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>> Mayor Reed: (gavel strike) Good afternoon I'd like to call the San José city council meeting to order for August 21st, 2012. We'll start the meeting with an invocation. Vice Mayor Nguyen Will introduce the invocator.

>> Vice Mayor Nguyen: Thank you, mayor. Good morning. It is my pleasure to welcome the venerable Son Yit Satana, the venerable, the venerable Kann Sophannrith, and the venerable Pok Ngeth from the Cambodian Buddhist Society and the United Kamir Krum Buddhist Temples here with us today. Together they represent the enriched Cambodian population here in San José. I have had the opportunity of visiting and taking part in numerous event at these temples and had a chance to embrace their beautiful culture. These temples also play an essential role in the Cambodian community. Beside conducting ceremonial activities and traditional events, these temples also serve as community centers for people to come together and participate in programs such as classical dance, Cambodian literacy and religious counseling. Please extend a welcome to these venerables. Thank you. [Chanting]

>> Mayor Reed: Thank you very much. We appreciate the invocation. Please stand for the pledge of allegiance. [pledge of allegiance]

>> Mayor Reed: First item of business are the orders of the day. I have one request for a change from the printed agenda. Item 4.1, the outdoor special events ordinance Councilmember Liccardo would like to defer to September 11th meeting. Any other changes from the printed agenda? Motion is to approve orders of the day. On the motion, all in favor? Opposed? None opposed, that's approved. Adjournment. This meeting will be adjourned in memory of Marybel and Pedro Jimenez, proud and loving parents who passed away on Monday, July 23rd, 2012. Councilmember Liccardo has comments.

>> Councilmember Liccardo: Thank you, mayor. We wanted to remember today Pedro and Marybel Jimenez two parents who were living in our downtown. I'm honored to see Olga Jimenez Marybel's mother, their three beautiful children, Alexa and, San José native. She graduated from independence high school. She worked in various jobs at valley medical center, and for ADM janitorial. She's one of five children, the youngest of five. She was a very active volunteer in her children's school, rocketship, on Los Suenos, she would make her kids

homemade lunches ever day, was a parent volunteer, was a chaperon on many field trips and always helped in the classroom, and a wonderful support, obviously, for her children but for many other children, as well. Pedro Jimenez was a native of Najarin, Mexico, he graduated from Yerba Buena and worked in construction and enjoyed playing in a norteno band called Los Matadores Del Norte. He is one of four brothers, and we wanted to remember them, and certainly give our prayers and strong support to the children as they continue to grow and learn here in San José. We know they've got a very strong family around them. [Spanish] thank you.

>> Mayor Reed: Thank you, Councilmember Liccardo. Closed session report, City Attorney.

>> City Attorney Doyle: Mayor, there is no closed session report.

>> Mayor Reed: We'll turn to the ceremonial items, I'd like to invite Councilmember Herrera and Nathan Ganeshan to join me at the podium. Outstanding free notary services to senior citizens. Councilmember Herrera has some of the details.

>> Thank you, Mayor Reed. I'm really honored today to welcome Nathan Ganeshan and his wife Lacshme, otherwise known as Nathan Notary to city hall today. On June 5, 2012, at the annual Notary conference in San Diego organized by the national notary association, Nathan Ganeshan was recognized and honored as 2012 notary of the year, special honoree. Nathan is only one among the top five notaries in the U.S. to receive this honor. Nathan operates a mobile notary business in San José offering low-cost drive-to-you services. He brings the services to the community. Nathan believes strongly in social responsibility and makes a concentrated effort to provide notary services to those who might not be able to afford it. He's a district 8 resident whom we are very proud of O&M senior citizens age 50 and above at two local locations, the Evergreen branch library and the Santa Clara senior center. His clients have described him as fair, sincere, dedicated and detail oriented. His mobile services have proved valuable to disabled clients, families with new babies and elderly patients in hospitals. With that said, we want to recognize Nathan Ganeshan. We're proud of you and the qualities of professionalism and community-serving that you embody and I would like Mayor Reed to present Nathan with a commendation on behalf of the city.

>> Thank you, Mayor Reed, thank you, Councilmember Herrera. I'm really honored, to receive this commendation from none other than my own community leader and councilmember, Herrera. Thank you very much for recognizing my service to the community and thank you all, thank you and your entire staff for all you do in the community. Thank you so much!

>> Mayor Reed: Now, Councilmember Pyle will join me and we're going to invite the all stars from the San José earthquakes, being made the 2012 major league soccer all star squad.

>> Councilmember Pyle: Good afternoon. I just wanted to tell that you we were going to do this last week, but as busy teams usually have there's some kind of problem somewhere. And you had quite a few. You had death in the families in one part and several -- two were ill. So we rescheduled for this week, and wouldn't you know, there's a traffic problem? And they couldn't all get here on time. But you and your name is --

>> Frank.

>> Councilmember Pyle: Frank is going to pick up all the commendations and he's going to be sure they get to the correct people. Those that we would be honoring would be Justin Morrow, Steve Beitashour, Chris Wondolowski, Ramiro Corrales. Justin, Steve, Chris and Ramiro were named to the 2012 major league soccer all star quad, San José's four selections are the most from any team in the MLS. The MLS all-star team took on European club team champion Chelsea of the English Premier League on July 25th in Philadelphia, defeating Chelsea 3 to 2. We are so pleased to honor them, even though they are not here right now, so we can honor them for their contributions and their continued commitment and enthusiasm for serving our community through excellence both on and off the soccer pitch. So with that we have the commendations right here and would you like to say a few words?

>> Next year we'll get five absolutely. We want to thank everybody for the commendations. The earthquakes are obviously, the Bay Area soccer team! And we're a community based organization so I know I speak on behalf of

the players in saying that they are overly proud not just representing the Bay Area in the all star game but in representing everyone who goes out to our games. And obvious San José is a big part of that going forward. We've got our new stadium proposing and thanks again. We're happy to be here. Sorry the guys couldn't be here to accept the awards in person but thanks again and we'll see you guys around!

>> Mayor Reed: Have a good season.

>> Thank you very much.

>> Mayor Reed: The next item is the consent calendar. I have a request to speak on the consent calendar. Mr. Wall.

>> Good afternoon 2.3, reports of committees. T&E the other day the storm drain annual report was there. I entreat you all to go and look at your storm drains and see if you're happy with them and then report to his honor, Councilmember Liccardo. As far as 2.7, now here is a mystery. On 2.7, during fiscal year 2010-2011, and 2011-2012, five of the worker compensation adjustor 2 positions were eliminated. Now, five of the 14 positions were eliminated. Now, we have a saying, here at the City Manager's office, budget strategy guiding principle number 2, we must focus on protecting our vital core services. So we eliminate five positions. Then we come back with a total proposition for outside temporary workers for \$5,096,619 total. So we have to ask ourselves a question: Is this a question of like water pollution control revisited where we lay people off or we don't staff properly? In this case we lay them off and then we bring them back at exorbitant rates where we should have kept city employees in the first place. So it's awfully hard I would think for anybody out of the office of the City Manager to have anything but a straight face at this time period because we're spending a lot of money for temporary employees that city employees could have done the job. And I think we should watch this when we lay off city employees. What we should do is lay off people that make poor decisions. Thank you.

>> Mayor Reed: Roland LeBrun.

>> Good afternoon, thank you for the opportunity. I'd like to speak on item 2.10, which is the highway 85 to Cottle Road interchange. We've had a string of events in the last year or so whereby the community was not consulted on the developments around the transit village. On the one hand, we have had Hunter Storm which has been absolutely outstanding, reaching out to the community and really getting them to buy in. What we're seeing in this development here with the interchange we are basically going to be moving the problem from one side of Cottle Road to the other one. And the time has come to sit down with the community, understand we use no ground cut early in the morning, both for highway 85 and for 101. And what I really like to see happening is we having -- Councilmember Kalra just walked in -- we are having our district 2 community meeting on May 29, Hunter Storm will be presenting again. I would really like to have people from both San José D.O.T. and CalTrain to be present. Explain to us what they're doing. I know what they're doing, what they are doing. The bottom line is, this is lazy engineering. There are other solutions. Please let's sit down, let's talk about it, thank you.

>> Mayor Reed: That concludes the public testimony on the consent calendar. Are there any other items the councilmembers would like to pull for discussion? None? Is there a motion? Motion to approve the consent calendar. All in favor, opposed, none opposed, calendar's report. Next item is the report of the City Manager.

>> Debra Figone: Thank you, Mr. Mayor, members of the city council. Few announcements. All Nippon airways, from their start from San José to Tokyo. January 11th, 2013 with five flights per week from San José to Japan. This is outstanding and exciting news for our airport and our region and as Bill Sherry said this will be a game-changer for us. ANA's decision as a result of hard work of many people who I would like to thank right now, the strong leadership of the Mayor Reed and the city council the support from our business community and our Silicon Valley CEOs and of course the long term persistence and patience of Bill Sherry and his staff at the airport, along with our staff at OED. As we have been reminded on many occasions, when ANA announced, the real work will begin with our business community to help ensure that the new Tokyo flight becomes a success and that we will build on this foundation to get more air service that San José and Silicon Valley deserve. So congratulations to you all. Next, I'd like to report on the response to recent gang violence. And so this is to update the council on the City's response. And essentially, the mayor's gang prevention task force under circumstances such as we experienced as recently as last night in the Pelko way neighborhood is activated and its community

response protocol is initiated within hours of each incident with the specialized team consisting of the San José police department, staff from our Parks, Recreation, and Neighborhood Services department, and highly trained gang intervention workers. In protocol aims at restoring peace in the community and assisting family members relatives witnesses of violent incidents. This team immediately engages our partners in the impacted neighborhoods including school administrators, neighborhood leaders, community centers, local churches and community-based organizations. And most importantly, this team is making direct contact with gang-impacted youth in an effort to minimize potential retaliation and further escalation of violence. So staff will continue to assess the circumstances of these incidents and will take appropriate action to reduce violence, restore peace, and protect our youth and families in the affected neighborhoods. This is a very intense effort during a critical time and it will require the ongoing efforts and partnership of all involved. And then finally just a very quick congratulations to Gloria Shemanec of my office. You did receive an info memo. Gloria is now the new council liaison. She has been promoted into that position. She will handle all functions associated with that role. I would like just to acknowledge Gloria. She is very experienced in our organization. She's been with the city since 1992 in a variety of capacities, and I really appreciate her stepping up. Thank you, Gloria. That concludes my report.

>> Mayor Reed: Thank you. Our next item is 3.3. Ross, this is not a discussion item, so we don't take public testimony. If you have comments on it, you can do it under open forum. Open forum, that's the time to do that. Item 3.3 is revisions to council policy 1-17, donation, sponsorship and fundraising policy. I don't think there's any additional staff presentation, there isn't. This policy has been worked through a couple of committee meetings. Councilmember Rocha.

>> Councilmember Rocha: Thank you, mayor. Just had a question in terms of the process. Did this come out of the priority setting session or was this an add through Rules directly?

>> City Attorney Doyle: I know it came through Rules, yeah, so it didn't, through the priority-setting session. It was an item that came out of a discussion involving the matrix casino and individuals associated with the police foundation and the casino, as well. So as a result, the City Manager went back, and came back with a more formalized policy and that's the genesis of this proposal.

>> Councilmember Rocha: I want to mention a reference to Councilmember Constant and a referral there. Was -
- I guess was there some urgency that this didn't go through the priority-setting or --

>> Debra Figone: What I can say, staff was actually working on this policy --

>> Councilmember Rocha: At the time anyway?

>> Debra Figone: At the time anyhow. It involved matrix and the police foundation and we were on the path of
doing this anyhow.

>> Councilmember Rocha: Move for approval.

>> Mayor Reed: Motion to accept the policy. All in favor, opposed, none opposed, the item is approved. 4.2,
action related to special event permit fees at Park de los Pobladores. I don't think there's a staff presentation. This
is a relatively modest set of changes. I just wanted to thank the staff for doing some more streamlining, making it
easier for people to activate places. Hopefully we can do streamlining in other areas of the city, as
well. Councilmember Campos. Okay, so I'm having little funny things with the requests to speak. So if anybody
wants to speak. Councilmember Liccardo.

>> Councilmember Liccardo: It may have been my goof, I'll try to fix that.

>> Mayor Reed: I didn't see you come down here and push the button.

>> Councilmember Liccardo: I did that to Kansen last time. So I'll straighten it out. In any event, I was hoping I
could ask a question about the policy itself, because I just got a late question from folks who are involved in doing
some programming downtown, and they asked about the restriction on the permit series, or the series permit
rather. Specifically and I'm sorry to throw this at you at the last minute. But the concern was that it's too restrictive

if you require that series permit events occur on the same day every week or at the same time every day. So for instance, if you look at starlight cinemas, for instance, that happens on Thursdays on some weeks and Fridays on other weeks. And couldn't we loosen that restriction so that we could have a series, even if it isn't precisely the same time or the same day?

>> Tammy Turnipseed, office of cultural affairs events director. So thank you for the question. And yes, we could, this was a series permit fee established with the paseos, several years ago. That was a model we used and it seems to work in some circumstances. But we could certainly look at alternating days instead of every Thursday or a certain number of times. But what we'll look at is the community outreach that has to happen with that. So that's why it's kind of easier for us to stay with some consistency of the expectations. But we could certainly look at that.

>> Councilmember Liccardo: Okay, I guess what I'd like to do is this: I understand this -- the description I'm really focused on is paragraph 3 on page 3 and I know this is a very small matter in the context of the larger effort which I very much appreciate and I appreciate all your hard work on this Tammy. What I'd like to do is make a motion to approve with a modification of that paragraph 3 under description under series permit to allow flexibility for series permits that occur at less than regular dates and times. And others wise approve the rest of the recommendation.

>> Councilmember Herrera: Second.

>> Mayor Reed: Motion to approve the matter. Vice Mayor Nguyen.

>> Vice Mayor Nguyen: Thank you, mayor. One of the concerns that derived from the business owners was just getting them the construction schedule update. I was just wondering if staff can talk to -- how can we convey the updates to the business owners. Is it through e-mails, or are you still having Friday meetings with the business owners to give them the construction schedule update?

>> Kim Walesh: Yes, to Department of Public Works is managing the construction project which is on track to be completed by mid September in time for the ZeroOne biennial, which will be activation of the park. So there has been a lot of communication both from Public Works and the Downtown Association and 1stAct with the group we convened several months ago to get consensus on the park.

>> Vice Mayor Nguyen: Thank you, Kim.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: I was curious with the \$60, how far does that actually go? In other words what is a normal cost for the simpler assemblies and then of course that's going to be commensurate for the larger ones. But I was just curious.

>> Kim Walesh: Right. First of all, I think it's important to note that the cultural affairs special events staff is fully funded by T.O.T. So it's not a General Funded function of the city. We estimate the \$60 will be about 26% of the full cost recovery. That being said, the whole point of this is to minimize bureaucracy, activate the park. So we're going to use a staffing model that is as efficient as possible. We want staff to not put a lot of time into this so we want to drive down the staff costs in the first place. We want to see the are park activated.

>> Councilmember Pyle: Thank you.

>> Mayor Reed: Request from the public to speak we'll take that at this time, Mr. Wall.

>> Couple of questions. The transfer of permitting authority and management of the space from the Department of Parks, Recreation, and Neighborhood Services to office of economic development office of cultural affairs, that's a management decision. But when we're looking at the PRNS still has to continue to support and maintain the park, the issue then turns, especially in district 3, all of you have siphoned off \$100,000 for the soccer fields. Does that mean district 3 PRNS personnel have to pick up the whole load to clean up this place and

maintain it? Because obviously theoretically there will be more traffic there and parks in district 3 theoretically will not be served. Also, a point of interest to me is that 1stAct Silicon Valley seems to have a monopoly or some form of special treatment as far as different city-sponsored projects goes, and I think it should be opened up for more competition. And I have a running objection as to downtown continually being referred to as Silicon Valley city center. So me that's offensive. Now, as far as reducing fees is concerned, maybe that's a problem with the city. And you give away money, and then you pay a lot for temporary employees. So you have a net double loss. We need to make money. Not illusory promises which we seem to get from a variety of calculations, and I don't -- you pass the calculations for projection of economic gain in this city. It's not OED's fault. You bought into the program. You passed it. And this is with reference to the \$20 million of commercial activity from Cirque du Soleil this year. I reject that calculation. Thank you.

>> Mayor Reed: That concludes the public testimony. We have a motion to approve. On the motion, all in favor? Opposed? None opposed. Before we move to the next item those of you who watch soccer games, know that sometimes when the time runs out there's still some time, because of injuries. The clock didn't run out on our commendation for the earthquakes. So I'm going to ask the earthquakes to come back so we can finish out the whole game with all of the extra time. And actually, see some of the players that we were talking about earlier. So Councilmember Pyle. Let's go back down to the podium.

>> Councilmember Pyle: Do our earthquakes come through, or what!

>> Mayor Reed: Thanks for joining us.

