFP, CORRECT.

>> COUNCILMEMBER CAMPOS: AND THE TIME FRAME FOR GOING OUT FOR AN RFP?  
>> OUR GOAL IS TO BE ABLE TO DO ALL THE NECESSARY RESEARCH WITH THE INTERSECTIONS, THE COLLABORATION WITH THE POLICE DEPARTMENT ON WHICH INTERSECTIONS SHOULD BE SELECTED, AS WELL AS LOOK AT OTHER PROGRAMS AND THE CONTRACTS IN PLACE IN OTHER CITIES. AND PUT TOGETHER A RECOMMENDATION TO BRING BACK TO COUNCIL IN TIME FOR THE BUDGET DELIBERATIONS FOR NEXT SCHOLARLY FISCAL YEAR. SO IT WOULD BE FISCAL YEAR 10-11.  
>> COUNCILMEMBER CAMPOS: WHAT ABOUT BEST PRACTICES FOR OTHER CITIES NOW?  
>> THAT WOULD BE THE PILOT.  
>> COUNCILMEMBER CAMPOS: WE DON'T HAVE INFORMATION ABOUT THE SUCCESS FROM OTHER CITIES AT THIS TIME?  
>> WE HAVE PRELIMINARY INFORMATION, THE INFORMATION PUT OUT BY THE FEDERAL HIGHWAY ADMINISTRATION AS WELL AS SOME REVIEW OF CITIES IN CALIFORNIA THAT WAS CONDUCTED BY THE STATE AUDITOR. WE DON'T HAVE THE SPECIFICS ON THE DETAIL OF THE CONTRACT LANGUAGE AND WE HAVE TO DEVELOP OUR OWN PROGRAM IN TERMS OF HOW WE'RE GOING TO SELECT INTERSECTIONS.  
>> COUNCILMEMBER CAMPOS: WHICH WILL COME BACK TO COUNCIL?  
>> CORRECT.  
>> COUNCILMEMBER CAMPOS: THE OTHER QUESTION I WANTED TO ASK YOU WAS, TO YOUR KNOWLEDGE DO WE KNOW OF ANY VENDORS THAT HAVE APPROACHED US THAT WOULD BE WILLING TO DO A PARTNERSHIP WITH US, OR THAT ARE INTERESTED IN GOING THROUGH THE RFP PROCESS, THAT MAYBE HAVE SOME KNOWLEDGE IN HOW TO PERFORM THIS KIND OF SERVICE?  
>> ABSOLUTELY. OVER THE YEARS, AS THIS TOPIC HAS BEEN RAISED AND/OR DISCUSSED THERE HAVE BEEN AT LEAST THREE VENDORS THAT I'M AWARE OF THAT HAVE EXPRESSED AN INTEREST, EITHER IN PROVIDING INFORMATION TO THE CITY OR AN INTEREST IN POTENTIALLY BEING THE VENDOR, IF SAN JOSÉ HAS SUCH A PROGRAM.  
>> COUNCILMEMBER CAMPOS: ARE THERE ANY VENDORS TO YOUR KNOWLEDGE THAT OTHER CITIES ARE USING THAT MAYBE TAKE ON SOME OF THE COST TO DO THIS BECAUSE IT'S A PILOT PROGRAM AND THEY WANT TO BE ABLE TO SHARE THEIR PRODUCT SO THAT THEY ARE GETTING -- IT'S ALMOST LIKE FREE PUBLICITY, KINDS OF ON THE CUTTING EDGE ABOUT BIG CITIES USING IT.  
>> I'M NOT AWARE OF VENDORS THAT WILL PROVIDE THEIR SERVICES FOR FREE. BUT SEVERAL VENDORS --  
>> COUNCILMEMBER CAMPOS: MAYBE THERE'S COST-SHARING OR SOMETHING.  
>> WELL, ONE JUST TO CLARIFY, IN CALIFORNIA, A VENDOR CANNOT RECEIVE ANY FORM OF THEIR COMPENSATION BASED UPON THE ACTIVITY. IT MUST BE A FLAT, EITHER YOU PURCHASE THE EQUIPMENT AND/OR THERE'S A FLAT FEE FOR THEIR MONTHLY SERVICE. IT CANNOT BE BASED ON ACTIVITY.  
>> COUNCILMEMBER CAMPOS: OKAY.  
>> BUT THERE ARE AT LEAST TWO VENDORS THAT I'M AWARE OF WHO WILL POTENTIALLY ENTER INTO AN AGREEMENT TO INDICATE THAT IF -- IF THE SYSTEM IS NOT GENERATING ADEQUATE REVENUE FOR A CITY TO RECOVER ITS COST, THEY WILL POTENTIALLY DEFER THAT MONTHLY PAYMENT TO A TIME WHERE THE SYSTEM MAYBE GENERATING ENOUGH REVENUE TO PAY THEM.  
>> COUNCILMEMBER CAMPOS: AND I GUESS MY QUESTION WAS, THE REASON I WANTED TO ASK THOSE QUESTIONS, WE KNOW WE'RE IN TOUGH BUDGET TIMES. AND I'M HOPING WE'RE NOT CREATING A HUGE EXPENSE FOR US, AND THAT WE CAN'T RECOVER OUR COST. BECAUSE WE KNOW THAT EVERYTHING WE BRING FORWARD, WE WANT TO BE ABLE TO AT LEAST RECOVER OUR COST AND NOT PUT OUT AN ENORMOUS AMOUNT OF MONEY FOR SOMETHING THAT WE MAY NOT SEE ANY REVENUES. YES, CHIEF.  
>> NO, I THINK PART OF THE -- OUR DISCUSSION HAS BEEN THAT WHEN WE SELECT A SYSTEM THAT WE WOULD STRIVE TO MAKE IT, AT MINIMUM, REVENUE-NEUTRAL. IT WOULD BE A GOOD PILOT BUT NOT DIPPING INTO OUR FINANCIAL SITUATION EITHER.  
>> COUNCILMEMBER CAMPOS: OKAY, THAT'S LEVEL.

>> MAYBE TO PUT SOME PERSPECTIVE ON IT, A TYPICAL FEE THAT MIGHT BE CHARGED FOR A ONE-CAMERA INTERSECTION, SO JUST ONE APPROACH, ONE CAMERA, TO COVER CAN COST AND WHAT WOULD BE ANTICIPATED TO BE THE CITY'S COST THERE WOULD NEED TO BE ON AVERAGE MAYBE ONE AND A HALF VIOLATIONS PER DAY. CAMERAS, BECAUSE THERE IS AN EXPENSE IN IT WE ARE NOT GOING TO BE PUTTING THEM IN EVERY SINGLE INTERSECTION IN THE CITY. WE'RE GOING TO BE LOOK AT A HIGH CRASH RATE AREA, AND WE WON'T BE RELYING ON ANY OTHER ENGINEERING MEANS TO AFFECT THAT RATE.

