



# Memorandum

**TO:** Honorable Mayor &  
City Council

**FROM:** Toni Taber, CMC  
Acting City Clerk

**SUBJECT:** The Public Record  
March 22, 2013 – March 28, 2013

**DATE:** March 29, 2013

---

## ITEMS TRANSMITTED FROM THE ADMINISTRATION

- (1) Memorandum to Mayor Reed and the City Council from the Director of Transportation Hans F. Larsen dated March 27, 2013, regarding Senior Pedestrian Safety. It is recommended that the Rules and Open Government Committee accept this report regarding follow-up actions taken by the Department of Transportation (DOT) regarding the Freight Loading for John XXIII Senior Center, Traffic Safety Education Outreach and Restrictions for Sidewalk Bike Riding.

## ITEMS FILED FOR THE PUBLIC RECORD

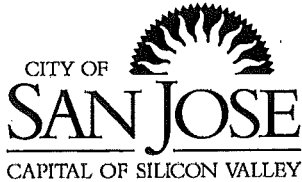
- (a) Email to Mayor Reed and the City Council from John S. Leyba dated March 26, 2013, regarding the Mayor's Budget Letter to set a fiscal direction for the coming year, and the allocation to continue supporting the San Jose Parks Foundation.
- (b) Letter to Mayor Reed and City Council from David Wall dated March 28, 2013, regarding "What is the status of SBWR funding and refunds? Refunds should be made to All rate payers."

Toni Taber, CMC  
Acting City Clerk

TT/kc

Honorable Mayor and City Council Members  
April 3, 2013  
Subject: The Public Record March 22, 2013 – March 28, 2013  
Page 2 of 2

Distribution: Mayor/Council                      Director of Transportation  
City Manager                                      Public Information Office  
Assistant City Manager                      San José Mercury News  
Assistant to City Manager                      Library  
Council Liaison                                      Director of Public Works  
Director of Planning                              City Auditor  
City Attorney                                      Director of Finance



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Hans F. Larsen

**SUBJECT:** SENIOR PEDESTRIAN SAFETY

**DATE:** March 27, 2013

Approved

Date

3/27/13

## RECOMMENDATION

It is recommended that the Rules and Open Government Committee accept this report regarding follow-up actions taken by the Department of Transportation (DOT) regarding the Freight Loading for John XXIII Senior Center, Traffic Safety Education Outreach and Restrictions for Sidewalk Bike Riding.

## BACKGROUND

On January 16, 2013, the Rules and Open Government Committee accepted two letters from the Senior Citizens Commission regarding pedestrian safety for senior citizens. This memorandum is to inform the Mayor and City Council of follow-up actions taken by DOT regarding these concerns.

## ANALYSIS

### Freight Loading for John XXIII Senior Center

The Senior Citizens Commission requested assistance on behalf of the John XXIII Senior Center to implement a solution that accommodates the needs of the Second Harvest Food Bank's weekly deliveries to the senior center. Although there are three loading zones in close proximity to the senior center, the unique needs of the food bank deliveries could not be accommodated by these existing zones. After discussions DOT staff had with representatives from Second Harvest and the senior center, as well as leadership of the Senior Citizens Commission, an additional loading area has been made available, and has been utilized by Second Harvest over the past month. A memorandum was provided to the Rules and Open Government Committee at their February 27 meeting describing the accommodations that have been made for Second Harvest.

### Traffic Safety Education Outreach

On March 14, 2013, DOT attended the Senior Citizens Commission meeting and presented information regarding our senior pedestrian traffic safety program. To date in FY13-14, DOT has provided ten presentations focusing on pedestrian safety to approximately 350 senior citizens

March 27, 2013

**Subject: Senior Pedestrian Safety**

Page 2

at various senior and community centers. DOT will incorporate input received from the Commission regarding the core traffic safety messages into future presentations to senior groups.

At the March 14 meeting, DOT also shared with the Commission the focus that is being placed on enhancing pedestrian crossings on major roadways. \$900,000 annually has been allocated in the 2013-2017 Traffic CIP specifically for these improvements. Several of the projects included in the FY13-14 program include locations that serve senior housing complexes, senior community centers, hospital and medical offices, and churches. Crosswalks that serve seniors will also be considered for enhancement in subsequent years of this program. Additionally, representatives from "AGENTS for Change" provided comments during the open forum portion of the Commission's March 14 meeting to express appreciation for DOT's collaboration with them regarding one of these projects; specifically improvements that were implemented recently to support pedestrian and traffic safety near the River Glen Mobile Home complex, a senior citizen community.