>> Councilmember Pyle: I won't bite. If you come stand, I never get to stand with all these handsome guys. Promise I won't bite. And that we already talked about some of the wonderful things that the earthquakes are doing. But what I didn't do at that time was to tell you about the individuals. And now that they're here I can do that. Justin Morrow, where are you?

>> Right here.

>> Councilmember Pyle: There he is, okay. Justin is a defender for the earthquakes and has played every minute in every game for the team this year and in the preseason. Yay! Every minute in every game. He has also recorded one goal and two assists, both game-winners, thank you, Justin. And next to him, and then we have Ramiro Corrales, right here. Ramiro wears the captain's arm band for the earthquakes and is the only player remaining from the first season of major league soccer, in 19, anybody know, 96! He's kept his age well! He played in the very first MLS game which was held at spartan stadium in San José on April 6th, 1996! Congratulations, Ramiro. And next, we have Chris Wondolowski. Right here, and Chris is currently the MLS leading goal scorer in 2012 threatening to break the all-time record for goals scored in a single season. He is a previous recipient of the Andrew Bedard memorial spirit of the game award given by earthquakes fans to the team's most community-oriented player as well as the heart of an ultra award, presented by the earthquakes' most ardent supporters. He was also the runner up for the MLS humanitarian of the year award. Congratulations, Chris! And last, but by no means least, Steven Beitashour. Steven was born in San José and played recreational soccer in the Almaden valley, yay, youth soccer league, graduating from Leland High School. He is among the MLS league leaders in assists in 2012, despite being a defender. And Steven is a two-time finalist for the Andrew Bedard memorial spirit of the game award given by earthquakes fans to the team's most community-oriented player. And Steven, are you ready to say a few words?

>> Yes, I am, thank you. How you guys doing? My name is Steven Beitashour as she said. I was born and raised in San José, California. I've played in Almaden Valley Youth Soccer League. And it's always been a dream of mine to play for the San José earthquakes and to have that dream come true, it's just unbelievable. This year we've had some remarkable people like Wondolowski and Ramiro, and Justin Morrow, we all made the all-star team because of not just individual talents, but because of our team, we have a great team, there's a couple of other people that actually got nominated as well, John Bush, our goalie, and who is the last one -- Marvin Chavez. He's leading the team in assists. So we just give credit to everyone that works hard and we're family and we just -- we enjoy every minute. So it's more than just an individual award but we thank you guys and we're very appreciative of everything. Thank you. [applause]

>> Mayor Reed: Come on down, all stars! All stars and wannabes. Come on down!

>> Mayor Reed: We'll now turn to item 5.1, consultant agreement with Tetra design for services related to the southeast branch library project. Rose, Councilmember Herrera.

>> Councilmember Herrera: I'm assuming there's no staff presentation. Speaking of getting things across the goal line we not only have the earthquakes here but we have got a tremendous project that's coming forward here in my district and it's the southeast branch library and today we're approving the design agreement with Tetra design and I want to make a motion to move my memo, which -- which approves the design but also is asking for staff to explore some options for maximizing the square footage of the community room. And I just want to say the reason I'm asking for that is in our district we have one community center and community is always looking for places to have meetings. And so whenever we can find those options we're looking for them and the library is looking to be able to program their space in many different ways so I'm just asking them to take a look at how we can maximize that space for community meetings. The other thing I wanted to note is the fact that we've been able to expand the library. It was only going to be 12,000 square feet and now it's contemplated 16,000 square feet which is why we're adding some cost on the design and the construction management. And that's --

>> Mayor Reed: All right we have a motion on the floor. I have a question for staff before we move on. Just harkening back to a few years ago when it looked like we were not going to have enough funding out of the bond measures to pay for all of the library projects and now, because I think we've had a better bidding environment, as they say because of the recession, it seems that we do have enough funds to move ahead. So could you just talk a little bit about the status of the funding? Because this is a bond measure project paid for by funds that are restricted by the voters. Could you talk about that a little bit.

>> Dave Sykes: Mr. Mayor, Dave Sykes, director of Public Works. Yeah, you're correct. This is actually the last library in the bond measure. As a precaution in all the bond measures we had held kind of a contingency to ensure that we'd be able to complete all the projects. And in this case once again were successful in doing that, and using that contingency we've been able to add it back into this project and in a way kind of regain the size

that we originally anticipated. So with the completion of this project in a few years, we will have completed the obligations on that particular bond measure and had a completely successful bond program.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thank you, mayor. Dave thanks for all your great work in moving this forward. And congratulations to Councilmember Herrera. I know this is something you've been working on for many years and it's great to see this ready to launch. I just had a quit question about the LEED silver requirements. I understand that was a city policy that we passed roughly four years ago I think.

>> Dave Sykes: That's correct.

>> Councilmember Liccardo: It seems to me now that title 24 is at a point statewide where LEED silver is more or less what folks will be building anyway. Am I wrong about that?

>> Dave Sykes: Well I think kind of the rest of the world maybe caught up with us a little bit. So I think the building codes have changed and incorporated a lot of green elements. I wouldn't say virtually on a point by point that the code is in all cases caught up with our standard but certainly for the most part in many of the critical areas like energy efficiency and so forth it has.

>> Councilmember Liccardo: I just wondered if there's an opportunity, obviously I know we've got a lot of projects to work on but certainly for these city funded projects and I know there aren't many left but obviously some day we're going to have another bond measure and build some more. Is it time for us to take another look and think about increasing our standards recognizing the way the bar has lifted?

>> Dave Sykes: I think so with the changes in the code and revisiting those standards from time to time is certainly a wise thing to do so we'll certainly look at that.

>> Councilmember Liccardo: Okay, thanks Dave.

>> Mayor Reed: Councilmember Oliverio.

>> Councilmember Oliverio: Thank you, mayor. Dave, there's contingencies to make sure that the library gets built but inevitably we have facilities that are built and not open. And if the facility's not built for whatever scenario in the near future do you feel the contingency will be able to cover future higher construction cost due to inflation?

>> Dave Sykes: Well we've been through a good period where construction costs have remained flat and actually for a while were coming down a bit. It's hard to project too far into the future. Right now we're seeing bids kind ever maintaining the positive trend that we've been on pretty flat for the past few years. This particular step we're taking today is to move forward with the design. Council has the option to revisit that once we come back with the award and understand the market at the time.

>> Councilmember Oliverio: And the architectural diagrams, whenever they will be fully complete, they are sort of timeless, per se, meaning once you've done the full architectural, whether you build it one year or the next, it still works?

>> Dave Sykes: For the most part. Certainly if we were to complete a design and then put it on the shelf for a long period of time, codes do change, that sort of time so there might be some updating that would need to be done if we were to shelf the design for too long. But typically if we were at 90% it would be relatively minimal amount of work to freshen up those designs for construction.

>> Councilmember Oliverio: Okay, thank you.

>> Mayor Reed: Councilmember Herrera.

>> Councilmember Herrera: Yeah I just wanted to clarify. So the bond funds, if we were not to build a library would we be able to use this money for other General Fund purposes? And I'm really asking this for those at home who might wonder why we're spending money on a library when we're talking about all these other critical needs.

>> Dave Sykes: Right these moneys were approved by the voters for libraries. I will note also that the completion or the construction time line coincides what's currently forecasted in the General Fund for operating dollars. And so like I said the council can revisit that in the future but right now we're marching forward with the program.

>> Councilmember Herrera: And we did delay this program starting of it just so that it would be timed hopefully in the future and the time when we'd have O&M money to run the library.

>> Dave Sykes: Yeah there were a couple of things, the land acquisition contributed to that and you're right, when General Fund dollars would be available for operation. And we've now matched up the construction schedule with that, with what the council recently approved in the budget.

>> Councilmember Herrera: We don't know perfectly when that's going to happen, we have certainly tried to adjust it even as things have moved forward. I didn't have it in the memo, I want to say publicly, thank you to Jane Light, I know she's not here anymore, she shepherded this project and Matt Morley, and you Dave, for making this happen. We've been working on this for four years, since I've been here and certainly the residents of District 8 have been waiting since it was passed, the bond measure was passed and thank you so much for your work, staff's work.

>> Mayor Reed: One more question. This is the last of the bond measure projects, the last of the new facilities. Do we have rehabs still to do, or is this the last of all the projects?

>> Dave Sykes: Actually, I may need a little help from library. I do think the city has some discretion to use any remaining funds on library projects, for example, within this. So I think the staff would come forward to the council for any use of those funds. But would be restricted to those uses. Ann.

>> Good afternoon, I'm Ann Kane, interim library director. This is the last project. There were six totally new libraries, this is the last. It doesn't mean you won't have to go back and make modifications to some of the earlier ones but this is the last project that's planned.

>> Mayor Reed: Well it's taken us 12 years I think now since the ballot measure passed. It takes a lot of time to do that kind of building. Councilmember Oliverio.

>> Councilmember Oliverio: Two more questions, one for Ann. Would this facility have an automated sorting built for that?

>> Yes, it will.

>> Councilmember Oliverio: Great. And then Dave, you had mentioned that the construction period matches when we'd be able to staff it. When is that you said those dates have come together?

>> Dave Sykes: Right, so we've projected completion of the project in the spring of 2016. And in the budget that you just approved, there was operating moneys placed in the 15-16 budget.

>> Councilmember Oliverio: Thank you.

>> Dave Sykes: Yep.

>> Mayor Reed: Have one request from the public to speak, I'll take that now. Mr. Wall.

>> Fund 472 is a fairly well-divined fund, has been here for 12 years as you said. One issue, can you keep the money in the bank and allow it to draw interest? Because if you're projecting, what is it, 21.5 or 22.5 million dollar deficit next year, you've already used up a \$9 million reserve opening up other libraries and community centers. I don't even know if the police station, I doubt if the police substation is open. Then I ask the poignant question, what type of irresponsibility sits before me, to outlay \$11 million, let's get the right figures here. \$11,719,000 for the library itself. And then let's use the word that's used in the documents here. Projected operation and maintenance costs of \$630,000 per year to the General Fund? Now let us remember the word projected costs because later in today's show we're going to visit item 9.1, in reference to projected costs. In my opinion, this whole project should be put on the shelf, until such a time this city can have sound financial backing. And prudent management. Because in 2015-2016, most of you aren't going to be here. So someone's going to be left holding the bag of this library that's going to be shuttered and then of course we don't even know the debt service of the airport which I believe in 2014 will be about \$58 million a year. So you've got a lot of debt. But let us remember projected cost for later today's afternoon at 9.1 on the agenda. Thank you.

>> Mayor Reed: That concludes the public testimony. We have a motion to approve. On that motion, all in favor, opposed, none opposed. Motion is approved. Item 6.1 in case anybody's wondering will be heard this evening, that's the Hedding Ocala bike lane projects. We'll take up 6.2, actions related to the I-280/I-880 Stevens Creek boulevard interchange improvement project. I brief there will be a presentation on that.

>> Hans Larsen: Mr. Mayor, members of the council, I'm Hans Larsen, Director of Transportation. And as a supplement to our staff report, I wanted to take the opportunity to highlight the progress on one of the city's highest transportation priorities, and that being the upgrade to the I-280-880 Stevens Creek project. Next month this project will go into construction. This is a project that we've been working over a decade to get planned and funded. It is a \$65 million project, so it's good for the economy to create that amount of construction jobs. But also, very significantly, there's a lot of congestion relief that will be provided when these improvements are complete a couple of years from now. Wanted to walk you through the scope of the project while it's in Councilmember Oliverio's district there probably isn't anybody here who hasn't been to the area and tried to get through the freeway interchange improvements here. The main interchange at Stevens Creek and 880 was built

in the '50s and back at that time, this area was mostly orchards, 100,000 people in San José and it certainly has developed to be a very prominent part of the San José area as well as really the center of Silicon Valley, particularly in terms of retail destination anchored by Westfield valley fair and Santana Row. The improvements that will go into construction, I'm going to highlight these here. One of the American issues is that traffic backs up significantly on northbound 280 trying to get into the area and after at 880-280, 880 Stevens Creek I mean. So one of the issues is that freeway to freeway connection traffic from 280 to 880 north mixes with the local ramp traffic, getting off at 880 and Stevens Creek. So one of the improvements is to build a direct freeway to freeway connector between 280 and 880 so that's separated from the local traffic and that will greatly improve the capacity of the area. The northbound interchange, at 880 Stevens Creek will be rebuilt to include a higher capacity, safer ramp movements and actually, the construction of a traffic signal to be able to better manage traffic flow in the area. One of the issues with these 1950s style interchanges is that traffic loops in and out of the area uncontrolled. And it may be counterintuitive to think that a traffic signal actually helps things. But it does allow for us to control all the movements and be able to platoon traffic in a coordinated manner. On the southbound side, the ramps will also be reconstructed to provide for full control with a traffic signal. And then one of the key improvements is a direct ramp connection off of 880 directly onto Monroe. So traffic accessing the valley fair mall in the back parking areas will be able to do that movement directly without having to stop at the traffic signal. So that's also a big element of the improvements. In addition, some of the details. The Stevens Creek bridge will get widened and this is designed to accommodate future BRT access into the area. We are also making these improvements as part of our complete-street goals, it is not a very easy place for a pedestrian or bicyclist to travel through so the sidewalks are being widened and move for bicyclists to fit through the area will be much easier. The lighting will be upgraded with new energy efficient LED lights so it will be brighter more energy efficient. And then as I mentioned this will allow us to control and coordinate all the traffic signals in the Stevens Creek corridor in order to better manage traffic flow through the area. We're also deploying advanced signal management infrastructure here. With more monitoring cameras. Similar to what we have around HP pavilion where we can provide real time traffic management and control with video cameras from our remote traffic management center and when holiday traffic is very active here we have the ability to do realtime traffic access. So those are the things that are coming. This unfortunately is not the full plan of improvements for the area. We are constrained by funding resources but we are happy to move forward with this first phase of projects

that we're also working on as a later phase include interchange landscaping. We do have a funding strategy to deal with that in the near term. And then there's another \$50 million improvement to provide a direct connector from 280 to Winchester. We're not able to afford that piece right now, but this would provide an additional significant improvement to the area and allow for access to the area directly from Winchester, for folks going to the Santana Row area don't have to circulate through 880 and Stevens Creek to do that. So the idea here is to create more and separated points of access to help provide capacity and better circulation. So we look forward to that future phase. But in the meantime, we'll certainly celebrate the first phase improvements. A little bit about the funding. This is been an effort 12 years in the making. After the most recent expansion of -- or the development of Santana Row and the expansion of valley fair, it was identified that there needed to be a plan and a strategy to upgrade this old interchange. And through conditions of those developments, we were provided with funds to begin the planning work. And the city led that with a \$1.5 million effort. And more than a decade ago. With that planning work we were able to leverage federal earmarks from the previous federal transportation bill which was about nine years ago, so we're thankful to Congress members Honda and Lofgren for bringing in some federal money to the project. Unfortunately, the progress was slow. Until we could secure more moneys, in 2008, when the voters approved the state transportation bond measure, we were able to receive money through that program, with the assistance of CTC, MTC and VTA. And today we are at a point where the project is fully funded and we're ready to go to construction. So the construction schedule is as I mentioned the contract will be awarded next month. There's utility relocation going on right now. And we should expect completion by March of 2015. And that accuse my -- oh I got one more. The council actions. So very basic action. Any time that there's a modification to the state highway system, as it affects local streets, there's a requirement to approve a freeway agreement. So that is before you for approval. And in order to take that action, we need to adopt findings on the CEQA environmental clearance. There's a couple of other things that we'd be coming to council for. We are in negotiations with Santana Row and valley fair, for future developments that they have planned. And each of those projects are making funding contributions to the further work in the project, that being the landscaping and potentially for the next phase of work. We will also be executing a freeway maintenance agreement with CalTrans to define our maintenance responsibilities on the local streets, namely that's the Stevens Creek area. And that concludes my presentation.

>> Mayor Reed: Councilmember Oliverio.

>> Councilmember Oliverio: Thank you, mayor Reed. I just wanted to thank Hans and then obviously Jim Helmer and all these folks that have had the mist on this project to garner state funding also my colleagues on the VTA and you know again having the staff of diligence to make use of other funds that are available since the city doesn't have all that funding available. So I'll just make a motion to approve the staff recommendation.

>> Councilmember Campos: Second.

>> Mayor Reed: We have a motion to approve the staff recommendation, which consists of two parts, the A and the B part, a resolution and then the freeway agreement. Councilmember Kalra.

>> Councilmember Kalra: Thank you, mayor. I'd also want to thank Hans. I'm just excited that we've gotten to this place, because it's probably likely to be the most important I think infrastructure as far as road project that any of us will approve on the time we're on council. It's so critical. I remember being as young as 7, 8 years old, and going to that part of town, whether it's to Foffle's Drive-In or the old Town and Country or the Winchester theater. And it's always been somewhat an issue, but we've definitely seen it now with Santana Row and valley fair, particularly the fact that the crowds they bring, but also the huge amount of tax revenue that they bring to our city. And that doesn't even take into account the fact you have two major freeways and just the number of people that we have in the valley has increased so much. And so these are critical improvements and only \$1.5 million straight from the city. Obviously it's all taxpayer money but it is nice to see particularly federal money coming back to us. Which as we know, California as a whole, we give out more than we take back in, and so it's nice to get both state and federal funding to foot the bill for this incredibly important project.