>> COUNCILMEMBER CAMPOS: QUITE A FEW INTERSECTIONS THAT DO HAVE HIGH NUMBERS OF CRASH, FROM RUNNING I GUESS RED LIGHT. SO WE KNOW THAT WE HAVE THAT DATA, OR AT LEAST WE CAN GET THAT DATA. FOR THE INTERSECTIONS THAT ARE DOING AT LEAST A VIOLATION A DAY, I THINK YOU SAID, A DAY, TO BE ABLE TO --

>> YEAH.

>> COUNCILMEMBER CAMPOS: THANK YOU, THOSE ARE ALL MY QUESTIONS.

>> COUNCILMEMBER LICCARDO: THANKS, NORA. ROSE.

>> COUNCILMEMBER HERRERA: THANK YOU. IT WAS MY IDEA THIS CAME UP, THE IDEA WAS PARTLY GENERATED OUT OF THE COMMUNITY MEETINGS THAT WERE HELD LAST YEAR, AM I FLIGHT THAT ASSUMPTION, THAT THERE WERE COMMUNITY MEETINGS AROUND TRAFFIC CALMING AND THIS WAS ONE OF THE IDEAS THAT CAME OUT OF THAT?

>> THE CONCEPT OF RED-LIGHT RUNNING HAS BEEN KICKED AROUND FOR A FEW YEARS. BUT YOU'RE CORRECT THAT IT WAS DURING THE TRAFFIC-CALMING COMMUNITY MEETINGS BACK IN 2007-2008 THAT COUNCILMEMBER OLIVERIO, HE CHAIRED THOSE MEETINGS, RAISED THE QUESTION. AND EVENTUALLY IT FOUND ITSELF ON A SURVEY THAT WAS BEING GIVEN OUT AT THOSE MEETINGS. AND THE MAJORITY OF THOSE RESIDENTS THAT FILLED OUT THOSE MEETINGS SUPPORTED AND ENDORSED THE CONCEPT OF RED LIGHT RUNNING CAMERAS IN SAN JOSÉ.

>> COUNCILMEMBER HERRERA: SO WAS IT AT THE TOP OF THE LIST IN TERMS OF THE CONCERNS THAT COMMUNITY HAD IN TERMS OF THOSE MEETINGS, RUNNING RED LIGHTS? I KNOW THE POLICE DEPARTMENT IS OBVIOUSLY INVOLVED IN ASSESSING THIS, TOO. I WAS JUST CURIOUS HOW THE COMMUNITY ASSESSED THIS THAT.

>> GOING BACK A FEW YEARS, THE PRIMARY CONCERN AT THOSE MEETINGS WAS TRAFFIC SAFETY IN NEIGHBORHOODS. THE ACTIVITY ASSOCIATED WITH RED LIGHT RUNNING CAN IS AT THE MAJOR COLLECTORS. WHILE IT WAS A CONCERN, I COULDN'T SAY IT WAS THE HIGHEST CONCERN.

>> COUNCILMEMBER HERRERA: YEAH BECAUSE WHEN I GO TO TRAFFIC CALMING MEETINGS IN DISTRICT 8, PEOPLE ARE CONCERNED ABOUT THEIR OWN NEIGHBORHOODS AND PEOPLE DRIVING FAST IN THEIR NEIGHBORHOODS AND AROUND THEIR SCHOOLS. I WAS CURIOUS. THE \$200,000, WHERE WILL THAT -- WILL THAT BE COMING OUT OF THE GENERAL FUND?

>> NO, THE \$200,000 IS MONEY WE HAVE IDENTIFIED TO COME OUT OF THE TRAFFIC CAPITAL PROGRAM AND THESE ARE FUNDS EARMARKED FOR DEVELOPING OR IMPROVING THE MAJOR GENERAL PLAN NETWORK.

>> COUNCILMEMBER HERRERA: SO THEY WOULDN'T BE AVAILABLE FOR OTHER THINGS IN TERMS OF OUR BUDGET SITUATION?

>> WELL, THEY WOULD POTENTIALLY BE AVAILABLE, AGAIN IT'S ONLY \$200,000 FOR IMPROVING THE MAJOR GENERAL PLAN NETWORK.

>> COUNCILMEMBER HERRERA: AGAIN I HAVE TO ASK THESE QUESTIONS BECAUSE WE'RE ALL CURIOUS WHAT IS HAPPENING IN TERMS OF OUR BUDGET. OVER A TIME FRAME DO YOU SEE COST RECOVERY BEING A POSSIBILITY?

>> WELL, RIGHT NOW, AGAIN, WITHOUT HAVING EXPLORED ALL OF THE OPERATIONAL MODELS IN OTHER CITIES, I ANTICIPATE THAT WE WOULD BE GOING TO A MODEL WHERE WE ARE LEASING THE EQUIPMENT. AND SO WE ARE IN EFFECT PAYING A VENDOR A FLAT FEE PER CAMERA AT AN INTERSECTION. AND IN THAT REGARD THERE IS NOT A FEE WHERE WE PURCHASE EQUIPMENT, BUT AGAIN I MENTIONED TO COUNCILMEMBER CAMPOS THE COST RECOVERY OF THAT ONE CAMERA IS SLIGHTLY OVER ONE VIOLATION PER DAY.

>> COUNCILMEMBER HERRERA: ASSUMING WE'RE PUTTING THEM AT INTERSECTIONS WHERE LOTS OF VIOLATION ARE OCCURRING, WE WOULD RECOUP THAT AMOUNT?

>> THAT'S CORRECT.

>> COUNCILMEMBER HERRERA: HOPEFULLY IT WOULD HAVE AN IMPACT ON PEOPLE NOT DOING IT THAT OFTEN, HOW WOULD THAT WORK?

>> WE WOULD AGREE WITH PEOPLE IN THIS ROOM THAT THE PROGRAM WOULD BE SUCCESSFUL IF THE VIOLATION DROPPED SIGNIFICANTLY AND THAT'S OUR HOPE.

>> COUNCILMEMBER HERRERA: THEN DO YOU MOVE IT TO OTHER INTERSECTIONS, IS THAT HOW THIS WORKS OUT, YOU GUYS MOVE IT AROUND?

>> THAT'S WHAT WE WOULD DEFINITELY EXPECT THE CONTRACT TO BE INVOLVING.

>> COUNCILMEMBER HERRERA: THAT \$200,000 WHAT IS THAT PERTAIN TO?

>> THE \$200,000 IS A STAFF COST FOR ONE STAFF POSITION FOR US TO DEVELOP THE PROGRAM TO DEVELOP THE CONTRACT, GO THROUGH THE RFP PROCESS, AND THEN BRING RECOMMENDATIONS BACK TO COUNCIL.