>> Mayor Reed: Councilmember Rocha.

>> Councilmember Rocha: Thank you, mayor. Two questions. One, at least in the recommendation part and I know you mentioned Monroe street. But the statement, let's see here, the construction -- authorizing the

construction or reconstruction of certain city street as part of the highway interchange project. Can you be a little bit more specific without going into too great a deal, beyond those streets Genevieve --

>> Hans Larsen: Coy see you --

>> City Attorney Doyle: Just the interchange project? Talk a little bit about Monroe.

>> Hans Larsen: Stevens Creek and Monroe are the main ones.

>> Councilmember Rocha: You don't see any other city streets being impacted in temps construction?

>> Hans Larsen: That's correct.

>> Councilmember Rocha: Okay, then the last one I had, was related to the other direction. As far as traffic impact, can you talk a little bit about what kind of reduction at the end of this project that we'd seek in terms of the loads on especially Stevens Creek and then the freeway interchange right there? We talk about A B C D E F. What would those intersections look like in your mind, I'm not going to hold you to that when all this is said and done, I'm just curious, what type of impact are we looking at here?

>> Hans Larsen: I don't have those specifically in my head, I'd be happy to get references out of the environmental document. But I think the key thing here is what the interchange improvements are doing is two things. One is separating traffic in a better way so that you don't have the freeway to freeway movements and the local access movements all compressed in the same ramp facilities. So that will provide a big benefit. The ramps are going to be widened so when you might have a single movement coming off onto Stevens Creek, on a loop ramp. You'll have much more turning movements, double lefts, three rights, from that perspective. And then I think a big benefit is just the ability to have a coordination of all the signals on Stevens Creek. And so it will allow for a much more orderly movement of traffic in the corridor, by being able to manage all of the movements coming into the area as opposed, it's a mix of signals, and loops that just come on without any kind of control.

>> Councilmember Rocha: I guess where I was going with it was more the relief in looking at it. Is this the relief more for the commuter, more for the shopper more for the resident, all of above. And just thinking if I lived by there, and what kind of relief I could expect as a resident, and more or less just for my personal travel, not for the commuter style, and that's more generally what I was looking for.

>> Hans Larsen: I think everyone benefits. As the freeway backs up, then people moving through the area on the main line freeway are held up because of that congestion. So you'll see a shortening of the queues and then just much more efficient movement of traffic through the interchange area and onto the local streets. So whether you're accessing the area to say go to the shopping centers or you're passing through on the local streets there will be benefits for everybody to some degree. And it's quantified a bit more in the environmental document. I can get you some of those references if you'd like.

>> Councilmember Rocha: Just general questions, thank you.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: Just one little quick factoid question. I was just curious: About how many people go back and forth between Santana and valley fair corridor over there? I happened to be over at a fund raiser near there this weekend, I couldn't believe the number of people who were just physically crossing across the way. And it must be huge. I don't know how many per week, maybe Pierluigi would have somewhat of an idea. Would you have any idea, Pierluigi, in reference to the amount of people traffic that goes on --

>> Councilmember Oliverio: Actually, Councilmember Kalra and I were discussing about getting lunch and then counting, or using a counter. But we don't know offhand. I think with parking the way it is, certainly more pedestrians are crossing over to both facilities, but I don't know at this point. And Hans, I think we have plans for Stevens Creek that are separate than this project, correct?

>> Hans Larsen: The -- it's other improvements on Stevens Creek, so the signal coordination improvements those are being done separately but integrated into the there. There's a bus rapid transit project that's being planned in the corridor as well.

>> Mayor Reed: Councilmember Liccardo.

>> Councilmember Liccardo: Thanks, mayor. Hans I know that we had a very unlikely scenario emerge with the build-out of 101 interchanges where we had some excess dough at the end because of bid savings and so forth. And I'm just wondering if there's such an eventuality here where we would have any bid savings, is there any chance in the world that it could be dedicated to the future BRT buildout which I know is going to be very expensive trying cross that bridge over 880 along this corridor in Stevens Creek or will that be entirely within CalTrans discretion?

>> Hans Larsen: We have actually the reason this project is going forward now is because there's been bid savings on other projects across the -- or actually within this county that we've saved some money on some of our first state --

>> Councilmember Liccardo: Know I know.

>> Hans Larsen: Bond projects so yeah for this project I mean if there are bid savings based on the source of money the state has maybe control over that and they've indicated that they will make an evaluation where the bid savings go based on statewide criteria. If there's moneys, we certainly will be advocating for trying to get those moneys back to projects in Santa Clara County.

>> Councilmember Liccardo: So it would be just like last year basically, same process?

>> Hans Larsen: Yes.

>> Councilmember Liccardo: Okay and thank you, thank you for the work of your team and making this happen, congratulations Councilmember Oliverio and special thanks also to Ken Yeager I know who has been working hard on this VTA and MTC.

>> Mayor Reed: You mentioned MTC and I want to make sure that we acknowledge the work done by the MTC, Councilmember Liccardo happens to sit on there representing the cities of Santa Clara County but we do have other representatives. But MTC, California transportation commission, Carl Guardino is the commissioner. How you get funding for these big projects is, everybody kind of has to agree that it's really important. So a lot of work went into getting everybody to agree it is a really high priority. Silicon Valley Leadership Group representing the business community as well as VTA, MTC, City of San José and the CTC. Even though it's not done, these are huge improvements for at least part of the problems out there. So it's good to finally put it stowing and get it moving. Councilmember Herrera.

>> Councilmember Herrera: Having just gone through phase 1 of 101-Tully, you have -- looking forward to lots of the construction out there. It's great to see the project move forward and again, as the mayor said, it's a combined effort. So federal government, state, MTC, all of those players involved and everyone moving it along. So I think it's a great day to see this project move forward. Look forward to seeing it completed.

>> Mayor Reed: We'll take some public testimony at this time. Mr. Wall and then Mr. Signorino.

>> I'd like to thank learned department, director of transportation for all his efforts. You had a little slip there about that Silicon Valley center business. So let's get focused on San José. Councilmember Rocha with reference to what type of relief people will have, part of this money should construct a sign that says, abandon hope all Ye who enter here. Now I think it's kind of interesting this project has gone forward just within the last few weeks of learned council's decision to justify the expansion of Santana Row. Of course, this could just be an isolated coincidence. I think that this is, as I say, well this has been a nightmare to begin with. I think the \$1.5 million probably should have been spent fixing some city potholes, instead of conferring economic benefits on corporate entities within Santana Row proper or valley fair proper but that is not for me to decide. I would like to know if

there's some money that could you have to buy the residents out at market rate, with revenue to anybody that lives on Parkmoor and pioneer avenue near Hodges avenue. As well as the residents that have unfortunately purchased into the Santana Row urban village type living arrangement, that gave testimony a couple of weeks ago that they can't stand living in Santana Row because of the ungodly music and other noise. As far as signaling on Stevens Creek, I recommend you find extra money for San José police officers. Specifically the motor unit. Because no amount of signals is going to control that traffic out there. You need police officers to get those cars off the freeways safely and to where they're going safely. Thank you.

>> Mayor Reed: Ross Signorino.

>> Thank you, Mr. Mayor, members of the council. I won't go all over San José with this one. I'll just stick with the project. I think it's good you're doing this because that area does need improvement, without any doubt at all. I live around the area and I see the traffic how much gasoline is being wasted back in -- just waiting to get off the freeway, trying to get into Santana Row and valley fair. I also wanted to comment on a comment Mr. Kalra, Councilmember Kalra made here. This is good federal money coming back to California for this project. We pay out of every dollar we pay, I think it's only 76 cents we get back. After we help other states with their projects we only get 78 cents back. I think it is a good project. You will relieve the situation there at Santana Row, and valley fair. It does bring in tax money and we need that tax money. Unfortunately I think you have to look at another thing. This is becoming a downtown de facto compared to the downtown we have. You try to stimulate the downtown but I think you're going to have to resign yourself that this is where the action is right now, at least. Thank you.

>> Mayor Reed: That concludes the public testimony. I don't remember if we have a motion on this. We do have a motion. Okay, we have a motion on the floor. On that motion, all in favor? Opposed? None opposed, that is approved. Item 6.3, agreement with Mark Thomas and company for engineering consultant services for the route 101 Mabury road interchange projects. Another long time in the making. Councilmember Liccardo.

>> Councilmember Liccardo: Thank you mayor, and it may be a long time in the making because we have got about \$55 million to go. But I'd like to make a motion to approve staff recommendation with my memorandum with today's date to ask that the item be agendaized routinely within the regional transportation update for T&E so we can keep an eye on how we're able to strategy and move forward on a funding plan.

>> Mayor Reed: Okay, Councilmember Chu. The other side of the interchange.

>> Councilmember Chu: First of all I'd like to thank Councilmember Liccardo for your leadership at the VTA, as well as the MTC. This is a very, very important interchange for the residents of Berryessa. Hans and I had many conversations earlier trying to tie this program with the BART, the various station that we -- I understand that because the EIR study indicated that most of the traffic that we're anticipated to draw, that is from -- from 680 instead of 101. But again, I just wanted to reiterate the fact that I really don't have the expertise to dispute that study. But now, with the BART station coming down to Berryessa, and Mabury is actually the -- where the parking lot is, I'm just hoping that we put enough emphasis put it into a higher priority so hopefully we will be able to change some of the habits or the patterns on 101, to encourage them to take the Mabury exit to use the BART. And so I'd be very happy to second that motion. Also notice that this one, this project was added to the San José general plan in 1985. That's even before Councilmember Liccardo was born. So I'm very glad that we're finally on this most important freeway interchange project of San José. Thank you.

>> Mayor Reed: Hans I think you had some comments you wanted to make.

>> Hans Larsen: Yes, Mr. Mayor, if I might add, just provide some comments. I think in contrast to the last presentation where we're getting the 880-280 Stevens Creek project over the goal line in terms of the planning and the design and the funding, the 101 Mabury project is just at the kickoff point. We're just beginning work on this. This is an important project that the staff is undertaking to start the process. As we've learned it's up to the local agency to take the initiative to do the early planning to make the case for the project. If you do that planning work it can attract other moneys. I think the other thing that's important is really to have all entities come together as the mayor mentioned and identify what the top priorities are for federal state regional dollars, and we believe

that this is probably among our new top priorities. We've somewhat cleared the decks of other projects. I think the 101-Tully interchange, 101-Capitol-Yerba Buena, 880-280 Stevens Creek have really been our big projects in the past, those are all funded and we can focus on a new set of priorities. So we're beginning work on this in an effort to be successful in getting other moneys. But there's not a lot of time. The BART station is going to be open in 2017. 880-280 Stevens Creek took about 12 years to get that fully funded. But I think if we work together and support it, I support Councilmember Liccardo's motion to have the transportation and environment committee focus regularly on this and the strategies of how we can move this forward. I want to also acknowledge past council action, development in the Berryessa and Japantown area that's dedicated towards improving this interchange and 101 Oakland. We have that as a resource. We just need some development. And it's also part of the North San José plan. It's not one of the top priorities from North San José since it's a bit removed and it's eligible for funding through that source. We look forward to working together with the transportation and environment committee and council and other funding partners to have the same success with this one as we've had with other projects.

>> Mayor Reed: We have a motion to approve. On that motion, all in favor? Opposed, none opposed, motion is approved. Item 8.1 is next, that's an agreement with law enforcement psychological services Inc. We have a motion to approve. One request to speak. Mr. Trout.

>> He told me I couldn't take my Bible up here --

>> Mayor Reed: They won't allow people to bring things up here. So if you want to speak, go ahead. I'll keep an eye on it.

>> Well, in regards to agreeing with law enforcement psychological services, psychology, we need what we can as a city council to get rid of all psychology. It's a total bogus profession shall I use that name? You can google this on the Internet and where they ask different psychologists, you know, have you ever cured anybody? And all of them, virtually all of them say well, no, I haven't. I never have cured anyone. You know so they go to Dr. So-and-so and then Dr. So-and-so, well not yet. No. No. No I haven't cured anybody. And you know, I haven't verified

this but yesterday or day before yesterday, Alex Jones was mentioning that there was a marine that was just thrown in a psycho ward in Virginia, by saying 9/11 was an inside job. It's typical, in the soviet union they would just psychology against people, giving them names, saying this guy is psychotic, this guy is -- they have different names for different kind of problems. All of us at certain parts of our life are happy, are sad, I get depressed when I think senator boxer and Feinstein won't commit suicide, I mean that causes me depression. But always I get encouraged when I read the Bible, and God lifts my spirits. I don't need drugs. And it's interesting, these crazy nuts that shoot people, every single one of them with no exceptions whatsoever are some psycho-terrific antidepressant drug. We as a city council here in San José ought to do what we can to go against psychology, study the moral integrity of these sickos like Siegmund Freud, Erickson Skinner, it's been a long time since high school, but you know their names. They're not good, moral people. They're deviants, and Siegmund Freud --

>> Mayor Reed: Sorry, your time is up. Don't forget your Bible. It's right there where you left it. That concludes the public testimony. I know that we are currently in the process of hiring as well as recruiting for the next class. This is an important contract to have in place, so that we can move these officers, recruits, along to be officers. And I don't think there were any other comments or questions. We have a motion to approve. On the motion, all in favor? Opposed? None opposed, that's approved. Item 8.2 are actions related to Bay Area urban area security initiative grant, also known as Bay Area UASI.

>> Motion to approve.

>> Mayor Reed: We have a motion to approve. On the motion, Councilmember Liccardo.

>> Councilmember Liccardo: Sorry to interrupt progress as I often do but just had a quick question about proportionality of the grant. Thanks Dave. Dave, as I understand it, there's \$35 million in change come to the region. San José gets roughly 5% of that money. And I know some that money goes to county and all that kind of stuff. But we have about 15% of the population roughly. Why aren't we getting our share? Is this divided by population and counties are getting a big chunks or what's going on?

>> It's not just by population. It's also primarily it's based on risk. And there's a whole process by which there's a risk analysis that's done for the UASI group. Which includes I think we're up to 13 counties now, and other big cities and that kind of thing. I do my best in trying to bring as much as I possibly can back to the City of San José. But really, it's about that risk. And ferreting out based on that risk where that money should go.

>> Councilmember Liccardo: I certainly was not blaming you in any way. It's just a continual gripe of mine that San José and a whole host of funding formulas we always seem to not do as well as some of our less populated neighbors to the north who will go unnamed. And so in other words, if we were just to advertise more sites as terrorist risk in the city we might get more money? What's going on in the minds of the folks who are making the allocation decisions?

>> Well it's based on this risk analysis that's done through a group that the UASI pays money to, to contract. And it depends on what your critical infrastructure is, what kind of population you have in other words. Some of the cities maybe to our North have people that come in during the daytime and they have other critical infrastructure that perhaps we don't have. But it is incumbent upon us I appreciate the comment so I can go forward and bring this comment forward when Chris Godley and I are trying to bring as much money as we can back. But sometimes that risk is brought down in other ways and when we go through that risk analysis that's really a lot of what's based on. There are four different areas that the money now goes to some of it's training and some of that training money goes to other counties. But yet those counties then provide training for us. Although it appears that we're only getting a small percentage of that and of course we'd like to have more of that there are other areas that that goes to that then benefit us as well in some of the training that they provide and other services like that.

>> Councilmember Liccardo: Okay, thanks Dave.

>> Mayor Reed: Councilmember Pyle.

>> Councilmember Pyle: Thank you, thanks Dave. I've been on the emergency preparedness committee for I think almost eight years now. And is some of this cumulative as well? In other words we've done a lot over the

eight years that I've been in here in accruing various and sundry things. So there may be somewhat of an accrual value that's been taken into consideration, would that be fair?

>> Yes, and I should introduce myself: Deputy chief Dave Hober with the San José police department. What happens is, we look at that risk and sometimes we buy down that risk so sometimes we might need to put those funds into other areas. Like I said there are four different areas can the area you're talking about is one of them. We also look at interoperability projects, things like that, so there are different areas that we're looking at. And as that risk buys down, it might mean that the risk goes up, or we need to buy it down in other areas of the urban area security initiative foot print.

>> Councilmember Pyle: But I would like to point out that of the one million 700 almost 50, thousand dollars, \$1,143,000, we're almost 142, is going for items that would be for the police department. And can we ever, when you talk about risk, have any kind of a way to crank up the amount for the police department because we are having -- experiencing a lot of, lack of police officers? And it's going to take us quite a while in order to bring that number back up. So I don't know, does that ever play a factor?

>> Well, this grant is primarily for Homeland Security. So certainly we're talking about buying down the risk. And it started as issues that happened with terrorism. But we know that we also have revocation that we are faced with from natural disasters and those kinds of things. And when we do plan for buying down that risk for terrorism we are also able to respond to other events. So while police officers are a critical component of getting that information in there, what we have to look at is what is our risk analysis as a result of terrorism issues and how do we buy that down? Certainly many of those issues in police work address those things. We also have money that go to fire and OES and those kinds of issues as well. But if -- I'm not sure if your suggestion could we just have police officers, hire police officers --

>> Councilmember Pyle: Some, yes.

>> Some just to work the street, I don't know that we could make that argument because it has to specifically deal with those types of risk that we're looking at. And so they have to be in certain project categories.

>> Councilmember Pyle: Thank you, I appreciate that.

>> Mayor Reed: No more questions, I have a request to speak, Mr. Wall. Okay. I'm sorry, that was on the next item. You wanted to speak on this one Mr. Trout? Okay. This is the time.

>> Boy, I sure wish I could have more than 2 on this one. This is you know this is a -- you know, when we're talking about security, oops, I broke the law here, I brought the Bible here. Oh boy. This is the lawbook. This is the one that we're supposed to be following here, the ten commandments. When we talk about security, okay, for instance, the security of the federal building in Oklahoma city. The government has to be the good guys, okay? We're the good -- I mean you're the good guys, okay, this is what the Bible says and Oklahoma City, for instance, it's now come out, Alex Jones has interviewed five cops, officer Terrence Yeaky cannot be interviewed because he's dead, he was found tortured to death. His last cell phone transmission was the FBI is following me they've just pulled me over. He was first on the scene yanking bodies out of if Oklahoma City and five cops officer Craig Roberts who is also an investigative reporter, and several of them have come forth and said, yeah, the FBI told us to zip it on the investigation, or we'd be murdered and our wives and kids would be murdered. So in regards to security, this is, you know, incredible. Some folks have told me, oh, cops are lying, you know, on what basis would they be lying, you know, you know they're not lying. There's some real scum in the FBI, you know, really. I wish I was a law judge, accident happen them with a lightning bolt and kill them. You know? But if that cop had killed that FBI agent that threatened his life and his wife and his kids, then it would all come out and everyone would have said, why did this good officer, this good policeman, Vietnam vet and all that kill agent so-and-so? Well, because he threatened if he didn't stop the investigation, he'd be killed, obviously. So there's some scum -- when senator Joséph McCarthy said there was Communists in the government, he wasn't lying. He was a good and honest and a brave and an honorable man. I'm telling you, you know, when we talk about security, I think it ought to be incumbent upon this council to listen to Alex Jones every single day.

>> Mayor Reed: Sorry, your time is up. That concludes the public comment on this item. We have a motion to approve. On the motion, all in favor? Opposed? None opposed, that's approved. Next item is 9.1, approval of the January to June 2013 administrative budget for the successor agency to the Redevelopment Agency. We have a motion to approve. I have one request to approve, Mr. Wall.

>> Councilmember Oliverio: Mr. Mayor, was the item deferred? Oh, sorry.

>> Mayor Reed: I'm sorry we had a deferral but I think this one was not the one.

>> Councilmember Oliverio: Thank you.

>> Mayor Reed: There was another one that was deferred.

>> I'd like to read something into the record. Quote. Due to insufficient redevelopment tax increment revenues as confirmed by the county auditor controller and the state controller's office the San José successor agency will have no revenue to pay for administrative costs in 2012-2013 and in the foreseeable future. As such it is recommended that these costs be advanced by the city, period close quote. On page 2, we have, quote, however as stated above due to insufficient tax increment revenue for 2012-2013, to cover all the obligations of the former Redevelopment Agency, it is recommended that the City's General Fund support to the successor agency in the amount in the total amount of \$1.3 million for the administrative budget from January through June 2013. Period page 3 continuing the quote. The administrative budget for January 2013 to June 2013 reflects an increase of \$321,042, from the forecasted amount of \$957,414, approved by council on May 1st, 2012 period close quotes. So you already have a 33 and a third percent increase from your forecasted or projected revenues of an agency that controls billions of dollars that now can't afford to administrate itself. Now you might understand why going forward with this library business in district 8 is foolhardy because you can't rely on these projections, especially with reference to these increased costs that you do not know that will be coming in from that cursed Redevelopment Agency's projects. Thank you.

>> Mayor Reed: That concludes the public testimony. We have a motion on 9.1. On the motion all in favor? I'm sorry Councilmember Oliverio you had something.

>> Councilmember Oliverio: Yes thank you many, many. On this forwarding of money since there's a shortfall in cash and my question is specifically, can any dollar be used from the 20% funds, instead of the General Fund, for this action today?

>> Debra Figone: No, it cannot. The 20% funds that are now flowing through the waterfall are covering other debt. And so these costs are required, and the only source at this point in time is the General Fund.

>> Councilmember Oliverio: And then to the City Attorney, coy -- your view, as well.

>> City Attorney Doyle: Well at some point when there is residual, in the 20% funds, the debt is covered, there will be some residue. But in the end, there's moneys used to cover the convention center debt and the 4th Street garage, there's a lot of obligations out there. But I think the City Manager's caret, those are the current amounts. Somewhere down the road hopefully we'll be in a different position because of tax increment growth.

>> Councilmember Oliverio: I think there's two things. There's one, the residual income based on the housing portfolio and then there's residual income based on tax increment being higher than the cost --

>> City Attorney Doyle: No, it really gets to the point that 20% funds are committed tot to core the 20% debt. To the extent at the end of the day there's surplus, whether -- surplus moneys in the tax increment, the 20% tax increment fund, it all gets rolled into the 80% amounts. And -- but there's enormous amount of debt that needs to be covered, you know. I guess I'm saying there's really no surplus at this point.

>> Councilmember Oliverio: So there's not one dollar of surplus in the 20% funds today?

>> City Attorney Doyle: No, I don't believe so. I mean, I'll look to Richard and his accounting folks. But probably best to get an info memo to you on that.

>> Councilmember Oliverio: Are we passing that to take action with SARA on Thursday?

>> City Attorney Doyle: Yes.

>> Councilmember Oliverio: I'd certainly like to know that information, because I'd rather use that money than the General Fund. Thank you.

>> Mayor Reed: Your question I think has two different answers. One is the legal answer. Legally we could use 20% funds for this kind of thing. But the practical answer is, there aren't any funds available because other things have higher priority. I think if that's what I understood, it's not a legal question in terms of the use of funds, it's just lack of funds.

>> Councilmember Oliverio: I appreciate the clarification. I keep hearing different things from different people in staff. And I would just like one answer, and I'm not getting that, because I have other people telling me, yes, there's money to be allocated on something else.

>> City Attorney Doyle: We'll get something to you.

>> Councilmember Oliverio: Thank you.

>> City Attorney Doyle: To the entire council.

>> Mayor Reed: Anything else on this item? We have a motion to approve. On the motion, all in favor, opposed, none opposed, motion is approved. That takes us to the open forum. Mr. Wall. And then Mr. Trout and Mr. Signorino.

>> Two things. First up is, I really think, Mr. Mayor, that all of you should pay very, very strict attention to the water pollution control plant. I think you don't understand the gravity of the situation. I think you should have an immediate report. As a matter of fact, put on the Rules Committee work plan or T&E's work plan, as the status of our engines, I've been told that engine number 1 blew a crankshaft. A few years ago, engine number 3 blew up. Engine number 2 is an old engine with problems. You have a couple of Cooper engines out there, and that volted fuel cell has been as predicted, a grievous embarrassment to the city as well as a financial liability. I would suggest that the attorney's office be directed to talk to the city of Santa Clara's attorney's office to find out why the power generated from Santa Clara can't be routed to water pollution control, as a secondary bypass for PG&E. Also I would suggest that you utilize the money, the vast sums of money as referenced in the auditor's report in the capital improvement program at the water pollution control plant with incentives to get some form of power generating capacity online, be it a steam engine, or the gas turbines, now they have a lot of maintenance problems. The other issue is: You're seeing the effects on the streets as a result of measure B and destroying the San José police department. Now, this does have an implied way of decreasing the surplus populations with all the murders that are happening. But it's not the appropriate way of going population control. Thank you.

>> Mayor Reed: Mark Trout and then Ross Signorino.

>> I hope you hang on my every word because this is my last, second to the last time, I'm planning to go back up to San Francisco because they -- I know some of you are going to miss me some of you deeply. But there are more people to preach on the street to, and plus, I got a guy there in the meeting that gives me a ring, and then I can stop preaching on the street, come in, and I don't have to hang around and wait all this time to do my two minutes which goes out on the net, and you know, more people are influenced by it. I just hope you really listen to what I have to say because I've waited since 1:30 here I get a two-minute shot at it. So -- here it goes. I'm still waiting, that you haven't made your proclamation yet on you know, reaffirm the United States constitution, in particular the second amendment. That would just fire me up tremendously. When we stood before Mr. Hawkins there, remember that, we rose our hand before not only Mr. Hawkins but before God the invisible one that we would uphold the constitution, the state of California and the United States constitution which does include, you

know, of course the second amendment which is a very great thing, you know, and I think about David, you know, he was also in the government. And he bade teach the children of Israel the use of the bow, not the sling. And you would have thought he would have taught everyone, because that's how he killed Goliath, with a sling. But a bow is actually a better weapon, and weapons are good, and people ought to you know how to use them. That's why he bade teach the children of Israel the use of the bow, because you're putting the government to protect us as David was to protect them right? That's one of your -- that's one of your main reasons why God put you here. But I also see in this a prophecy because David was a type of Jesus Christ and he paid teach the children of Israel the use of the word God. I can't bring my Bible up here. But the method that he used as he went to the old testament prophets okay and showed the prophecies about the messiah. And he said it's all about me, Moses, 1500 years before me wrote about me. David, a thousand years before me wrote about me.

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

>> Thank you, Mr. Mayor, members of council. This is not the last time that I'm appearing here some so you don't have to hang on my every word. I do want to say something that is part 2 what I tried to say before, congratulating San José. And Mrs. Figone, City Manager, mentioned about this Japanese airline coming to San José which is great and maybe some others will come this way and it will help our airport, probably a lot of work been into this negotiating and talking and so on. So again, congratulations. Again another congratulations for the City of San José is this: That I understand that gang control is number 6 in this country. San José is number 6 in line that they're doing a good job of gang control and taking care of gangs, they're trying to work around this and so on. I think that's a great thing. Also they're talking about the bike lanes. They're going to try to increase them on 10th street and different areas. I would urge you, there's no way of me stopping this bike lane business, I don't want to, either. People have the right to ride bicycles if they want. But I urge you as I said before, put some strict rules into it. Don't just let it go and say here's a bike lane. Make sure that people wear reflective clothing for children, adults and helmets. And they must obey all the laws of the road. And if not, be cited. That's all. Children or adults, you get a citation. You need to put some teeth into it, again, reflective clothing. You have to be able to see these bicyclists out there. Just because they are in the bike lane doesn't mean they're safe. We have to increase and

improve on that safety that we want on our street. So again I say get sell proper clothes, clothes that can be seen, and at night especially reflective. Thank you.

>> Mayor Reed: That concludes the open forum, concludes this part of our agenda. We will recess until 7:00 p.m, we'll take up the evening agenda.

>> Mayor Reed: Good evening I'd like to call this meeting to order. Please have a seat. Going to bring the council back into session. Please have a seat. There's plenty of room outside if you want to carry on a conversation but we're going to continue the council meeting that we started much earlier today. We finished with the -- most of the afternoon agenda which is good. We have an evening agenda and a couple of items to take up ceremonial in nature before we get to the rest of the agenda. So we will start with the ceremonial items. And I would like to begin by inviting Councilmember Chu and the Morrill middle school boys basketball team to the podium. Tonight we're commending the Morrill middle school boys basketball team for a championship performance this season. On a personal note I have a daughter who is a proud graduate of Morrill middle school. Councilmember Chu who represents the area is going to give us the details.

>> Councilmember Chu: Thank you, Mayor. Would like to thank my colleagues and the mayor this evening in joining me this evening to congratulate Morrill Middle School eighth grader boys basketball team for winning the 2012 Santa Clara county east section championship this year. Morrill Middle School 8th grade boys basketball team is part of the after school program offering a variety of sports such as soccer volleyball and basketball for boys and girls. The after school sport program is known for promoting an environment around teamwork, discipline and healthy livelihood for students. The program has successfully been led by coach John Wilkinson since 1976. So today, we're also honoring coach John Wilkinson for his last season with the Morrill tigers. However it's sad to say this is his last year with the school and coordinating the after school program. Coach Wilkinson has accomplished so much over his last 35 years with a successful record of earning the program 5 Santa Clara County championships, nine county East section championship and 22 north division league titles and six individual tournament championships. This year has been an exceptional special for Morrill middle school 8th grade boys team as they had an overall record of 11 to 1, earning them the championship title. Coach John and assistant coach Davis Ching and Ryan Nari led the team to victory this year defeating the top schools in the county of Santa Clara. It is their effort in promoting good sportsmanship, character and creating a fun atmosphere that the team won the championship. So here today, with us to accept this commendation and the certificate for all the team players, are the 8th grade boys basketball team along with coach Wilkinson, assistant coach Davis Singh and Ryan Nari, the Morrill middle school and also the principal is here with us. Thank you very much, Mr. Mayor, would you do the honor of presenting. [applause]

>> This is a proud moment for morale Morrill middle school and the Berryessa community. And as councilman pointed out, last year coaching the sport of basketball, but the school will continue. And I'm proud of each and every one, and this is not all the team, by the way. And the coaches to put this together. It's not a given. It takes hard work, athleticism, and first and foremost, God and the parents, to make this happen. Thank you. [applause]

>> Mayor Reed: From basketball to lacrosse. I'd like to invite Councilmember Pyle and the Silicon Valley chiefs to join me at the podium where we are commending the Silicon Valley chiefs for winning the California state lacrosse club cup championship.

>> Councilmember Pyle: Good evening. We have some wonderful lacrosse players coming behind me. This is the south valley lacrosse team. It's called the south valley chiefs varsity lacrosse team. You might want to fill in a little bit. If you all find somebody who is taller than you are, and fill in, that would be great. South valley lacrosse is a club organized by volunteers, established in 2005, to promote the sport of lacrosse in the South Bay area. Grown from two teams in their first season to five teams now in their eighth season. This year, on June 2nd and 3rd, the varsity chiefs competed for the California state championship. In the semi final match the San José chiefs played rancho Cotati, and scored six goals in six minutes, was that exciting or what! To with a score of 11 to 10, this made the chiefs the Northern California lacrosse championships. And yes, you can applaud, they really do need that! [applause]

>> Councilmember Pyle: Then in a final patch, the chiefs played ocean city United, the Southern California champs and after being behind 6-3, they came back to win, 14-7, this made the chiefs the California lacrosse state champions! [applause]

>> Councilmember Pyle: Now, the chiefs are obviously under great pressure. The coaching staff for the south valley chiefs led by varsity head coach, coach Elliot bender, associate head coach Andrew deLaRue, and assistant Cliff Horn, provide the players with a very positive playing experience. And manager joy bender, is joy here, come on down Joy. We want to see you too. And lots of parent participation also helped the south valley

chiefs lacrosse team to run smoothly. And so mayor, would you present the commendation to chief -- which chief would it be? It would be chief bender. Where are you, chief bender? Here he is.

>> First off I'd just like to thank the council for recognizing us. It is a great honor to be California state champion. These guys behind me sweat blood and he tears every day going after it. It shows how hard they worked, they got an undefeated season, most teams can't say they have. They worked hard, deserved every bit of this and so thank you.

>> Mayor Reed: For our next item I'd like to invite our City Clerk Dennis Hawkins and council members and youth commissioners, for the Mayor's office, for district 1, 2, 3, 8 and 10, to join me at the podium as we swear in some new youth commissioners. We have Tara Pichumani, from district 1, I'm sorry that's the citywide youth commissioner, and from district 1, we have Kimberly tan, district 2, Thuy Phuong, district 3, Christian Dale Sanchez, district 8, Francis Nguyen, and district 10, Alexander Polussa. And we are going to get them all down here with the councilmembers representing the districts, and then the City Clerk is going to administer the oaths of office to all of them.

>> Dennis Hawkins: In more than one. Raise your right hand and repeat after me. I, state your name. Do solemnly swear.

>>> do solemnly swear.

>> That I will support and defend.

>>> That I will support and defend.

>> The constitution of the United States.

>>> The constitution of the United States.

>> And the constitution of the State of California.

>>> And the constitution of the State of California.

>> Against all enemies, foreign and domestic.

>>> Against all enemies, foreign and domestic.

>> That I will bear true faith and allegiance.

>>> That I will bear true faith and allegiance.

>> To the constitution of the United States.

>>> to The constitution of the United States.

>> And the constitution of the state of California.

>>> And the constitution of the state of California.

>> That I take this obligation freely.

>>> that I take this obligation freely.

>> Without any mental reservation.

>> Without any mental reservation.