>> COUNCILMEMBER HERRERA: AND WOULD THERE BE STAFFING, IF THIS IS IMPLEMENTED, WOULD THERE BE ENOUGH STAFFING TO IMPLEMENT THE PROGRAM DOWN THE ROADS? ONCE WE GO --

>> WE WOULD HAVE TO MAKE THAT PART OF THE RECOMMENDATION COMING BACK TO COUNCIL. AS YOU'VE PROBABLY SEEN THE BUDGET, IT'S IN BOTH DEPARTMENTS. THERE'S CHALLENGES. AND SO WE WOULD NEED TO COORDINATE BETWEEN BOTH OF US TO DETERMINE WHICH DEPARTMENT IS MANAGING THE PROGRAM, AS WELL AS WHAT ARE THOSE COSTS TO MANAGE THE PROGRAM.

>> COUNCILMEMBER HERRERA: I GUESS I'M JUST CONCERNED IF WE PROCEED FORWARD WE WOULD DEFINITELY WANT TO IMPLEMENT IT IF WE FIND IT'S BENEFICIAL IN TERMS OF THE PILOT AND MAKE SURE WE HAVE THE STAFFING DO THAT WITHOUT NEGATIVELY IMPACTING OTHER AREAS THAT WE'RE CONCERNED WITH.

>> EXACTLY AND THAT'S WHY WE'RE DOING TONIGHT A PILOT IN A LIMITED SCOPE. BOTH DEPARTMENTS CAN HANDLE, YOU'VE KNOWN OUR OPINION ALL ALONG, NOTHING REPLACES UNIFORM ENFORCEMENT. AT THE END OF THE DAY, WE WON'T KNOW UNLESS WE TRY. WE'LL MAKE A DECISION BASED ON THE SMALL PILOT, WHAT KIND OF SITUATION WE'RE IN, IF WE WANT TO GO FORWARD AND IF WE CAN GO FORWARD.

>> JUST TO PUT SOME PERSPECTIVE ON IT, THE CITY OF FREMONT WHERE I LIVE HAS NINE CAMERAS, ONE PERSON MANAGING THEIR PROGRAM ALONG WITH A CONTRACT EMPLOYEE AND THEIR POLICE DEPARTMENT.

>> COUNCILMEMBER HERRERA: THANK YOU. AND I'LL BE LOOKING FORWARD TO HEARING INPUT ABOUT HOW OTHER CITIES HAVE USED THIS AND HOW IT'S REDUCED THE RED LIGHT RUNNING AND ACCIDENTS, IT WOULD BE GOOD TO HEAR IT DOWN THE ROAD, THANK YOU.

>> COUNCILMEMBER LICCARDO: THANK YOU, BOTH. I'M PLEASED TO SEE THAT WE'RE EXPLORING THIS AND I THINK DAN MADE A GOOD POINT. CERTAINLY IT'S WORKED IN SOME CITIES, AND OTHERS IT HASN'T, AND IT'S IMPORTANT TO GIVE IT A TRY. BECAUSE THERE IS NO ALTERNATIVE TO AN OFFICER BEING OUT THERE WE UNFORTUNATELY CAN'T PUT OFFICERS AT EVERY INTERSECTION. AND WE KNOW WE WISH WE COULD BUT WE DON'T. THE QUESTION I HAD RELATED, I THINK IT WAS A FOLLOW-UP FROM ROSE'S WHICH WAS, IN TERMS OF COST RECOVERY, DO WE HAVE ENOUGH SENSE FROM OTHER JURISDICTIONS THAT FULL COST RECOVERY, IS IN FACT FEASIBLE, OR IS THAT UNLIKELY?

>> AGAIN, AS DAN, ASSISTANT CHIEF KATZ POINTED OUT, I THINK IT WOULD DEPEND ON THE CITY THAT YOU SPEAK TO. I KNOW IN FREMONT, THEY ARE EXPANDING THEIR PROGRAM. I CAN'T IMAGINE IN THESE BUDGET TIMES THEY WERE DOING THAT UNLESS THEY WERE AT LEAST COVERING THE COST OF THEIR PROGRAMS. BUT I CAN UNDERSTAND IN OTHER CITIES, THEY ARE FACING COST RECOVERY AND POTENTIALLY ELIMINATING THEIR PROGRAMS BECAUSE OF THAT.

>> COUNCILMEMBER LICCARDO: WELL IN A PERFECT WORLD WE'RE ALL LAW ABIDING AND THE PROGRAM GOES AWAY. THANK YOU VERY MUCH. I ASSUME WE TAKE ACTION.

>> SO MOVED.

>> SECOND.

>> COUNCILMEMBER LICCARDO: ALL IN FAVOR.

>> YOU HAVE PUBLIC COMMENT.

>> COUNCILMEMBER LICCARDO: I DIDN'T TAKE PUBLIC COMMENT. IS THERE ANYONE IN THE AUDIENCE WHO WOULD LIKE TO SPEAK AT THIS TIME? OKAY.

>> THANK YOU, CHAIR LICCARDO. I KNOW IT'S TAKEN ABOUT A YEAR AND IT WILL PROBABLY TAKE ANOTHER YEAR TO IMPLEMENT IT FULLY BUT I THINK IT'S A GREAT WAY TO COME FORWARD. THANK YOU FOR YOUR TIME.

>> COUNCILMEMBER LICCARDO: THANK YOU, COUNCILMEMBER OLIVERIO, FOR ALL OF YOUR EFFORTS IN THIS VERY IMPORTANT MATTER OF TRAFFIC CALMING. OKAY, WE HAD A MOTION, WE WERE ABOUT TO TAKE A VOTE. I'M NOT SURE IF WE FORMALLY VOTED OR NOT. ALL IN FAVOR, NO ONE OPPOSED, WE'RE MOVING ON TO THE DROUGHT RESPONSE. HI, JOHN.

>> JOHN STUFFLEBEAN: JOHN STUFFLEBEAN, DIRECTOR OF ENVIRONMENTAL SERVICES. IN SPITE OF THE PAPERS NOTING THAT THE WATER SITUATION WAS A LITTLE BETTER THIS WEEK THAN IT WAS LAST WEEK, WE ARE STILL IN A WATER SHORTAGE SITUATION AS YOU ALL KNOW. THERE'S KIND OF TWO DIFFERENT ISSUES THAT RELATE TO THIS, ONE IS THE LONG TERM RESPONSE THAT THE CITY HAS. WE KIND OF GENERALLY CALL THAT WATER CONSERVATION. WE TALKED ABOUT THAT A LOT WEEK AT THAT TIME STUDY SESSION. WE WON'T GO INTO THAT UNLESS YOU WANT. WE HAVE A LESS THAN AVERAGE WATER SUPPLY, THIS YEAR, THIRD YEAR ALSO LESS THAN AVERAGE. AS YOU KNOW THE WATER DISTRICT HAS DECLARED A WATER SHORTAGE AND THIS IS BASICALLY OUR RESPONSE AS A CITY TO THAT. AND GO ON TO THE NEXT SLIDE JUST FOR A SECOND. JUST WANTED TO NOTE THAT OUR RECOMMENDATIONS, AGAIN THIS MIGHT BE A LITTLE CONFUSING SO I WANT TO CLARIFY IT. THESE FIRST RECOMMENDATIONS RELATE CITYWIDE, BASICALLY ADOPTING A WATER SHORTAGE OF 15% AND THEN DIRECTING THE CITY ATTORNEY'S OFFICE TO STRENGTHEN OUR ORDINANCE. THE SECOND TWO RECOMMENDATIONS RELATE TO THE MUNI WATER SERVICE AREA, TEN OR 20% OF THE CITY. AT THIS POINT I'LL TURN IT OVER TO MANSOUR NASSER.