>> Or purpose of evasion.

>>> Or purpose of evasion.

>> And I will well and faithfully.

>>> And I will well and faithfully.

>> Discharge the duties for which I'm about to enter.

>>> Discharge the duties for which I'm about to enter.

>> Dennis Hawkins: Congratulations.

>> Mayor Reed: Councilmember Rocha did you have something before we move on?

>> Councilmember Rocha: I was curious as to the order of the agenda. And the bike item and where that's going to place on the agenda.

>> Mayor Reed: It was my intention to take that first which would be next and then move on just starting with 11 in order. And I have about a dozen people who have turned in cards on that item. I don't know if there are any other cards on any other items. First seems okay, maybe dozen and a half people. Agenda item 6.1, which is the Hedding and Ocala bike lane projects. As I indicated I have a dozen or so cards for people who want to speak and we'll get the public testimony shortly.

>> Hans Larsen: Thank you, Mr. Mayor, members of the council. I'm Hans Larsen the director of transportation and joining me for this item is Manuel Pineda deputy director for transportation planning and projects. You have a

staff report and recommendation from us on the implementation of bike lane projects on Hedding street and Ocala street. And I'd like to acknowledge the memo of August 17th from councilmembers Liccardo, Herrera and Campos and just note that staff does support their recommended amendments to the initial staff recommendation. I'd like to provide the council with a background context report on this item. As the council is aware, you've taken some very bold policy positions, in developing a bicycle transportation for the city. That has as its goal to be one of the best biking cities in the country. And this is articulated in bike plan 2020 which was adopted in year 2009, that sets forth a 500 mile network of trails and on-street bike ways. We have over 260 miles complete and so a little more than halfway. The plan does identify using enhanced design treatments. And these are a package of treatments, I'll talk about a little more in another slide. But I really represent the best practices from around the world and the country on the kinds of bicycle facilities that really encourage more people to feel safe and comfortable riding their bike. And so we are deploying these new treatments both with this project and some recent ones that we've done downtown. Our near term goal is to have a 5% bike mode share by the year 2020. We are currently about 1%. Envision 2040, which was approved by council just last year, incorporates bike plan 2020 and sets even bolder goals for the city and envisions a 15% bike mode share by the year 2040. Some of the key implementation strategies that we have, as the council knows we don't have that much of our own discretionary money to move forward in this plan in the current fiscal environment but we're very good at getting grant funds from regional agencies. And the MTC and VTA have both adopted bold goals in terms of financing bicycle facility projects. Just as an example, there's about five time more money for bicycle projects that are supported by MTC than, say, five years ago. So there's been a significant increase in grant activity. The other opportunity that we have, and this is relevant for the two projects on your agenda tonight, is that we are strategically integrating developing our bicycle transportation system with our pavement maintenance program. And the city council recently approved policies as part of the pavement maintenance priority street network that identified, as among our priorities, to include bike ways as the corridors in which we will prioritize pavement maintenance work in order to develop our bike transportation system. This is among also considering bus corridors or job centers and the streets that carry the most traffic. I wanted to highlight a few of the enhanced bike way designed treatments that we're are working to deploy. A couple of these are relevant to the item here tonight, that I just want to call your attention to. Buffered bike lane is on the upper left. And if you've driven around downtown you'll notice about seven miles of buffered bike lanes that we installed this summer on third, fourth,

10th and 11th and part of Almaden. One to the upper right is a green bike lane and that is -- we are planning to deploy this on San Fernando street later this year but it's also recommended that we employ this in the Hedding street corridor as well. A couple of other treatments are protected bike lanes where you actually have physical devices in the roadway. The bottom left picture is a design treatment that we're proposing to install in north San José later this year, and there are neighborhood bikeway treatments that emphasize low speed neighborhood streets with special messaging to designate these are priority roadways for bicyclists. We have, as part of our bike master plan, we've -- the 500 mile network is made up of 100 miles of trails and 400 miles of on-street systems. And within the plan we designated about a third of the streets as primary streets that are either trails or that will have these special enhanced designs. The other two-thirds are proposed to have more standard bike way treatments. And wanted to just highlight for the council, some of the key corridors that are part of the primary bike way network. And so I -- this is a map of the city with various designations on it. But I'm going to overlay it here with a couple of lines. These bold green lines represent what I call the big three trail system: Los Gatos creek, Guadalupe River and Los Alamitos Creek, and Coyote creek, and these represent really the major bicycle and recreational corridors that we have. It's a huge asset for the city to get people to move around the community by biking. And we're working with Parks, Recreation, and Neighborhood Services to fund and complete this network and we've got very good progress going on. One project to note is the paving of the Guadalupe river trail from the airport area up to Alviso and that's currently under construction and that will provide a great trail connection between North San José and opportunity and towards Willow Glen. Other key trail projects include bay trail, Penitencia creek, three creeks trail, and Thompson creek. These are all in various states of development. And you can see just from the trail network, we have a very good kind of core system of bicycle transportation. But in order for it to really tie together and serve the whole community, we need to create good on-street trail connections that create a strong network. And those are some of -- the key projects or part of the onstreet primary bike way network. And what we're attempting to do is provide almost a trail like experience on street that makes these facilities both safe and comfortable and encourages high bicycle use. So some of the key on-street primary networks I'm going to highlight here, one is the river oaks connector, these are going to be shown in yellow up in North San José, which we'll be building later this year. Another project is also funded, and this provides a connection in the San Fernando, San Antonio, and capitol expressway corridor that connects downtown East San José and the Evergreen area to the planned Thompson creek trail. Another major east-west connector is what we

call the Cambrian-Branham corridor that connects Los Gatos Creek, the Guadalupe River and Coyote Creek. So all of these projects are in some phase of development, and we're working towards implementation in the near term. The projects that we're discussing tonight, one is Ocala. This is not on the primary network but it does connect to it. And so this is an important part of the overall system. And then the other project is the Hedding street corridor which is part of the primary network, and is very important in terms of connecting the Guadalupe river trail with the Coyote creek trail, Penitencia creek and eventually tying into the BART station area. So just a few specifics on the projects. First the Ocala street project. This is building bike policy context this is part of bike plan 2020. It's a secondary route. But does connect to the primary system. And then in envision 2040, this was identified as a candidate road diet, which means this is a corridor we've identified to be a complete street, where we would actually reduce car travel lanes within the corridor, and make more space available for bicycles and pedestrians. So the scope of the project is to implement both the bike plan 2020 and envision 2040 plans for this area. It includes a four-three lane reduction, so it takes four lanes, two in each direction, and converts it to one lane in each direction with a center lane for turning movements. And that provides space to put in buffered bike lanes. So this is a bike lane, with a three to five-foot buffered space next to it that separates it from the moving vehicle traffic. In this corridor, there -- we can accommodate the bike plan without removing parking. We had a community outreach meeting for this on June 21st. There is no significant traffic congestion impacts, no parking removal, and as a result, there was no controversy and only community support for this project. So we recommend council approve the lane removal and adding buffered bike lanes to the Ocala street corridor. The second project that we have is the Hedding street project and this one has generated some controversy and media attention. This project plans to put in bike lanes between Guadalupe river to seventh street. Later the project in future phases would extend towards Coyote Creek and the BART station. And then it was also planned to be extended to the west from the Guadalupe river trail towards the rose garden neighborhood and West San José. The project that we're planning is integrated with a pavement maintenance project that's funded with federal grants, so the project is limited to the portion in which we have pavement maintenance funding for. Again, this project's consistent with bike plan 2020. It's on the primary network. This also is identified as a candidate road diet in the general plan. So the scope of the project here is also a four-three lane reduction. Would include buffered bike lanes and parking removal. Our staff recommendation was to remove all parking in the corridor, in order to provide full buffering of the bike lanes. This is generated a lot of concern primarily regarding the parking removal

so there is an alternative recommendation or an amendment that would lessen the amount of parking removal in order to be sensitive to significant community concerns. We had several community meetings on this. June 7th, 14th, 21st, August 2nd and 16th. The meeting on the 16th was hosted by Councilmember Liccardo. And primarily focused on the parking concerns and the development of alternatives. So with the amended recommendation, it would actually remove the amount of parking loss, in half of what was proposed previously we were looking at removing about 20 to 30 spaces that were actively used with the amended recommendation, the amount of impacted spaces would be in the range of ten to 15. This still retains buffered bike lanes for almost 80% of the corridor. If you look at both sides, and so in the scheme of things, it's a relatively small I guess compromise to what would perhaps be an ideal bike corridor. And as an offset to that it's recommended that the corridor have a more enhanced green bike lane treatment in order to further kind of create visibility for this corridor as a primary bike way, and particularly to provide an added level of safety in the areas where the bike lanes would be more narrow where we're retaining parking. I'd like to add that this portion does include the segment of Hedding Street any next to the county complex between route 87 and first street. We have coordinated with county staff. They're supportive of it. In the county area we have sufficient width that we are doing a lane reduction but there is no parking removal and traffic capacity is adequate at the key intersections because we're retaining the key turning movements. County staff presented this bike plan to the Board of Supervisors finance and government operations committee on August 8th, and there was indication of support from the county for this direction. So in conclusion our recommendation for Hedding street is approving the lane removal, allow parking removal at limited locations as identified in the memo from councilmembers Liccardo, Herrera and Campos, add a combination of buffered and standard bike lanes and to install green bike lanes in the corridor. The last thing I am going to add is there is an additional cost to provide green bike lanes for the mile and a half corridor in the order of about \$100,000. We would need to prepare that as a change order to the pavement maintenance project but are prepared to identify funding and bring forward that recommendation to the council in the near term. That concludes our presentation be happy to take any questions. Thank you.

>> Mayor Reed: I have quite a few cards from the public a couple dozen now to speak on this. I think we'll take the public testimony first and then come back to the council unless the council would like to speak first. All right,

public testimony first, please come on down to the microphone when I call your name. There are places you can sit. Charles hope, Mark sourwald. Jessica zinc.

>> Good evening, mayor and members of the council. Thank you for taking my testimony here. I have to tell you I'm at a loss how this project ever got this far. I'm a taxi driver, I'm representing myself and other taxi drivers as well. I've calculated since the bike lanes have been in place now in tent and 11th and fourth street my response times have increased from 30 to 50%. And if Berryessa -- or excuse me, if Hedding street goes in as planned, my income is going to be reduced between 6 and \$1200 a month, which I can't afford, and no other drivers can, either. Not only my response time is going to be reduced, but any delivery drivers, pizza trucks, whatever people trying to get to their babysitters before they get fined for getting there too late, or getting to the dry cleaners before the dry cleaners close. I just don't understand you know, my understanding of good representative government is the greatest good for the greatest number, okay? We're talking about 90% of us being disenfranchised so to speak and for maybe 5% of the people who may use the bike lanes, all right? Also I don't understand from a good traffic engineering standpoint the basic underlying tenet to good traffic engineering as I've ever understood it is the most traffic from point A to point B and the most timely efficient manner safely. This accomplishes neither of those goals in fact it violates both of them. Also, Hedding Street is a reliever street for Taylor Street and highway 880. When the traffic is backed up there. If this is reduced to one lane you're going to have people going through neighborhoods looking for alternate routes. We're going to have increased road rage, increased wasted gas, increased -- air pollution and increased global warming. I see no good aspect to this at all. I mean it's a luxury that could be considered for a retirement community. There has no place in the community where people have to get back and forth to work.

>> Mayor Reed: I'm sorry, your time is up. Mark sourwald is our next speaker. Jessica Zinc, and then Candace Stein.

>> I'm Mark sourwald. I live on 6th street, close to the intersection with Hedding. I work in Santa Clara. I ride a bicycle to work and back every day. So I ride on Hedding both ways and continue to do so whatever do you here. On my commute from 6th to 1st there are a total of seven residences that would be affected by the removal

of parking. Leaving the parking in those places takes away the eight feet of parking, plus from my perspective the three feet of the door zone that is a dangerous place for me to ride in. So you've got 12 feet there, on each side of the street that's 24 feet out of a total street that's less than 60 feet wide. For me to ride safely I'm going to be riding 15 feet away from the curb. Which means that I'm going to be in the middle of the travel lane if there's parking still there. You've reduced it by one travel lane so I think it's going to cause a tremendous amount of conflict. It's going to make the situation worse than it is now by retaining the parking. I urge you to consider the fact that, by leaving the parking in the new proposal, you are increasing the danger, you're increasing the risk for cyclists and what you are getting for that is the convenience of those seven residences which will retain their on street parking, free on street parking in front of the house. Think of how many additional injuries and deaths for cyclists there will be for that added convenience. Thank you.

>> Mayor Reed: Jessica zinc, Candace Stein, Colin Heini.

>> My name is Jessica and I'm the senior director of transportation for the Silicon Valley leadership group and I first want to thank the city council and the staff for the opportunity and choices you're providing in consideration night for our transportation network. As a leadership group representative, our members are very supportive of increasing biking opportunities for their employees to and from work. They really see this ability as key to employee happiness employee health and therefore employee retention and productivity. Also you're all pretty well aware that the leadership group has been a major supporter of bringing BART to Silicon Valley and we see this link for our bike network to the Berryessa station very critical so I'm thrilled you're considering that. Personally, though, I bike to work just about every day, I drop my daughter at day care, I shop, and I like to think I'm a fairly productive member of society who deserves the types of options that you're consideration here this evening. My commute goes along Hedding street as well as the new lanes on 10th, 11th and when I have the luxury of time I also take your beautiful trail network. So thank you very much for this proposal, and I hope it all moves forward this evening, thank you.

>> Mayor Reed: Candace Stein, Colin Haney, Dave Furgelo.

>> I'm a downtown resident. Thank you Mayor Reed, councilmembers. Bicycling is growing incredibly fast in Chicago, Minneapolis, New York, San Francisco, and Portland. At least doubling since 1990. People in those cities did not wake up one day and decide to dust off their bikes. Those cities, like San José, hired staff, built bike ways, created transitions to public transit, installed bike racks, and have, or are, exploring bike-share programs. More dusting off of bikes could, and I think should, happen here. We have better weather than Portland and flatter streets than San Francisco. And, like the rest of the country, we are getting fatter. But the dusting does not start for many people until they feel safe. A good bike infrastructure is key. Bike crashes in Minneapolis dropped an average of 20% each year the past ten years while the number of cyclists increased, 174%. Same thing is happening in New York City. Cycling is up. Way up. Cycling fatalities are down. A good infrastructure seems like bike lanes are important. They are good for cyclists and they are good for drivers. I support bike lanes on Hedding.

>> Mayor Reed: Colin Haney, Dave Trusslo, Mary Ellen Keikendal.

>> Good evening, Mayor Reed and councilmembers. My name is Colin Haney, I'm the deputy director of the Silicon Valley Bicycle Coalition, and I'm here tonight to offer our support for the Ocala Avenue and Hedding Street bicycle lanes and also our support for the compromise proposed in the addendum that Hans was discussing earlier. Bicycle infrastructure along these two roads will provide dearly needed East-West connectivity and accessibility for people on bikes in San José. It's especially important that despite some challenges that we've discussed the city move ahead with the Hedding street bike way. Hedding Street is a vital link in our growing bicycle network and is eventually going to provide East-West connectivity all the way from Berryessa BART station to the border with Santa Clara. Additionally it's going to provide connection between these impressive new bike lanes on 10th and 11th and Guadalupe river trail that doesn't currently exist north of San Fernando in the downtown area. So we'd like to thank the Department of Transportation for working so hard to create a bikeable downtown area and thank you for making it possible. Thus far the proposed amendments retain some parking on Hedding is a reasonable compromise with local residents but it does present some conflicts. Most notably the lack of a buffer in these areas where we're preserving parking move cyclists closer to moving traffic than originally proposed and leaving parked cars next to that lane creates a door zone where cyclists face some danger of

having a car door open in front of them. So we hope that the proposed green slurry seal is going to make drivers of both cars and bikes more careful around each other and more respectful of each other' safety and we look forward to working with the city to finalize any design details in order to make this the safest design facility possible. Thank you very much for considering these projects.

>> Mayor Reed: Dave Trusslo Mary Ellen Keikendal, Monte Keisen.

>> Thank you. I'd like to begin by apologizing to Sam Liccardo, I sent out some e-mails that I think were incorrect and inflammatory. Based on the best information I had available which has been a changing target. I've been reviewing a slew of documents. I went through the 502 page envision 2040 the bike plan and lots of other material and the main problem I have is this: This council agreed with public input on those two documents and what they say is that the bike plan designates Hedding as a class 2 bike way which means, according to the state, combined bike, parking and travel lanes. And what we're doing here is changing it to a class 3, that's the proposal. And that's not what was in the plan. And I can give you the page numbers and all of that. The second one is the envision 2040 plan and that designates Hedding street along with some others, as a tree-lined, illustrated in the document, sidewalk edge parallel parking plus two to three lanes in each direction and optional bike lanes. That's what this council voted on. That's what the public input and the expertise. That's not what's being proposed. So it's running contrary to the plan. So I would argue that it's not consistent. There are a couple of other things that are important to be brief. The other issue is CEQA. You've heard from the economic impacts, there are also parking meters that would be removed along Hedding street from first to second. So that recommendation has an impact on the disabled as well. I've been walking back and forth, several disabled people that use that with the disabled stickers so eliminating that affects them along with other handicapped services. If we eliminate all parking all standing et cetera, for the residents along Hedding Street. There's some other CEQA impacts including property values. I did check with the county assessor's office what the impact would be --

>> Mayor Reed: Sorry, your time is up. Mary Ellen Keikendal and then Manny or Marnie Cumson and then Patricial Gonzales.

>> Thank you, Mayor Reed. And councilmembers for taking up this issue. As a cyclist and resident in District 6, I'm delighted that we are considering changes to Hedding Street to accommodate bike lanes. We have long needed an East-West route on our end of town that will connect us to the City of Santa Clara and to the Eastside of San José and Hedding is the best choice. San José has lacked bike routes that are continuous. Often leaving bicyclists vulnerable in many dangerous traffic areas. I urge the city council to approve this measure, and put making the streets safe for everyone a priority. Thank you.

>> Mayor Reed: Marnie Cumsen. Patricia Gonzales, Richard Lepp.

>> Thank you, Mayor Reed and the city council for hearing me. I'm here to support building very safe bicycle lanes on Hedding street. It's well-known and acknowledged that cycling benefits apply to both the individual cyclist as well as the community at large. In our country, obesity has reached epidemic levels. I can personally state that cyclists can lose weight and increase fitness levels, having been very successful at doing that myself this past year as cycling my main exercise. However, the greater community also receives health benefits when people cycle instead of drive. Because cycling reduces pollution which can decrease the risks of diseases such as heart attacks, strokes and asthma in both cyclists and noncyclists. But in order to promote cycling to more people cycling needs to be much safer for everyone. I have friends who simply will not ride because of safety concerns. These concerns would be lessened with more dedicated, well designed bike lanes. My own anecdotal observation is that in the very short time that the bike lanes have been opened on 10th and 11th streets there has been an increase in bicyclists using these streets. Since a safe infrastructure is key to supporting and increasing cycling, which will benefit the health of the entire community, I advocate constructing the safest possible bike lanes on Hedding Street as soon as possible. Thank you.

>> Mayor Reed: Patricia Gonzales Richard Lepp, Betsy means.

>> My name is Patricia Gonzales, I'm a resident on Hedding street I'd like to thank you today Mr. Mayor and fellow councilmembers for listening to me. First of all I want to say I do support the bike lanes, speaking for myself. But I also -- the parking situation is why I am here asking Mr. Liccardo and fellow councilmembers made a

recommendation and I'm here to tell you that I support that recommendation. There are four blocks on my side of the street that will have parking. And I don't think that four blocks out of that whole area is too much to ask to have parking on my side of the street. And I believe it's three blocks across for me also. So it's a total of seven blocks altogether the parking that we are -- that we would like to keep. So that's what I'm hoping that you all vote, supporting the recommendation from Councilmember Liccardo. Thank you.

>> Mayor Reed: Richard Lapp, Betsy Means, and I'm sorry if I didn't get the last name correct but you'll let me know.

>> Mayor Reed: Thank you, council, your honor. I've a long history in San José, over 20 years living on the corner of Hedding and Chapman and I've seen the park evolution of that street from the move of City Hall which created a transition from a very unsafe roadway, difficult if not dangerous, but most times to back out of our garage, to what now is, we consider a reasonable and prudent though sometimes dangerous to back in and out onto Hedding street from our garage. I'm a LEED certified professional and I have a great empathy for the plan that's been presented. However I do believe it doesn't bridge the responsibility of providing safe vehicle traffic as well as safe bicycle traffic. So I feel that a deeper review of the parking situation, as well as the lane configuration, along with the bike path, could be a prudent solution to a wonderful cross county bike lane. I know Hedding is an extremely traveled roadway for all vehicular traffic. However, I also see the bike traffic beginning to increase slightly. So I would like to ask a good review of how much we're going to take of the parking, and the lane configuration, and still allow a reasonable but not overly devastating to the neighborhoods or to safe vehicular traffic. Lastly, the parking is very critical. I had a 91-year-old mother lives in our house, and my next door neighbor is over 80 all of which require parking on Hedding. And if they had to park down the street they would be walking blocks just to get to their house with groceries that's impossible so under the circumstances.

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

>> Thank you very much.

>> Mayor Reed: Betsy Means or Mejas, I'm not sure, Chris Donovan and Mabel Rodarte.

>> I live in Santa Clara and commute seven miles into San José by bicycle. And I've noticed a lot of the resistance to placing a bike lane on Hedding Street seems to boil down to the parking. But during the August 2nd community meeting, a resident said he hesitates to park on the street because neighbors have returned to find their cars taillights and mirrors struck by passing traffic. If traffic on Hedding street is so close it sometimes hits parked cars, try riding a bicycle in between. I commute daily between park and Oakland and I estimate I've ridden about 300 miles just on Hedding this year since April. I don't ride on Hedding because it's inviting. I ride on Hedding because its surface road as it goes around the airport and crosses the CalTrain tracks and the light rail tracks and 87 and the train tracks at 10th street. Hedding could be a key East-West connector for bikes but right now it's not connecting. We have comfortable new bike lanes going North-South but Hedding is still a very difficult place to ride a bicycle. Some opponents claim that hardly anyone bikes on Hedding. Their claims are not consistent with the findings of the Department of Transportation nor with my own observations. And I expect we will see many more people bicycling when the street invites it. And if enough people ride bicycles I expect that fewer people will need parking. San José has already embraced the plan to encourage a better balance of transportation. Building bike lanes will cost a lot less in conjunction with the pavement project that's already been approved. Let's make Hedding a connector that connects this important east-West stretch for bikes. I urge the council to take the advice of Department of Transportation and protect the safety of all who travel on Hedding. Thank you.

>> Mayor Reed: Chris Donovan, Mabel Duarte, Janet Lefleur.

>> Hello, thank you councilmembers and mayor. I live in the modernized development near 13th and Hedding. I ride my bike, use my bike in my commute to work five days a week, oftentimes on Hedding on 11th street and 10th street. Here to urge you to support the bike lanes going on Hedding. I think that the compromise on the parking is appropriate. It's going to be much better than what we have right now. The -- with the new bike lanes on Hedding and the development along the north, the Guadalupe river trail, I will be able to do my commute from

work, home, without being in the main traffic lanes at all. So -- and I appreciate that and I hope we can get that finished. So thank you very much.

>> Mayor Reed: Mabel Ruarte, Janet Lafleur, Carlos Babcock.

>> My name is Mabel Rodarte and I lived on Hedding street since 1950. And when I moved there it was Rosa street it was terrible potholes and everything and we lived with it. Then comes the city and it gets better because jobs came in. So they fixed the street and then they came over to each property owner and told them they had to take some of their parking space away, the parking strips. And not only that we had to pay \$800 a household to put that extra lane in. But we didn't complain. We didn't contest it because it made sense. It made sense. And the traffic got heavier. But we had all these four lanes. Now, I can't believe it. I just can't believe it. You're asking for us to give up that lane, and there's more traffic now. There's city buses, there's all kinds of emergency vehicles. And then you want to take our parking? Our parking. And I've sat there in my front window and watched maybe two or three bicycles go by. And there's all kinds of other places in the city. And then you say a friendly city. San José is a friendly city. It doesn't need a bike lane to prove it. That's all I've got to say. It makes no sense. Thank you.

>> Mayor Reed: Janet La Fleur, Carlos Babcock, Antonina.

>> Hi, I'm Janet La Fleur, and I'm a resident of Mountain View who works in San José. Two years ago I decided to use my bicycle every day to get to work when I worked in Palo Alto. It was easy to do to go from Mountain View to Palo Alto, because they had gone, bitten the bullet and put in a lot of bicycle infrastructure. When I took my job in San José I was concerned I wouldn't be able to do that anymore but I found with CalTrain and the Guadalupe river trail I was able to have actually a more pleasant commute than what I had before. On that trail I find that there are a lot of people bicycling who aren't cyclists they are just people on bikes and they are doing their commute that way because it is easy convenient and comfortable. What my hope is that you'll move forward with your plan and the people from other parts of San José that don't have the pleasure of taking the Guadalupe river trail will have as pleasant a commute and to be able to do errands as well. But the Hedding piece I think is

particularly important. I have used it to go over to Santa Clara it's a little sketchy but do I it. Anyway, I want to encourage you what you've done and go further and you will see more people on bikes not just those that are out there today.

>> Mayor Reed: Carlos Babcock, Antonina, Tina Morrill.

>> My name is Los Babcock. I sit on San José's bicycle and pedestrian advisory committee as well as chair of the CalTrain bike advisory committee. I want to say first of all thank you to city staff and to council leadership on this in coming up with a compromise on the park situation here. I am completely impressed with the new bike lanes that have been built in the city. But one of the things I wanted to let you know, there's a lot of community input tonight but I've sat through bike 2020 plan, the envision 2040 plan and there was a lot of community input. I've seen it go from start to just about finish. And I was very impressed with all sides that gave their input into both plans. And so this, although like I said we have a lot of input tonight this has been an ongoing process where we've heard all sides of the story from all aspects of the city. The main thing others have said it but the linkage this provides between all the transportation systems CalTrain Amtrak BART light rail and the new bike share system I know we have a couple of members here that sit on Amtrak's California's joint powers board who recently have worked on the new bike access plan. We see more bicycles on CalTrain and on light rail. These will connect all these viable station, access to stations. Now also Santa Clara now has a station for Amtrak as well, Amtrak California. So I see this as a vital connector east-west. Thank you very much.

>> Mayor Reed: Antonina, Tina Morrill, Debbie Wade.

>> Good evening, Mayor and councilmembers. My name is Antonina. I live on Hyde park on second street about three homes from Hedding. I've been there about 20 years. I support the Hedding and owing La bike lane projects and the changes that were made to -- the recommended changes that were made too. I believe this project will enhance all neighborhood bordering Hedding, the reduction of the car lanes and added bike lanes will permit Hedding to be more of a pedestrian-friendly street. And since I'm in my home for more than 25 years, this is a good thing. I also want to mention I ride my bike occasionally to work and I have to go down first street and I go

down first street and Zanker to get to Milpitas and I wouldn't do that unless there were those bike lanes that are already there. I want to thank you very much, I hope you support this project.

>> Mayor Reed: Tina Morrill, Debbie Wade, Dave Krizusky.

>> Good evening, my name is Tina Morrill, I'm a resident of the Vendome neighborhood, which is right close to Hedding Street. I am in favor of the increased in the proposed bike lanes throughout our city. I'm somebody who lives on a transit corridor. I've got high density housing planned nearby and so I understand that there is going to be a certain amount of pain involved when it comes to people rethinking the way we've always done something. And in this case it would be how we transport ourselves throughout the city. My hope is that more and more people are going to look to using alternative forms of transit so that there will be less traffic congestion and also increased health benefits from walking or riding. Just as a PS I would like to add that the art box project is going to celebrate its first anniversary with an art box bike ride. So I would like to see all of you there with your bike helmets ready to pedal. Thank you.

>> Councilmember Liccardo: Tina, what's the date of that?

>> September 22th.

>> Mayor Reed: What was the date?

>> Councilmember Liccardo: September 22nd.

>> Mayor Reed: September 22nd, that's the date. Debbie Wade, Dave Krizusky, Amy Mendoza.

>> Good evening. I've been a bike commuter for approximately five years and have traveled all over the city on my bicycle for work and since leaving my job earlier there year, my bicycle has become my primary means of transportation. So I'm a pretty experienced cyclist. And along those lines, first I want to thank you for the

improvements that have been made recently in downtown San José on third and fourth and 10th and 11th. They have made riding downtown so much safer for cyclists and I -- I don't -- unless you get out on a bicycle and ride down those lanes and compare it with the way it was before you just don't know what a huge difference that it has made. So thank you very much for that. I travel along Hedding street two or three times a week going to appointments across town over in East San José. And it's currently kind of a scary experience. And I was so thrilled to see the plan for the bicycle lanes going in. And I want to support that plan and urge you to approve it. I'm somewhat disappointed at the loss of some of the buffered zone. And I understand the need for compromise and I understand why street parking is important as well. I just want to stress the reason the buffers are important. And it's not just the traffic on the left. It's the parked cars on the right, where people are getting in and out of cars. And it's a very common thing for bicyclists to be riding along and have a car door open right in front of them and they either smash into the car door, serious accident or veer into the lane on the left. And if there's traffic there, another serious accident. So these buffers aren't just kind of pretty and a nice extra. They're really, really an important part of safety on bicycle lanes. So I just urge you to approve the plan and please remember to keep those bicycle lanes as wide as possible whenever you can.

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

>> Thank you.

>> Mayor Reed: Dave Krizusky, Amy Mendosa, Martin Delsun.

>> Hi, my name is Dave Krizusky, and I'm a resident of San José near 11th street and 280. Every day I see the negative traffic effects of the change to 11th street. Write live traffic has become extremely congested because of the reduction of traffic lanes. Where traffic once flowed smoothly, on a daily basis when I try to turn onto 11th Street there are bumper to bumper traffic jams. And the San José State kids haven't even come back to school yet. Now I've learned the city wants to reduce traffic lanes on many more streets. Before making this decision I want to ask the following questions: How do you justify making travel more inconvenient for the majority of commuters for the benefit of bicyclists? How many people do you really think are going to change their travel

behavior just because the bike lanes are there? If these bike lane proposals were put to a vote do you really think the citizens of San José would vote to reduce the amount of car lanes to add bike lanes? And finally, what's the hurry to put more bike lanes in? According to what I read on the Department of Transportation Website their studies seem to indicate that eventually the number of cars will be reduced as people switch their mode of transit to bicycles. I question how this conclusion was ever reached but why don't we wait to see the full impact of the changes that are already made until we spend more money to convert to even more bicycle lanes? I urge you to vote to halt further construction of the dedicated bicycle lanes. People who want to use bikes already can legally use them on the street. Please don't inconvenience the majority of us for the benefit of the few.

>> Mayor Reed: Amy Mendoza, Martin Delsun and Katy Heany.

>> I'm here today as a resident of downtown San José, and I ride my bike everywhere down here, and I just want to thank you for the infrastructure improvements that have happened in downtown. As the new bike lanes have been installed I see more people biking, I see people excited about biking and I think that's something that is spreading throughout. And I think that's really exciting. So I do -- I appreciate the work that's gone into this proposal as well. Including the compromise that's being proposed. I also want to highlight that the connectivity for cycling and public transportation is a key thing for how we can get around. I see cyclists that are biking enthusiasts out there but I see people who are coming from a low income situation who are on their bikes riding their bikes to the bus station or to light rail or to some other kind of transit and that really increases the amount of - - increases how much their commute -- increases how far away their job can be. Because they can use bikes and transit. So making that connection is actually really important. And I appreciate that that's being taken into account as all these -- as all this bike infrastructure is being developed. Some day we will have Berryessa BART station and some day all this connectivity will take us to that station as well. So thank you again for your leadership on this issue.

>> Mayor Reed: Martin Delsin, Katy Heany Jane Gunther.

>> Thank you. There were three points I wanted to make but all three of them have been made already, several times. I think I can be brief. First Hedding is a very vital corridor for bicycling. Secondly, the way it is now when bicycling there and passing a parked car there just isn't room for the bicyclist to safely be to the left of the car, and still have traffic pass him in that lane. Consequently, when I'm on the street, I go and I take the full lane. However, I know -- I've been bicycling now I count 38 years. And I'm used to being on the street. But when talking with neighbors, this is a third point I wanted to make, about bicycling, the main reason people don't want to venture on the street with their bicycle is they feel it's unsafe. The bicycle lane is one of the key elements along with trails that makes people feel safe on being on their bicycle. So regardless of how you resolve the issue with parking, I urge you to go ahead and put in these bike lanes on Hedding Street. Thank you.

>> Mayor Reed: Katy Heany, Jane Guinther, Richard Neville.

>> I'm Katy Heany from San José bike party. I support the addition of bike lanes on both Hedding and Ocala Streets. I'd like to thank you for the recent bike lane additions on third, fourth, 10th and 11th street. I was able to enjoy the bike lane coming here on third street, it was very nice. I also support all future plans to improve bicycle infrastructure in the City of San José. These encourage bicycling as a transportation option, make our city safer and create a more vibrant and pleasant place to live. Thank you.

>> Mayor Reed: Jane Guenther, Richard Nevill, Nick Leskou.

>> I'm Jane Guenther, I've moved here from Massachusetts nine years ago where I seldom biked. Here has been this unbelievable wonderful opportunity with weather, terrain, and it's all the bike lanes. I have now become a consummate biker. Biking every week for recreation, and basically, ditching my car. But I speak as a grandmother, every Tuesday I take my two grand sons, and we try one of the bike trails. They're only four and six and I'm introducing them to this wonderful world of biking that this city has provided. I want to provide a green and healthy environment for our children. And I think it's utmost important that they will be in a city that has all these wonderful bike lanes. Thank you.