>> MANSOUR NASSER: GOOD AFTERNOON, CHAIR AND MEMBERS OF THE COMMITTEE. THE PURPOSE IS TO PROVIDE YOU BACKGROUND INFORMATION ON OUR RECOMMENDATIONS REGARDING THE CITY'S RESPONSE TO THE DROUGHT AND ALSO RECOMMEND ONGOING CONSERVATION MEASURES. THE PICTURE YOU SEE WAS TAKEN THIS PAST FEBRUARY ON LAKE OROVILLE WHICH IS ONE OF THE LARGEST LAKES ON THE STATE WATER PROJECT AND SUPPLIES MORE THAN 25 MILLION CALIFORNIANS. AS JOHN MENTIONED WE HAVE BEFORE YOU RECOMMENDATIONS, THE FIRST TWO APPLY CITYWIDE AND THE LAST TWO APPLY TO MUNI WATER SYSTEM CUSTOMERS. THIS IS THE SUMMARY OF THE RECOMMENDATIONS. FIRST WE'RE ASKING COUNCIL TO ADOPT A RESOLUTION DECLARING A WATER SHORTAGE OF 15% CITYWIDE AND DIRECTING THE CITY ATTORNEY TO UPDATE THE RESOLUTION TO STRENGTHEN THE MEASURES. AS FAR AS MUNI SERVICE CUSTOMERS, WE'RE ASKING THE COUNCIL TO ADOPT A RESOLUTION, ESTABLISHING A BUDGET, AND SEEKING COUNCIL TO CONSIDER OUTREACH AND EDUCATION. A BRIEF BACKGROUND ON HOW WE GOT HERE. WE'RE IN THE THIRD YEAR OF DROUGHT, AS JOHN MENTIONED. LOCAL RAINFALL WAS 76% WHEN WE SENT THE AGENDA MEMO. AS OF THIS MORNING, IT'S LOOKING ABOUT 80%. LOCAL RESERVOIRS ARE -- AND STATE RESERVOIRS BETWEEN 50 AND 65% OF CAPACITY. WE CONTINUE TO HAVE PUMPING RESTRICTIONS ON THE DELTA BECAUSE OF ENDANGERED SPECIES SUCH AS THE DELTA SMELT. AND ON FEBRUARY 27TH, THE GOVERNOR DECLARED AN EMERGENCY, DROUGHT EMERGENCY AND ASKED CALIFORNIANS TO REDUCE WATER USE BY 20%, AND IN RESPONSE, THE WATER DISTRICT, ON MARCH 24TH, DECLARED A DROUGHT AND REQUESTED COUNTY WIDE CONSERVATION GOAL OF 15%. SO OUR FIRST RECOMMENDATION IS ADOPTING A RESOLUTION DECLARING A 15% SHORTAGE. THIS, AGAIN, THIS WILL BE IN SUPPORT OF THE DISTRICT'S RESOLUTION AND ALSO WILL SEND A STRONG MESSAGE TO THE PUBLIC ABOUT THE WATER SITUATION IN SANTA CLARA COUNTY, AND SAN JOSÉ, SPECIFICALLY. IN SANTA CLARA COUNTY, CITIES HAVE -- ARE ESTABLISHING DIFFERENT GOALS, BETWEEN 10 TO 15%. THE 10%, A LOT OF CITIES IN ABOUT EIGHT RETAILERS IN SANTA CLARA COUNTY GETS WATER FROM THE HETCH-HETCHY SYSTEM, SF PUC, AND CONTINUE TO TALK ABOUT A 10% CONSERVATION. MORE CITIES IN SANTA CLARA COUNTY THAT DEPEND MORE OR THE WATER DISTRICT SUPPLY ARE LOOKING FOR A 15% WATER REDUCTION. OTHER RETAILERS IN THE AREA SUCH AS EAST BAY MUD WILL BE GOING BACK TO VOLUNTARY CONSERVATION ON

JULY 1ST. CONTRA COSTA COUNTY IS LOOKING AT MANDATORY RATION UP TO 25% AND SANTA CLARA COUNTY IS LOOK AT MANDATORY RATIONING OF 25%. OUR SECOND RECOMMENDATION IS SUCCINCT IN THE CURRENT ORDINANCE. AND WE ARE RECOMMENDING THE -- TO DIRECT THE CITY ATTORNEY'S OFFICE TO UPDATE THE CURRENT ORDINANCE TO STRENGTHEN THE WATER WASTE, PREVENTION AND WATER SHORTAGE MEASURES. THE CITY'S MUNICIPAL CODE CURRENTLY HAS PERMANENT MEASURES FOR WATER WASTE PREVENTION, AND SOME OF THEM ARE LISTED THERE, SUCH AS NO WATER DURING DAYLIGHT HOURS UNLESS USING A BUCKET OR A HOSE, SYRINGING. NO HOSE TO CLEAN HARD SURFACES UNLESS THERE'S A VALVE AND FIXING ELABORATION WITHIN FIVE DAYS AFTER FINDING ABOUT THEM. AND WATER TO BE SERVED AT RESTAURANTS UPON REQUEST. AND CURRENTLY THE ORDINANCE CALLS FOR IN THE EVENT THE COUNCIL CALLS FOR A 10% SHORTAGE, THAT WILL BE NO WATERING AT ALL DURING DAY LIGHT TIME HOURS, INCLUDING USING HOSES OR BUCKETS, EXCEPT FOR SYRINGING, WHICH IS OKAY. WE'RE PROPOSING THE ADDITION OF TWO PROVISIONS TO THE PERMANENT MEASURES TO BE ENFORCEABLE AT ALL TIMES. THE FIRST IS A LIMIT OF 15 MINUTES FOR IRRIGATION OF LANDSCAPING, AGAIN THIS IS NOT MEANT TO BE A GUIDELINE FOR HOW LONG A CUSTOMER SHOULD WATER, BUT IT SETS A MAXIMUM TO PREVENT OVERWATERING OR RUNOFF. THE SECOND IS TO REQUIRE HOTELS TO PROVIDE CUSTOMERS THE OPTION OF DECLINING DAILY LAUNDRY SERVICE FOR THEIR TOWELS AND SHEETS. WE WOULD LIKE TO WORK WITH THE HOTELS TO PROVIDE THEM CARDS TO THAT EFFECT. BUT WE ALSO RECOGNIZE THAT SOME HOTELS LIKE TO PRODUCE THEIR OWN CARDS. CURRENTLY, THE ORDINANCE CALLS FOR SHORTAGE LEVELS OF 10, 20, 30, AND 40%. AND TO GO ALONG WITH THE COUNTY WIDE MODEL ORDINANCE THAT WE HAVE BEEN WORKING WITH OTHER RETAILERS ON AND THE STATE DROUGHT WEBSITE, WE'RE LOOKING AT THREE-TIER SCENARIOS. ONE WOULD BE 15, 25, AND 40%. SO AT 25%, NEW MEASURES WILL TAKE EFFECT, SUCH AS NO CLEANING OF HARD SURFACES, NO FILLING OF PONDS, AND 40% NO FILLING OF POOLS OR SPAS AND NO WATERING WITH POTABLE WATER EXCEPT FOR SOME EXCEPTIONS SUCH AS NURSERY, GOVERNMENTAL COURSE GREENS, RECREATION, SCHOOL GROUNDS, AND THERE ARE SPECIAL NEEDS SUCH AS ENVIRONMENTAL MITIGATION AND FIRE PROTECTION. OUR THIRD RECOMMENDATION CALLS FOR WATER BUDGETS TO THE MUNICIPAL WATER SYSTEM. THE CUSTOMERS AFFECTED ARE IN THE EVERGREEN, COYOTE AND THE EDENVALE COMMUNITIES. AND THESE ARE THE COMMUNITIES THAT RECEIVE WATER FROM THE SANTA CLARA VALLEY WATER DISTRICT. AGAIN WE'RE LOOK AT PROVIDING MONTHLY ALLOCATION AND DAILY WATER USE, AND THAT'S TO BE USED FOR GUIDELINES FOR OUR CUSTOMERS. WE'RE NOT RECOMMENDING ANY PENALTIES OR EXCESS USE CHARGES THIS YEAR. WE'RE ALSO NOT RECOMMENDING ANY WATER BANKING PROVISIONS AND WE'RE ALSO RECOMMENDATION THAT THE PROGRAM DURATION SHALL BE FROM JUNE OF 2009 THROUGH MAY OF 2010. IF APPROVED THE PROGRAM WILL START IN JUNE, AS I MENTIONED BUT THE CUSTOMERS WILL START RECEIVING THE BILLS ON AUGUST 1ST OF 2009. AGAIN, THE 15% THAT THE WATER DISTRICT SET IS BASED ON 2004 AS A BASE YEAR. WHEN WE LOOK FOR OUR CUSTOMERS' CONSUMPTION, WE'RE NOTICING THAT OUR CUSTOMERS CONSERVE ABOUT 9.5%. WE'RE ASKING FOR ABOUT 9% REDUCTION AND 10% REDUCTION FOR IRRIGATION ACCOUNTS. WE RECOGNIZE THAT SOME CUSTOMERS ARE NEW TO THE AREA AND DON'T HAVE ANY HISTORY SO WE'RE SETTING DEFAULT AMOUNT AND WE ARE SETTING A FLOOR, MINIMUM AMOUNT FOR THOSE CUSTOMERS WHO HAVE CONSERVED, AND THE AMOUNT THAT WE'RE CALLING, WE'RE ASKING TO SETTLE FOR OUR CUSTOMERS THAT HAVE BEEN LOYAL USERS IS BETWEEN 7 TO 14 UNITS PER MONTH WHICH IS EQUIVALENT TO TO ABOUT 175 TO 350 GALLONS PER DAY. AND THE REASON IT VARIES FROM 7 TO 14, 7 WILL BE DURING THE WINTER MONTHS AND 14 WILL BE JULY AND AUGUST AND HOT MONTHS.

>> JOHN STUFFLEBEAN: THE IDEA OF THE FLOOR IS FOR THOSE CUSTOMERS WHO ARE ALREADY CONSERVING, WE ARE NOT GOING TO ACKNOWLEDGE THEM TO CONSERVE MORE. WE ARE ACKNOWLEDGING THAT THEY ARE CONSERVING AND FEEL THEY DON'T NEED TO GO BELOW THOSE LEVELS.

>> MANSOUR NASSER: THE WATER DISTRICT CUSTOMERS WILL BE NOTIFIED THROUGH THE WATER BUDGET LETTER, WITH A FLIER EXPLAINING THE SITUATION AND WHY WE NEED TO CONSERVE. SECOND, WE WILL SUPPORT THE DISTRICT IN THEIR \$2 MILLION MULTIMEDIA AND

MULTILINGUAL CAMPAIGN THAT'S GOING TO BE BLANKETING THE ENTIRE REGION. THIRD, WE'LL TARGET OUTREACH TO CUSTOMERS WHO CLEARLY EXCEED THEIR WATER BUDGETS AND WE'RE STARTING AN EFFORT TO IDENTIFY THE TOP OF RESIDENTIAL AND NONRESIDENTIAL USERS IN THE MUNICIPAL WATER SYSTEM AREA TO WORK WITH THEM ON HOW THEY CAN CONSERVE WATER. AND WE WILL CONTINUE PRESENTATIONS TO COMMUNITY GROUPS INCLUDING THE FARMERS MARKET AND OTHER COMMUNITY OUTREACH OPPORTUNITIES. SO THIS IS IN ADDITION TO THE CURRENT OUTREACH AND YOUTH EDUCATION PROGRAMS ALREADY PLANNED FOR LONG TERM WATER CONSERVATION. SO IN SUMMARY, THESE ARE THE RECOMMENDED ACTIONS, WE ARE ASKING FOR YOUR CONSIDERATION. AND THAT CONCLUDES MY PRESENTATION. READY TO ANSWER SOME QUESTIONS.

>> COUNCILMEMBER LICCARDO: THANK YOU VERY MUCH. ROSE.

>> COUNCILMEMBER HERRERA: WELL, THANK YOU, AND I THINK IT'S -- I WAS AT THE -- OBVIOUSLY AT THAT TIME STUDY SESSION. AND I THINK WE'RE FACING A VERY CRITICAL TIME BUT NOT JUST NOW BUT IN THE FUTURE WITH HOW WE DEAL WITH WATER THAT'S VERY IMPORTANT. IN TERMS OF THE EVERGREEN AND OTHER AREA CUSTOMERS THAT ARE SANTA CLARA VALLEY WATER DISTRICT, DO YOU HAVE COMMUNITY MEETINGS PART OF THIS OUTREACH OR IS IT GOING TO BE FLIERS ONLY, WILL THERE BE MEETINGS OR --

>> MANSOUR NASSER: CURRENTLY FLIERS AND OUTREACH MATERIAL ON THE WEBSITE. AND AGAIN, WORKING WITH THE WATER DISTRICT ON THE MEDIA CAMPAIGN. BUT WE HAVE NOT SCHEDULED ANY COMMUNITY MEETINGS.