>> Mayor Reed: Richard Neville, Nick Loskoski, Janet.

>> Mayor Reed, councilmembers I thank you very much for giving me the opportunity to speak. I come to you as a person who studies the climate system, as an environmental educator, as a geoscientist, as a father and as a citizen of San José and as a bike commuter. I strongly commend your leadership, your bold and innovative vision for greening San José, I can tell you that my personal decision to be a bike commuter not only stems for my concern for the climate system and for the future of the planet and for our children who will inherit it from us but also for the safety that the bike lanes provide. Thank you very much. Again please support measure 6.1 to construct the bike lanes on Hedding and Ocala.

>> Mayor Reed: Nick Loskowski, Janet, Lara Perez.

>> Good evening, Mayor Reed, members of the council, city staff and generous citizens. Each of us have been doing amazing things to improve this city. But unfortunately it isn't enough. I'm Nick Laskowski, a teacher at Hoover Middle School at Park and Naglee Avenues. Just over four years ago an unlucky student at my school was killed on her last day of school as she rode home because she, or maybe the adult who may have advised her, was too afraid to ride in the bike lane on Park Avenue where a driver may have seen her. A bike lane wasn't enough. My students come from downtown, from Willow Glen and the rose garden. At last count I knew of less than a dozen who bike to school but over half of our 1100 students live within two to three miles. Many along the fading Park Avenue bike lane. I lead trips of students outside of school hours to promote safe and fun cycling, but parents are too afraid to allow their children out of the house on weekends. The students are too afraid to leave their video game consoles and encounter the real world. A bike lane isn't enough. I support the plan for full separated bike lanes on Hedding at the cost of removing on street parking. And I support the proposed Ocala bike lanes on a street that is in desperate need of a human crossing of highway 101. Do not spend \$100,000 to protect 24 spaces of free parking, a cost of over \$4,000 per car. Remove the parking and lanes, for last century's bad habits of consumption and isolation. Add meaningful and inviting urban space for humans and human powered transportation. Thank you very much for your time.

>> Mayor Reed: Janet and then Laura Perez.

>> Good evening all thank you so much. Just today, I rode my bicycle, I commute on Hedding. I commute in my car and I commute on my bicycle and just today wearing these clothes I commuted on my cycle. It was fabulous except for the part where I had to go over the bridge over the railroad tracks and take my life in my hands. I've heard some people comment as if the bike lanes are somehow a special thing for special cyclists and what makes them so special. Well what makes this place so special is we all live in San José we all share the roads all of us are special none of us are second class citizens including the cyclists. So as a commuter as somebody who drives my car, I live in fear that if a tire gets blown or a car runs out in front of a cyclist suddenly they'll end up under my wheels, and I will have to live the rest of my life knowing I had injured or killed somebody, through no fault of my own and no fault of theirs. As a cyclist I live in dread that some motorist is not going to be paying attention, has to flinch at a high speed and boom I'm toast. Either way with the bike lanes commuters by cycle and commuters by cars win. We're in the middle of a paradigm shift. Horses gave way to cars. Cars can share the road. Nobody's asking the cars to go away, we just want them to share the road. My people come from Amsterdam. If you have ever been to Amsterdam, flocks of bikes. It's a joy to behold. I look forward to riding to work on Hedding street and not take my life in my hands. Thank you.

>> Mayor Reed: Laura Perez.

>> Hi, I'm here as a cyclist and a mother of two teenagers. My daughter's 19, my son is 17. And I just wanted to share with you an experience I had, approximately one year ago. So I was riding myself and three children we were all single file on Taylor. I know we're not discussing Taylor but we are discussing it sort of limited roadway with parking on the side. So we were single file and I always ride ahead so that I can watch for cars and people in cars pulling out parking, opening doors, et cetera. And the door opened, in front of me actually, it tagged me but I passed it and I knew it was coming. And my son was behind me thankfully but he's a football player and a lineman. He dropped his shoulder down and he took out that door. It was instantaneous. If that would have been myself or the two girls that were on that road, we would have been knocked into the street. That was his reflex. I know that parking is limited. But at the cost of a person, alive and injury, it's just ridiculous that we're debating

that. You are talking about making a proposal for buffers and bike lanes and bike safety. Don't you do it right the first time. Why even waste the time or the effort and keep parking? Buffers are necessary. The experience that I had was, thankfully my son was okay. But that's not always the case. Thank you.

>> Mayor Reed: That concludes our public testimony. Councilmember Liccardo.

>> Councilmember Liccardo: Thank you mayor. I want to thank all the members that came out. I know people are very passionate about this issue because it deals with issues of safety certainly as well as issues of quality of life. I appreciate there are a lot of differing opinions here. I'm sure none of my colleagues would ever have guessed that there were so many different opinions about how to paint lines on the street but there are. And there are for good reason because a street is a public space. And while we certainly heed the advice of traffic engineers and people who are knowledgeable in these things ultimately the decision about how to use public space is a political decision, it's a decision that reflects our values and our aspirations as a community. And currently there is a aspiration to change that is to transform the streetscape in San José among many people who like to see us and see the city as one not just built for cars but in fact built for people. When I had pushed for buffered lanes, I guess it was starting four years ago, and most recently, as we ran into the opportunity, and I think the Department of Transportation was really marvelous in how they were effective in getting grant money to make this happen, what rang most strongly for me was not that this would simply be convenient for me because I ride my bike two or three times a week to work. But in fact that, in our downtown community certainly, I know this is true throughout the Eastside and many parts of our city, that we live on streets where traffic moves far too quickly and in fact on several one way streets in the downtown we had meetings since 2002, with downtown residents and plans that sat on the shelf for over a decade to convert one-way couplets to two-way roads at a cost of often \$5 million to \$8 million per couplet and their cost were astronomical because of all the different modifications you would have to make to street lights and everything else. So when the opportunity came up to not engage in that very expensive process, although we have certainly on several streets, at Julian and St. James and third and fourth. But to in fact try a more economical approach, one that simply narrows the streets, engages with road diets which is something our department Hans and Manuel Department of Transportation have been advocating for a long time, moving the traffic in a way that is far more affordable and slow traffic down and make space for the rest of us, it seems to me

this is an opportunity we had to take advantage of. I certainly appreciate that there are those that feel adamantly we shouldn't give up on buffers anywhere, there are those who feel we should not give up on street parking anywhere. We are of course at council behest to balance these competing needs. I just want to I guess leave us one thought. I have heard the assertion many times that well not that many people are riding on Hedding Street and that's absolutely true. I don't see that many people riding there. I ride my bike there and frankly it's scary. We can't possibly expect anyone to ride on Hedding street right now although people do risk their lives, I know several speakers said they do. It's really a very unpleasant experience riding along the road thinking your life is being taken in someone else's hands any given moment. So this is an opportunity for us to try to retrofit this city in a significant way. And I think we recognize we're going to learn as we go. We may be making changes as we learn more. And obviously, we'll be doing so in response to the concerns we hear from the community. But it's important for us to be nimble and responsive. So with that I'd like to thank councilmembers Herrera and Campos for joining me on a memorandum dated August 17th. I want to thank our Department of Transportation staff John Brazil, Manuel pineta, and Hans Larsen and all the folks who have worked so hard to move forward with these plans and move the memorandum dated August 17th along with the staff recommendations.

>> Second.

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

>> Councilmember Campos: Thank you, mayor. Just a question to Hans. I know that you had to do the green slurry you had mentioned that that would require a change order. And then you also made a comment that we would find a funding source for it. Does the project already have a contingency in it and given that these are -- it's a project that is including or building bike lanes, do you foresee problems there that would require to use the contingency beyond this fairly large change order?

>> Hans Larsen: Councilmember Campos, a couple of options. We do have contingencies with our pavement maintenance projects. We also have received very favorable bids on most of the contracts that we put out this summer. So our overall pavement maintenance program budget has the capacity to cover this. So I don't think

that that will be an issue. I think generally, the approach that we take is when we have an opportunity to combine our bicycle goals with our pavement maintenance projects that we determine what's the appropriate treatment for that street, and then we just integrate it as part of the pavement maintenance project. So I'm fully comfortable recommending the -- whatever the approved design is, with buffers, standard lanes, green paint, that council chooses that that's what we would implement with the pavement maintenance project.

>> Councilmember Campos: Okay, thank you. And just my comments on this. I'm much more familiar with Ocala corridor, but one of the things that you know we probably won't realize until two, three, four, five years down the road is, you know, maybe that moment we'll say wow, you know why didn't we think of that earlier? I think one of the things that we're not talking about when we have these road diets is that naturally, it starts to slow down traffic. You know right now, Ocala avenue from King to capitol expressway which already has bike lanes, it's two lanes. One lane in each direction. And I could imagine that if it was the full four lanes, I mean, it would be -- it would be a hazard for pedestrians to even try to cross or even to you know jog alongside. I can see that happening with the portion of Ocala that's going to get the buffered bike lane. Not only that, but it's a heavy, heavy residential area. There's two schools on each side and slowing down traffic along with giving other options for folks to get to and from school or to and from wherever they're going to go, hopefully to a job center or somewhere in downtown or other parts of the city is a goal that we should always be trying to achieve. You know one of the things I want to remind my colleagues, and others out there that are listening is, you know, districts like districts 5, 7, 3, many folks, that's their only mode of transportation is their bike. And if we can provide safer ways for them to get to and from wherever they need to do their business, that's the role of the council. And I think that you know with the studies and the dialogue, with people throughout the city we've come up with a plan that's as close to being perfect as we can probably get. Glad I was able to sign on to the memo with Councilmember Liccardo and Councilmember Herrera. And look forward to when these are completed, thank you.

>> Mayor Reed: Vice Mayor Nguyen.

>> Vice Mayor Nguyen: Thank you. I just wanted to thank my colleagues for the memo. Especially Sam Liccardo. I know this has been a great passion of his since he got elected to serve on the city council and we all

know how important it is for him. But like he said this is not a personal agenda. I think this is an agenda for the residents of the City of San José. I think the amendment recommendation is a good compromise given parking is a huge concern among the residents. But I think we're working with the best resources that we have. Obviously it's not the perfect plan but I think it's the plan that's moving in the right direction. I don't know the -- and I don't pretend to know if we have seen an increase of rapid cyclists since we have implemented the bike lanes but what I have seen over and over again is that there has been a huge decline of people speeding on these streets. I every day when I go home from work on 4th Street people are driving a lot slower. And I have been driving on these roads for the last seven years as a councilmember and just driving most on going to work on 11th and you know using 10th street to go back home and going to offsite meetings I have seen a drastic decrease of people speeding. And this is very, very important because somebody mentioned I think a lot of speakers mentioned that we all share the roads. It's not just for people who drive but it's also for the cyclists and also for pedestrians. So I think we're moving the right direction. We strive for our city to be a bicycle friendly community. I think with the construction of the bike lanes we're moving in that direction and we're going to achieve the goal in the near future. Thank you very much. I want to thank Hans and his team for doing this and continue to do the good work.

>> Mayor Reed: Councilmember Herrera.

>> Councilmember Herrera: Thank you, mayor. First of all I want to thank all the speakers who came out tonight for your input and feedback to us. It was very, very helpful. I want to thank D.O.T. staff, I want to thank Councilmember Liccardo for his leadership in this area. We've all heard a lot about Hedding but I want to say a couple of things about the Ocala bike lane. I think we look at moving forward these projects and bike lanes, and I think it reflects our vision of where we want to go as a city. And we talk about the opportunity for children to ride bikes to work and get healthier. By putting in this infrastructure we are actually living out that, living out their values to allow people to have that future, see that future so our children will be able to ride bikes and be able to be part of that. So I think the infrastructure is really important. It's not just talking about making our city develop around humans instead of cars, doing this infrastructure puts our words into action. So I think it's very, very important and I heartily support this.

>> Mayor Reed: Councilmember Kalra.

>> Councilmember Kalra: Thank you, mayor. I also will be supporting the motion and thank the Department of Transportation and fellow councilmembers for looking forward, and Vice Mayor and I have also seen the impacts. Because I do drive to work on most occasions and then come up third, Monterey down third street into downtown and leave down fourth street. And there's no doubt that those lanes have caused a slow down of traffic. I think that's a good thing but it certainly can be perceived as inconvenience to some. And the reality is that throughout our city based on what has happened over the last few decades how we were built as a vehicle reliant city not unlike other cities but certainly much more so than cities that urbanize a long time ago like San Francisco and Oakland with the port there and certainly a number of East Coast cities, we now are doing reconstructive surgery. We are completely changing and have to change who we are as a city and who we are going forward. And like any surgery, there is a painful process when you're putting in the lanes and blocking lanes of traffic and there's that period of time afterward where it takes the time to get used to and you have to rehab yourself in some way and try to think a different way. And I think the city is going through that process. It took decades for us to get here. It's going to take decades for us to build ourselves out of a way where we start to think differently. I lived and have grown up in south San José for the last over 34 years. And you know when I grew up, there was never a thought at least unless you are riding a bike around the neighborhood I'd never perceived a time when we could actually think about commuting by bike around the City of San José. It was always a hassle without a car, there was no way you could get around without a vehicle, and for the most part that's still true in many ways. But we have done so much work to improve the options available, again for the long term health of the community. Recently I saw a health presentation given on the health benefits of reducing vehicle traffic and having people commute more by bus or other mass transit by using a bicycle by walking and every measurement showed that it was going to increase the health of all of us including our children, our grandchildren, it's going to improve everyone always health. There was only one measurement in which it showed more danger and that was pedestrian and bicycle death. And so if we know we're going to head in a direction where we'd like to try to reduce the amount of death through the pollution and air pollution that's being created through traditional vehicle transit, we have to do it in a way where we realize that we're going to be creating greater risk unless we create infrastructure that is going to create a safer environment for people to walk for people to ride their bike. And you

know I'm much more I think it was somebody who commented, I'm much more of a person on the bike than -- person on the bike than the cyclist. Person trying to get around and I've casually commuted here and there. And we have a wonderful trail system a wonderful bike network but it is when we get to the surface streets when you really do take your life in your hands and it's very dangerous. I think it was Ms. Gunther who had the grand kids four and six years old. I don't want them to grow up way I grew up here, it's not possible to ride your bike places. You have to get in the car. I want them growing up and the first thing that comes into their minds is how do they bike somewhere, and a secondary maybe what's an alternate way to get there. And the only way that we're going to get there for our next generation is by making these difficult decisions that are going to have some growing pains right now. And so obviously like Councilmember Liccardo referred to we're all sensitive to the impacts this is going to have on everyone in the neighborhoods. But this is something we have to do. It makes sense starting at downtown. I can't wait as we build this network build on the surface streets and on the trails throughout the entire city so that we all have better options than having to get behind the -- to get into our vehicle, thanks.

>> Mayor Reed: Councilmember Oliverio.

>> Councilmember Oliverio: Thank you, mayor Reed. I wanted to also thank all the speakers. I found it you know usually when we have issues, you know it tends to be more one than the other but it was pretty evenly divided and people had logical defenses on both sides of the fence there. I know Councilmember Liccardo has done his best to be collaborative and, as he always does, in trying to find a solution, so thank you. And obviously this works for you and I will be supporting you. I'll be curious, though, as this is implemented to observe exactly what happens. This is an opportunity for us to look at when you do this road diet for an arterial what is the impact? I notice myself that I drive that I will no longer use Taylor. I sort of skip to Hedding because those lanes have reduced. I know that inevitably traffic goes somewhere for those that don't choose to use a bicycle. And I certainly think by offering more opportunity there may be more opportunity for bicyclists to move out there. So I'd like to see how that works and I'd like to just say for you know obviously speeding is the largest predator for pedestrians, bicyclists and car accidents and the reduction of speeding can, you know we don't have all the available tools that we'd like as a city because the state really regulates the speed limit and I'd certainly like to see in the future

someone in our assembly offer the opportunity for cities to have more flexibility. You know we're looking in various cities in the country, Seattle, New York, reducing residential speed limits to 20 miles per hour. And inevitably, changing a sign is much less expensive than changing the whole infrastructure of the road network. So I'm going to be looking forward to how this is implemented, and appreciate the conversation this evening.

>> Mayor Reed: Let me just add my personal observations to the fact the traffic is a lot slower on the streets where we have bike lanes. I'd say that on 10th and 11th street which I see most often the traffic is moving at about the speed limit which is kind of amazing considering it used to be ten miles over the speed limit routinely so there has been an impact. That's one of the benefits of having the bike lanes in addition to the biking experience. This has been a complicated and a long process. And I want to thank the staff and the councilmembers who have engaged in it to try to come up with a solution that will serve the entire community. With that I think we are done. On the motion, all in favor, opposed, none opposed, the motion is approved. And that finishes our afternoon agenda. Taking up the section 11 on our agenda would be the next item. We'll start with the category public hearings on the consent calendar. There are three items on the consent calendar. Motion to approve the consent calendar. There may be some councilmembers who want to discuss. Councilmember Liccardo.