>> COUNCILMEMBER HERRERA: IF SOMEONE RECEIVES A BUDGET AND THEY FEEL THAT IT'S UNFAIR, HOW WILL THEY BE ABLE TO PROTEST THAT?

>> WHEN WE SEND THE BUDGETS, WE'RE ALSO SENDING WHAT WE CALL AN APPEAL FORM. AND THEY CAN PROVIDE US INFORMATION AND EVERYTHING. IF THEY FEEL THAT THEY NEED THAT ALLOCATION OR BUDGET INCREASE AND WHAT REASON ARE THEY REQUESTING THE INCREASE IN THEIR BUDGET, AND WHEN WE DID THAT BACK BETWEEN '87 AND '92, WE HAD THE SAME FORMAT WHERE CUSTOMERS WERE ALLOWED TO APPEAL THE PROCESS AND WE ARE WORKING WITH THE I.T. DEPARTMENT AND THE CALL CENTER TO MAKE ADJUSTMENTS WHEN THEY COME IN.

>> COUNCILMEMBER HERRERA: AND BACK THEN, IF YOU CAN RECALL, WHAT PERCENTAGE OR HOW -- WHAT KINDS OF A RATE OF APPEAL DID YOU HAVE BACK THEN?

>> AGAIN, BACK THEN, WE HAD A PENALTY, EVERY TIME A CUSTOMER EXCEEDED THEIR ALLOCATION . FOR EVERY UNIT THEY EXCEEDED, THERE WAS \$2 A UNIT. AND IF MEMORY SERVES ME, WE HAD 15,000 CUSTOMERS, CURRENTLY WE HAD ABOUT 27,000 COMMERCE. AGAIN UNDER THIS PROGRAM, THE ALLOCATION AND THE BUDGET WE ARE SENDING TO THE CUSTOMERS IS MORE OF A GUIDELINE TO HELP THEM IN THE CONSERVATION EFFORTS AND THERE'S NO COMPETENCE USE RELATED TO THIS.

>> COUNCILMEMBER HERRERA: IF I'M USE UNDERSTANDING THIS CORRECTLY, THE FOLLOWING YEARS -- IF.

>> JOHN STUFFLEBEAN: THE NEXT STEP IN THE PROGRAM WOULD BE TO FOLLOW UP WITH FINES. YES. WHAT WE HAVE IS IS TIERED WATER SYSTEM. YOU PAY MORE FOR THE EXCESS WATER THAN YOU DO FOR THE FIRST TIER. THE WAY TO GO THAT IS TO STEEPEN THAT AND PAY MORE FOR THE EXCESS WATER.

>> COUNCILMEMBER HERRERA: WHO HANDLES THE APPEAL PROCESS THEN, IS THAT THE WATER DISTRICT WHO IS HANDLING THE APPEAL?

>> JOHN STUFFLEBEAN: WE WOULD DO THAT. FOR THE MUNI WATER IT WOULD BE THE CITY.

>> COUNCILMEMBER HERRERA: I THINK WE NEED TO MOVE IN THIS DIRECTION. I THINK IT'S VERY CRITICAL THAT WE REALLY GET A HANDLE ON CONSERVING WATER, FOR NOT ONLY NOW BUT FOR THE FUTURE.

>> COUNCILMEMBER LICCARDO: THANKS, ROSE.

>> COUNCILMEMBER CAMPOS: THANK YOU. JUST A FOLLOW-UP QUESTION ON YOUR OUTREACH. WHAT LANGUAGES WILL YOU BE PROVIDING THAT MATERIAL IN?

>> MANSOUR NASSER: WE'LL BE PROVIDING IT IN ENGLISH, SPANISH AND VIETNAMESE.

>> COUNCILMEMBER CAMPOS: AND WILL THERE BE A NUMBER IF PEOPLE HAVE QUESTIONS THAT THEY CAN CALL AND THAT LANGUAGE WILL BE PROVIDED FOR THEM OR THEY CAN LEAVE A MESSAGE, SO SOMEBODY CAN GET BACK TO THEM, IF THEY WANT TO TALK TO A LIVE PERSON?

>> MANSOUR NASSER: WE USE A SERVICE FOR MULTILINGUAL PERSON. IF THAT PERSON CAN'T HELP THE CALLER, WE CALL AT&T FOR TRANSLATION SERVICES.

>> COUNCILMEMBER CAMPOS: I AGREE, WE NEED THIS, YOU ARE GIVING US THIS ISSUE, AND THE MATTER IS VERY CRUCIAL FOR THE RESIDENTS OF SAN JOSÉ AND SANTA CLARA SANTO TO START MOVING IN THIS DIRECTION. IT WOULD BE INTERESTING WHEN YOU COME BACK TO COUNCIL IN 2010, TO UNDERSTAND WHAT THE PROGRESS IS AND HOW WE ARE ABLE TO COMMUNICATE AND ASSESS THAT. I'M WONDERING IF SCHOOL DISTRICTS, WE HAVE 19 SCHOOL DISTRICTS, WHAT THEY WILL BE DOING. I KNOW THE WATER DISTRICT IS GOING TO BE WORKING WITH SOME OF THOSE SCHOOL DISTRICTS TO FIGURE OUT HOW WE'RE EDUCATING OUR YOUNG PEOPLE. IT REALLY SEEMS LIKE A CULTURE WE NEED TO CHANGE. TO REALLY VALUE WATER IN A DIFFERENT WAY. SO I WOULD BE INTERESTED TO SEE WHAT THEIR EFFORTS ARE LIKE, AT THE SAME TIME THAT YOU BRING THIS BACK SO THAT WE GET THAT REPORT AT THE SAME TIME. THANK YOU.

>> COUNCILMEMBER LICCARDO: OKAY, THANK YOU. I AGREE, THIS IS A GREAT DIRECTION. MY QUESTION REALLY RELATES TO THE OTHER WATER RETAILERS THAT ARE OUT THERE THAT ARE NOT SAN JOSÉ MUNI. HAVE WE BEEN COORDINATING WITH THEM SO THAT WE'RE GIVING A SIMILAR MESSAGE THROUGHOUT THE VALLEY TO FOLKS, ABOUT WHERE THE FLOOR MIGHT BE, ET CETERA, ET CETERA, OR SEE WATER WORKING ON DIFFERENT NUMBERS.

>> JOHN STUFFLEBEAN: A NUMBER OF LEVELS WE DO COORDINATE. AS MANSOUR MENTIONED, WE ARE ACTIVE PARTICIPANTS IN THAT DEVELOPMENT PROCESS AND THE CHANGE WE ARE SUGGESTING ARE WITHIN THE MODEL ORDINANCE THAT ALL THE RETAILERS IN THE COMMUNITY ARE ASKED TO ADOPT. WE'RE MEETING WITH SAN JOSÉ WATER COMPANY, OBVIOUSLY OUR BIGGEST RETAILER, TO MAKE SURE THAT WE'RE DETERMINED, TO ALL EXTENT POSSIBLE, TO WHATEVER MEASURES THEY TAKE, WE TAKE AT THE SAME TIME. WE JUST DISCOVERED THIS LAST WEEK SO WE'RE LOOKING AT POSSIBILITIES WITH HOW WE COORDINATE THAT SO WE DO WORK WITH THEM ON A REGULAR BASIS AS WELL.

>> COUNCILMEMBER LICCARDO: THAT'S REASSURING. THE SAN JOSÉ WATER COMPANY CUSTOMERS WILL BE GETTING FLIERS THE SAME AS MUNI CUSTOMERS?

>> JOHN STUFFLEBEAN: AT THIS POINT WE DON'T KNOW IF THEY'RE BUDGETING BUT THEY'RE GETTING INFORMATION ABOUT CONSERVATION.

>> COUNCILMEMBER LICCARDO: WE ARE WORKING ON BUDGETS IF WE HAVE TO IMPOSE FINES SYSTEM WIDE, IS THAT IT?

>> JOHN STUFFLEBEAN: YOU WANT TO ADDRESS THAT?

>> WE WILL ENFORCE THE WATER CONSERVATION MEASURES CITYWIDE, THE WATERING RESTRICTIONS, AND THE POOL FILLING RESTRICTION AND THINGS LIKE THAT. BUT WE DON'T ENFORCE WATER BUDGETS IN SAN JOSÉ WATER SYSTEM SERVICE AREA.

>> COUNCILMEMBER LICCARDO: ARE WE PRECLUDED FROM DOING THAT OUTSIDE OF SAN JOSÉ MUNI?

>> YES, THEY'RE REGULATED BY THE PUBLIC UTILITIES COMMISSION ON THE PROVISION OF WATER SERVICE.

>> COUNCILMEMBER LICCARDO: WE CAN ONLY REGULATE CONDUCT ACCOUNT NOT NUMBERS?

>> RIGHT.

>> COUNCILMEMBER LICCARDO: I SEE. THAT'S HELPFUL. I APPRECIATE THE FACT YOU ARE COORDINATING AS MUCH AS YOU ARE. IN AN IDEAL WORLD IT WOULD BE NICE IF ALL THE CUSTOMERS THROUGHOUT THE VALLEY OR AT LEAST THROUGHOUT SAN JOSÉ ARE GETTING THE SAME INFORMATION ABOUT THE NEED BUDGET AND WHAT THE BUDGETS OUGHT TO LOOK LIKE, JUST BECAUSE I KNOW THAT PEOPLE WHO ARE LIVING IN THIS RESIDENCE DISTRICT MAY BE WORKING SOMEWHERE ELSE ARE GETTING A DIFFERENT MESSAGE. I IMAGINE IT GETS CONFUSING. THANK YOU. ROSE.

>> COUNCILMEMBER HERRERA: I REMEMBERED MY OTHER QUESTIONS. I SEE THE PROVISION FOR PEOPLE HAVING TO REPAIR ELABORATION IN SO MANY DAYS. I'M CONCERNED WITH PEOPLE IN THE COMMUNITY WHO MIGHT BE STRUGGLING WITH OTHER ECONOMIC SITUATIONS AND MAYBE JUST AREN'T AWARE THAT THEY HAVE A LEAK. IS THERE ANYTHING WE CAN DO? A LOT OF FOLKS MIGHT BE ABLE TO GO THROUGH DROUGHT RESISTANT LANDSCAPING. TO BE ABLE TO EFFICIENTLY USE WATER IF WE CAN GET PEOPLE TO MOVE TO DIFFERENT KINDS EVER LANDSCAPING, TOO, WOULD HELP OUT ON THAT. BOTH OF THOSE ISSUES.

>> MANSOUR NASSER: COUNCILMEMBER, FOR THE FIRST QUESTION, WE READ METERS ON A BIMONTHLY BASIS. AND NOW, IF WE SEE THAT SOMEONE'S WATER USAGE IS OUT OF LINE, FROM HISTORICAL, WE KIND OF SPECULATE, THAT THEY MIGHT HAVE A LEAK. SO WE SEND A TECHNICIAN OUT TO DETECT FOR LEAKS. WE CHECK WITH THE CUSTOMER EVEN BEFORE A DROUGHT. THAT'S AN ONGOING PROGRAM. IF THEIR BILL IS OUT OF RANGE WE SUSPECT THEY MIGHT HAVE A LEAK SO WE WORK WITH THEM. IF THE LEAK IS ONSITE THEY STILL HAVE TO HIRE A PLUMBER TO FIX THE LEAK, WE DON'T FIX IT ONSITE BUT WE HELP THEM DETECT A LEAK. OTHER QUESTION REGARDING WATER EFFICIENT LANDSCAPING, THE WATER DISTRICT, WE WORK WITH THE WATER DISTRICT AND I KNOW THEY HAVE A PROGRAM NOW, A REBATE PROGRAM WHERE THEY PROVIDE UP TO, I BELIEVE, 75 CENTS A SQUARE FOOT UP TO A THOUSAND BUCKS IF PEOPLE WANT TO CHANGE YOUR TURF. AND WE ALSO HAVE ON OUR WEBSITE AND THE DISTRICT WEBSITE, EXAMPLES OF DROUGHT-TOLERANT PLANTS THAT CUSTOMERS CAN PLANT.

>> COUNCILMEMBER HERRERA: SO WE MAY WANT TO SEND OUT SOME OF THESE THINGS IN ADDITION TO OUR OUTREACH ABOUT THE BUDGET, IT MIGHT BE A GOOD IDEA TO SEND OUT, I KNOW IN MY DISTRICT THAT WOULD BE INTERESTING FOR THEM TO KNOW, TO HEAR HOW THEY CAN BENEFIT FROM CHANGING TO DROUGHT RESISTANT LANDSCAPING. I WAS UNAWARE OF THE LEAK PROGRAM. DOES THIS COVER THE ENTIRE AREA AROUND THE HOME OR JUST INSIDE THE HOME IN TERMS OF LOOKING FOR ELABORATION?

>> MANSOUR NASSER: THE WAY WE CHECK FOR ELABORATION IS AT THE METER. WE ASK THE CUSTOMER TO SHUT THEIR FIXTURES AND THE METER ITSELF HAS A LEAK DETECTION. IF IT'S SPINNING WE KNOW THEY HAVE A LEAK. THAT'S HOW WE HELP THEM DETERMINE IF THEY HAVE A LEAK OR NOT.

>> COUNCILMEMBER HERRERA: AND AFTER THAT THEY HAVE TO HIRE A PLUMBER?

>> MANSOUR NASSER: AFTER THAT THEY HAVE TO HIRE A PLUMBER.