>> Councilmember Liccardo: Yeah just briefly, mayor, thank you. I want to thank the good folks from out of zone for their persistence, and we welcome the jobs that will be created on 13th street and the retail operation there.

>> Mayor Reed: I have one request to speak on the consent calendar. I'll take all the consent calendar testimony at this time. Richard Rossdale. Mr. Rossdale, okay. No other comments on the consent calendar. Councilmembers, we have a motion somewhere? We have a motion to approve the consent calendar. On the motion, all in favor? Opposed? None opposed, the consent calendar is approved. 11.2 is the next item, it is an administrative hearing and consideration of an appeal of the Planning Commission's decision to deny a conditional use permit to allow the offsale of alcohol and a 24-hour use for an existing gas station.

>> Joe Horwedel: Thank you, Mr. Mayor. This is an item that was deferred while we were looking to see if an adjacent business had let its license for offsale of alcohol lapse. While they are not active with it they did renew the application. So it is back before the council tonight.

>> Mayor Reed: All right. Councilmember Rocha.

>> Councilmember Rocha: Thank you, mayor. The applicant was here and I believe they left.

>> Mayor Reed: I have no cards from anybody to speak on this.

>> Councilmember Rocha: Well, I'm going to -- I'm going to recommend denial of the appeal of the C.U.P. to allow the offsale of alcohol with a recommendation for approval of the 24-hour operation with direction to staff to return to council with a modified resolution recognizing the change in direction. So the staff I had a chance to speak with staff on this item. Looking at this and knowing the site pretty well, I thought, I don't know what the right word is but I didn't think silly was probably not it. But to close the shop at 3:00 and then three hours later return at 6:00, not a little bit unrealistic in terms of operations for their business. So I thought of opening it for -- allowing the opening for 24-hour use would be appropriate compromise so to speak. Knowing the site well, just so the councilmembers are familiar with it or for those who aren't. The 150 foot radius to the residential side, there is only one, as I understand it, only one house that's within 150 feet. So the impact is truly just on only one house. There are residential units that buffer it but there is really only one home that's within 150 feet and if that's incorrect please correct me Joe. Other than that, I'll leave it with that.

>> Mayor Reed: Okay, we have a motion. I wish to verify your motion, so I'm looking at the recommendation there, there are three bullets for the recommendation, one is to deny the offsale and the other is to deny the request for 24 hour use and the third is the mention to deny the conversion. You didn't mention the conversion in your motion.

>> Councilmember Rocha: Was that for the car wash? Oh for the extended retail. Staff needs a deferral as I understand it to come back for approval for the 24 hour use to make changes I guess for a resolution and add any conditions for the 24 hour use should council support the action.

>> Mayor Reed: Okay so the motion is to deny the offsale, approve the request for 24 hours directing staff to bring back whatever needs to be done in order to do that and approve the conversion of the 984 street from vending machine associated uses to a retail store.

>> Councilmember Rocha: Yes.

>> Mayor Reed: That's the motion, I have no request to speak, Councilmember Kalra.

>> Councilmember Kalra: Actually the question was why stop at 3:00 a.m., but looks like Councilmember Rocha addressed that, thank you.

>> Mayor Reed: Okay. On the motion all in favor, opposed, none opposed, do we have a date for this to come back or are you just going to handle this in the ordinary course?

>> Joe Horwedel: Staff will have a date for this to come back, I would suggest next week we should be.

>> Mayor Reed: Do we have to renounce? City Attorney --

>> City Attorney Doyle: I think you just notify, you just continue it until next week for subsequent action so we're fine. You don't have to renounce.

>> Mayor Reed: Okay so we'll continue this based on the direction for next week for subsequent action.

>> Joe Horwedel: That's correct.

>> Mayor Reed: Okay. I think that's it on that one, right? 11.3. We have a rezoning of property at the southeast corner of airport parkway and matrix boulevard more commonly known as matrix property, I believe.

>> Joe Horwedel: Thank you, Mr. Mayor. This is a rezoning to clarify some of the development standards for the matrix casino. As you're aware, there was a tower element that was built with the casino and the issue of banquet uses receptions was something that as the project moved forward, planning staff better understood what the applicant was wanting to do and realized that the development standards of the allowed uses did not allow receptions in banquet facilities. So tonight's rezoning would be to change just that provision. So all the existing approvals would remain the same but it would add as a potential use for the fifth and sixth floors, the ability to do banquet uses on those. We are -- this will still trigger the need for planned development permit. We are aware, as staff, that there have been some concerns about parking and how the -- that has impacted surrounding properties over the last week and a half, as it has gone through its grand opening phase. So one of the things that we would be looking at, at the PD permit stage is putting some additional conditions how the valet parking is invoked. It is already approved on the site. In staff's view there is more than enough room on the site to accommodate significantly more parking, that is set up for today on this site, through the use of valet on the majority of the site so we would suggest on the PD permit stage would be building some more triggers that, at certain type of occupancy, for banquets, receptions where we know that there's going to be 100 people or so in those rooms, it would automatically trigger a much higher level of valet being implemented on the site. The same if there are tournaments or other large events occurring on the casino floor that that should trigger a different mode of operation on how the parking is being provided to not create impacts for adjoining properties.

>> Mayor Reed: This is a rezoning so we'll take the applicant first, five minutes and then we'll take public testimony. The applicant can use the time however applicant wishes. Lawyers, accountants, doctors, you name it, bring them all down, or you can reserve time for later, but you got five minutes. Bart Heckman.

>> Thank you, Mayor Reed, and good evening, members of council. I'm Bart Heckman with Matione, O'Laughlin and Heckman, here on behalf of the applicant. We support staff recommendation on the rezoning, as your

planning director indicated. We are seeking to clarify that banquet and reception uses are allowed on the fifth and sixth floor and we'll have further delineation of that at the PD permit stage. Also, matrix of course, in addition to being a good corporate citizen, is interested in being a good neighbor. And as we all know, sometimes grand openings experience a traffic spike. That's especially true when the nature of the business is San José's first new casino in 15 years and it's even more true when that opening is delayed for about five months while various process are completed. But during that five-month period the advertising on the radio and the TV and the jumbotron at AT&T park continues. So there was a tremendous I think buildup of enthusiasm and it spilled over out of the parking lot into some of the neighbors parking lots. And that was unfortunate. And so we are supportive of the concept of these parking triggers that Mr. Horwedel has mentioned. And to work on -- to have some tighter parking controls to make sure that what we expected at the outset and that is that once the initial rush dies down we will find that we don't have parking issues outside of the property. So with that I'm available to answer any questions that the council may have.

>> Mayor Reed: Ask if there are any questions at this point, I think not so reserve some time.

>> Yes please.

>> Mayor Reed: You've got three minutes left. We'll take the public testimony. I had a couple of people that wanted to speak. We'll come back if you want to add anything at the end. Russell Felise, Lisa Felise, those are the two cards I have.

>> Thank you for letting us speak net. I know we've got a couple of minutes here. My name is Russ Felise, myself and my wife, we own the adjoining property to the matrix casino. If you look on page 2-5, the casino's here. We own these two corners here. We have about six and a half acres there adjoining the matrix casino. We have approximately 90,000 square feet of office space and 52 tenants approximately. That is our main business. I run my CPA practice there, my wife takes care of the buildings. During the prior meetings to building the casino, we didn't protest it. We felt it would be an amenity. And we still do. It's just that we have a severe parking problem and what came over to our property. During the construction period, we met with Mr. Turpin and Mr. Swallow, and

we tried to -- they met with my son or something, he wanted me to accommodate them to help their parking because we have six and a half acres there. We tried in to a tentative parking agreement. They wanted to give us like \$2700 a month, which is only \$75 a day for 125 parking spots. I was unaware of the fact that I had to have a parking permit. So we never, thank God we never signed that agreement. We drew up an agreement, had the attorney draw up the agreement we never signed it, I went ahead and applied for a parking permit and found out that I could only have 42 spots because our ratio of office space to square footage we only had 42 extra and they can only -- that applies to nighttime and on Saturdays because the presumption is that if your tenants could be doing their office work at night or on the weekends and that was it. I withdrew that application for the parking, not only because we couldn't comply and we never signed this agreement --

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

>> There you go, I'm sorry.

>> Mayor Reed: Linda Felise is our next speaker.

>> I'm mainly here to address the parking. In the last ten days it has been a war zone. To put it mildly, the influx of the opening without our permission, parked approximately 200 to 250 cars. They charge \$10 a car. We believe at one point, on Saturday night, of the first weekend opening, my security couldn't even enter the lot. It was that full. I confronted the security, and they told me that they were instructed that they could park there by the casino management. At no time did we give that permission. I did the best I could. I sent e-mails to anyone I thought could help. It is a tremendous parking problem. We've been able to get our fence up but we still have the problem of not the patrons but believe it or not, the casino employees. They do not have anywhere to park. They have to go to the neighborhood, and park wherever they can, until they get towed away, or they get towed away. They have nowhere to go. This is all can I tell you. I implore to you please check your parking. You do not have enough parking. It's unbelievable. Unless you come out and witness for yourself you cannot believe what is going on there. This is all I have time to tell you. I know I have two minutes. I don't want to take your time, I just ask you, please give us some consideration. And reevaluate the parking. You do not have enough. Thank you.

>> Mayor Reed: That concludes the public comments. Does the applicant want to use some of his time to respond? This would be the time. Let's get that microphone on.

>> Thank you.

>> Mayor Reed: There you go.

>> Just very briefly. There was some confusion at the opening of the matrix, because as your first speaker mentioned there had been a dialogue about the possibility of renting and the employees and valet staff had heard about that back in April. Some of them didn't get the memo so to speak that that never came to pass. There were initially at the opening some employees who wrongly parked on that property. They have all gotten that memo, they are now parking at the park and jet facility, and so none of them are looking in the neighborhood for places to park. They have a designated area. Similarly the valets did not get the news so they weren't charging \$10 to park in the neighbor's lot, they were charging \$10 to park somebody's car. And those valets were on occasion taking those cars to the next door lot. That's now corrected. So again, I think if we just give us -- next weekend, we're going to see a very different situation. Having said that, we're looking forward to staff to have some parking triggers to make sure this never becomes a problem. Thank you very much.

>> Mayor Reed: Let's see if there are any questions, Councilmember Liccardo, no questions, okay, thank you Mr. Heckman. Councilmember Liccardo.

>> Councilmember Liccardo: Yes, as you might imagine, since we represent the area that includes the casino, we've had a fair share of complaints about parking. And it goes beyond just the parking. It's the, apparently vandalism of the fence that was built. In fact, employees were tearing down the fence to entering the property. The litter and trash that was left, the loitering that was occurring apparently several folks were cutting through the property to be able to get into the casino, of questionable occupation. So there's a lot of challenges in that neighborhood. Right now, and I guess I want to just be clear about whatever triggers are contemplated

here. Can we simply require parking and traffic management plan as a condition of the PD permit that would be issued, Joe?

>> Joe Horwedel: Yes, that would be entirely appropriate.

>> Councilmember Liccardo: Okay, so I'd ask that -- I'm going to make a motion in a moment and that would be something that would be made in consultation with the surrounding owner's property.

>> Joe Horwedel: That would be something we would build into the permit, the structure of what would go into that we would ask that that actually be prepared before we approve the permit, and that would need to be out available for public review. We normally do that a minimum of a week before the hearing, in this case I think it probably warrants like two weeks.

>> Councilmember Liccardo: Right.

>> Joe Horwedel: Which is the minimum that it is done buttoned up and the community has a chance to see that to fully participate in the hearing.

>> Councilmember Liccardo: And I appreciate that you've got code enforcement out there and enforcement case is open because it's a major headache. I understand we have a banquet hall and certainly a banquet hall is understandable use. But in addition to the parking concerns what we see in the downtown is often an establishment opens as a restaurant and it morphs into something else and inevitably that something else is always a night club. How do you prevent a banquet hall from becoming a night club essentially?

>> Joe Horwedel: So part of that is something that we work on with the police department. Because we no longer regulate entertainment as a land use. How we are looking at dealing with the permit is how we define what a banquet hall is. Because we do not have a standard definition. As a part of opening the casino the police department, planning staff and the attorney's office spent a lot of time looking floor by floor on specific uses. And

so we have built some definitions that define as private weddings receptions parties and similar events involving food and beverage service and entertainment. But we've put some caveats around the entertainment piece. I think we need to go spend a little bit more time about are these events that are allowed to be essentially charging cover charges? Is it how it's promoted, how attendees are -- what is the relationship of all the attendees in that room consider are they solely there for entertainment or are they there for a function? That's the part we need to do a little bit more work on. It is something that we ran into on a facility on Brokaw road that we had to go into litigation because of how that operator ran it. So we're channeling the knowledge as we've worked through that of how we would deal with this. That's why we think it really belongs in the permit. The next piece we will be following up on is a code change in title 20, so that we are much more specific about banquet facility. So it's actually in the zoning code. So that's why this PD zoning uses the word banquet facility because we want to mirror that with title 20 so it actually links up with what we would do on a citywide basis also. We're trying to put belts and suspenders to it to make sure we have a good condition.

>> Councilmember Liccardo: I appreciate it sounds as though because of the changes we've made recently to title 6 and 20 and we're eliminating the land use element from entertainment permit. We're really kind of fixing the carburetor as we're racing down the track here to try to figure out how you distinguish the ballroom use from the nightclub, and I think we all sort of know the difference between a Quincinera and a nightclub. You know it when you see it, but I guess it's very important for us to be very clear with objective criteria that everybody knows in advance and so certainly they have their due process in understanding where the lines are and we know exactly what to enforce. So the question is can we get that language into the permit so we can draw a line that's -- comports with everybody's reasonable expectation?

>> Joe Horwedel: I think so and again it's one that will be, the attorney's office the planning staff and the police department staff working on that joint definition of how that goes into the permit. Because we want to make sure it's enforceable from the entertainment permit side, which the police department still has the ability to deal with through the title 6. There are some regulatory pieces on that side of it. It's just we don't have it on the title 20 anymore. So we want to make sure that those lock together and we do have a little bit more protections in that this is a regulated facility, it's a card room. So we still have that kind of giant hammer sitting up on this side about

how it operates. Unlike someone who is operating a stand alone banquet facility which you have nothing to lose if you run it badly.

>> Councilmember Liccardo: I appreciate that. I would like to make the following motion, I'd like to approve staff's recommendation with the following conditions, one that staff establish explicit specific conditions which ensure that the banquet hall use is clearly limited to traditional uses of banquet halls. However you describe that. And secondly that we require a parking and traffic management plan in consultation with surrounding property owners. That would be my motion.

>> Mayor Reed: All right we have a motion on the floor. Any comments or questions on the motion? Councilmember Rocha.

>> Councilmember Rocha: Thank you, I had a question for staff I believe and also for Councilmember Liccardo. The -- I did read this through once. Forgive me for not reading through it two or three times. But I'm trying to understand the changes for the casino site or the hotel site or for the entire property site?

>> Joe Horwedel: This rezoning covers the entire property which is the casino site and the future hotel site.

>> Councilmember Rocha: And as far as you understand it or I guess from your opinion do you have a concern one way or the other, which side it applies to, whether it's the casino or the hotel?

>> Joe Horwedel: It really applies to the casino, because a hotel by definition, a full-service hotel includes banquet rooms. And so that was really the challenge, because the hotel wasn't built, the banquet rooms were not in the hotel, they were in the casino. Our definition of a casino did not include that. We did approve it through building permits for meeting rooms, for like business meetings which are an allowed use in the industrial zone, but banquet rooms were not an allowed use in the industrial zone. That's why we had to do that.

>> Councilmember Rocha: Thank you, that actually answers both my questions.

>> Mayor Reed: We have a motion to approve the recommendations with the additions from Councilmember Liccardo. On the motion, all in favor, opposed, I have a request before we could the votes, Councilmember Rocha, one more thing.

>> Councilmember Rocha: Can we from the applicant if they have any thoughts on this direction?

>> Mayor Reed: Sure, if you would like to have the applicant come on down.

>> Mayor Reed and members of the council, one last time, Bart Heckman for applicant. The applicant is supportive of the more formalized parking management plan concept, and we agree with Councilmember Liccardo's sentiments in that regard. In terms of making it more explicitly clear, that by banquet hall we don't mean night club, we're also supportive of that concept. Because it is actually not the intention. It's actually, that tower is fairly small. It would be a pretty small night club, but nonetheless, to avoid any confusion going forward, and in fact Mr. Horwedel had read to you the definition that staff had worked on which clearly doesn't include night club or anything like it. And so we can make further refinements to that to make sure night clubs are excluded so we are supportive.

>> Councilmember Rocha: Thank you, thank you mayor.

>> Mayor Reed: On the motion we have a motion to approve, all in favor? Opposed? I have none opposed, motion carries, that's approved. That's the last item on the agenda. No cards to speak under the open forum, we are completed, we are adjourned.