>> COUNCILMEMBER LICCARDO: THANK YOU, MANSOUR. ON THE DROUGHT RESISTANT PLANS, THE WATER DISTRICT DOES HAVE A CD THAT'S FREE. I'VE GOT TO FIGURE OUT WHAT TO PLANT. I'VE GOT A PATCH OF FIVE BY FIVE FEET LAWN. I'VE GOT A LOT OF HECKLING FROM THE NEIGHBORS, AND I FEEL LIKE CHARLETON HESTON HANGING ON TO MY LAST GUN. THANK YOU.

>> COUNCILMEMBER HERRERA: ALL THIS KINDS OF NEGATIVE STUFF, 15% DROUGHT, IF WE CAN SAY WE'LL HELP YOU ON THIS END, I'D BE HAPPY TO HAVE MY OFFICE COORDINATE TO SEND THINGS OUT TO OUR COMMUNITY SO THEY CAN HEAR SOME THINGS THEY CAN DO TO SAVE MONEY AND GET SOME HELP.

>> COUNCILMEMBER LICCARDO: WELL, THANK YOU VERY MUCH. NOW I ASSUME YOU NEED A MOTION, IS THAT RIGHT? OKAY.

>> COUNCILMEMBER HERRERA: MOTION TO APPROVE.

>> COUNCILMEMBER CAMPOS: SECOND.

>> ED SHIKADA: JUST FOR CLARIFICATION, THIS WOULD BE A RECOMMENDATION TO THE FULL COUNCIL AND CROSS-REFERENCE.

>> COUNCILMEMBER HERRERA: MOTION TO RECOMMEND.

>> COUNCILMEMBER LICCARDO: PART OF THE MOTION. ALL IN FAVOR, THAT PASSES UNANIMOUSLY. I JUST REALIZE I DID NOT ASK FOR PUBLIC COMMENT. MY APOLOGIZE. PERHAPS WE COULD ASK IF YOU WOULD BE WILLING TO COMING FORWARD AND WE COULD RE-CAST OUR VOTE.

>> I'M JUDY PURRINGTON, I'M A MEMBER OF THE COMMUNITY. I APPRECIATE THE DISCUSSION AND OUTREACH ON THIS ISSUE BECAUSE IT'S SO VERY IMPORTANT. WHEN WE START LOOK AT ENFORCEMENT AND FINES AND THINGS LIKE THAT IT SEEMS LIKE PEOPLE'S EYES LIGHT

UP BECAUSE THEY'RE LOOK AT MORE MONEY TO SOLVE THE PROBLEMS. BUT AS YOU TALK ABOUT THE LAST ISSUE, WHEN YOU NO LONGER NEED TO ASSESS THE FINES YOU KNOW YOU ARE SUCCESSFUL ON A PROGRAM. YOU NEED TO LOOK AT ALL THOSE THINGS AND OVER TIME YOU'VE SEEN THE BEHAVIOR OF PEOPLE IN THE WATER. UNFORTUNATELY IT DOESN'T GET KEPT UP WHEN WE HAVE PLENTY OF WATER. THE ONLY OTHER THING WOULD I WANT TO CAUTION ABOUT, TAKE A LOOK AT YOU'RE COMMUNITY GARDENS. THE CITY HAS MANY COMMUNITY GARDENS AND THERE ARE OTHERS THAT ARE NOT CITY ONES. YOU TALK ABOUT WATERING NOT IN DAYLIGHT HOURS. PEOPLE ARE NOT ALLOWED TO GO INTO THE COMMUNITY GARDENS EXCEPT IN THE DAYLIGHT HOURS. WOULD YOU NEED TO FIND A WAY TO MITIGATE THAT. FIND A WAY THAT OUR COMMUNITY GARDENERS WHO JUST PLANTED OUR GARDENS ARE GOING TO MAKE THEIR WAY THROUGH THE SUMMER. OUR COMMUNITY GARDENS IN SAN JOSÉ ARE JUST IN OUR SECOND YEAR OF GARDENING. WE JUST HAVE 40 GARDEN PLOTS. WE'RE ENTHUSIASTIC GROUP, ONE OF THE THINGS WE TALKED ABOUT THIS WEEKEND IS, CONSERVATION. POINTING OUT WE NOTICED LAST YEAR THAT THE FOLKS HAD THE TEND TO WATER AND WATER AND WATER EVERY DAY HAD LONG AND SPINDLY PLANTS, AND DIDN'T GROW VEGETABLES AND FRUIT, AND THOSE WHO WATERED CONSERVATIVELY, HAD AN OPPORTUNITY TO HAVE LOVELY THINGS COME OUT OF THEIR GARDENS. TO USE LESS WATER, FINDS WAYS, GO ON THE LIBRARY AND LOOK ON THE INTERNET AND TRY TO FIND SOME WAYS. BUT IF THE CITY AND THE WATER COMPANIES CAN BE ENCOURAGING, AND CAN HELP PEOPLE FIND WAYS TO DO WHERE LESS WATER, IT WOULD BE HELPFUL.

>> JOHN STUFFLEBEAN: JUST FOR CLARIFICATION, YOU CAN WATER OUTSIDE WITH A HOSE, THAT WOULDN'T BE PROHIBITED.

>> COUNCILMEMBER LICCARDO: OUR COMMUNITY GARDENERS ARE SAFE, EXCELLENT.

>> COUNCILMEMBER CAMPOS: YOU TALKED ABOUT NOT WATERING DURING DAYLIGHT. MAYBE YOU CAN EXPLORE FROM THE CITY'S PERSPECTIVE HOW WE MAKE OUR FACILITIES AVAILABLE, BECAUSE A LOT OF THEM ARE GATED OFF. MAYBE AT AN EVENING HOUR OR EARLY MORNING HOUR, SO THAT THEY CAN WATER SO THAT WE'RE CONSISTENT, EVEN THE CITY IS CONSISTENT WITH WHAT WE'RE ASKING OUR RESIDENTS TO DO. SO -- AND BRING THAT BACK AND IF IT'S FEASIBLE, GREAT. IF IT'S NOT, THEN GREAT -- GOOD FOR US TO UNDERSTAND TOO.

>> COUNCILMEMBER LICCARDO: BUT RIGHT NOW EVERYONE CAN STILL WATER IN THE DAYTIME WITH A HOSE, RIGHT?

>> JOHN STUFFLEBEAN: WITH A HOSE.

>> COUNCILMEMBER LICCARDO: ANY DESIRE TO RECONSIDER THE VOTE AFTER PUBLIC COMMENT? OKAY, THEN WE'LL GO FORWARD. I THINK THAT'S THE LAST ITEM, IS THAT RIGHT?

>> ED SHIKADA: IT IS.

>> COUNCILMEMBER LICCARDO: ANY PUBLIC COMMENT GENERALLY? I SEE NO ONE JUMPING FOR THE MIC SO WITH THAT WE'LL ADJOURN. THANK YOU ALL.