#### **Restrictions for Sidewalk Bike Riding**

At the March 14 Senior Citizens Commission meeting, the Commission was informed of the process for addressing their concerns about bike riding on sidewalks in the Downtown area. As approved by the Rules and Open Government Committee on March 13, 2013, Councilmember Liccardo's proposed ordinance to prohibit bike riding on sidewalks by anyone over the age of 12 in the Downtown area has been referred to the April 8 Transportation and Environment Committee meeting for discussion as part of the Bike Plan 2020 Annual Progress Report

/s/

HANS F. LARSEN  
Director of Transportation

For questions, please contact Laura Wells, DOT Deputy Director of Transportation and Parking Operations, at 408-975-3725.

**From:** John S. Leyba [REDACTED]  
**Sent:** Tuesday, March 26, 2013 3:27 PM  
**To:** City Clerk  
**Subject:** Fwd: SJ Parks Foundation makes SJ a better place to live

Begin forwarded message:

**From:** "John S. Leyba" [REDACTED]  
**Date:** March 26, 2013 3:25:39 PM  
**To:** Mayor Chuck Reed [REDACTED], Pete Constant  
[REDACTED] >, Ash Kalra [REDACTED] >, Sam  
Liccardo [REDACTED] >, Kansen Chu  
[REDACTED] >, Xavier Campos  
[REDACTED] >, Pierluigi Oliverio  
[REDACTED] >, Madison Nguyen  
[REDACTED] >, Rose Herrera  
[REDACTED] >, Donald Rocha  
[REDACTED] >, James Reber [REDACTED]  
**Subject:** SJ Parks Foundation makes SJ a better place to live

**CITY CLERK:** Please enter this into the record and provide to council members.

Dear members of council,

Shortly you will be asked to vote on the mayor's budget letter to set a fiscal direction for the coming year. In that letter is an allocation to continue supporting the San Jose Parks Foundation. I am writing to request your continued support for the Foundation.

In an era of declining resources, the SJPF is a vehicle for fundraising and community engagement complementary to City efforts. SJPF's legal status as a 501(c)3 facilitates fiscal agency and grant donations that would be less desirable or even out of bounds for a donor to make directly to a City department.

An example from the last couple of years: knowing that PRNS new park construction / expansion was on hold given the lack of maintenance dollars, in our Buena Vista neighborhood we worked with the SJPF to set up a fund for tax deductible contributions. Since 2010 my wife and I have given several thousand dollars to this fund, which have been matched by my employer (PG&E), for the benefit of Buena Vista Park Adopt-a-Park activities and other support. Although we could certainly write a check to the City and take a tax deduction, neither my employer nor its foundation would match such funds to a city or city agency -- such a policy is common among most corporations and corporate foundations.

Earlier this month the city broke ground on the Proposition 84-funded expansion

of the Park. We look forward to the future of our park, our neighborhood, and our City.... and growing such neighborhood partnerships and programs, as the SJPF reaches cruising altitude.

**Thank you for helping us to launch this vital vehicle for making San Jose a better place to live, work, and raise a family.**

Sincerely,

John S. Leyba

Vice President of Development, San Jose Parks Foundation  
Vice President, Buena Vista Neighborhood  
Vice President, Burbank Del Monte NAC

[REDACTED]

On Mar 26, 2013, at 12:28 PM, James Reber <[REDACTED]> wrote:

Dear Members of the City Council and Mayor Reed:

San Jose Parks Foundation is just completing its third year of operations, during which time the foundation has become a catalyst and a facilitator of actions around San Jose's Parks and Trails and programs.

San Jose Parks Foundation is requesting another year of city funding at \$60,000 to help move the foundation toward self-sufficiency. During the last three years, San Jose Parks Foundation has generated funding directly for a variety of parks, trails, and programs throughout San Jose. Beyond the foundation's direct funding, it has enabled numerous neighborhoods and community groups to raise their own funding through the foundation.

The future of San Jose's entire system of parks, trails, and community centers depends on the participation of neighborhoods, businesses, corporate citizens, and community groups working together with city staff to protect, preserve, and enhance these community treasures.

Despite the worst economy in decades, San Jose Parks Foundation's donor base has steadily grown since it was launched. This is testament to the wisdom behind this

community/city partnership and the energy and commitment of the people of San Jose.

Your action today will help the San Jose Parks Foundation to respond to neighborhood needs with great speed and to act as a fiscal agent, empowering the residents to act without delay in projects and programs of importance to them and to all San Jose's residents.

On behalf of the Board of Trustees, the advisory board, and the many community groups with whom San Jose Parks Foundation works with on a daily basis, we ask for your support.

Thank you.

James P. Reber  
Executive Director

**James P. Reber**, Executive Director

San Jose Parks Foundation

[Redacted]

[Redacted]

[Redacted]

RECEIVED  
San Jose City Clerk2013 MAR 28 PM 4: 28  
COM  
OTC

March 28, 2013

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905**Re: What is the status of SBWR funding and refunds? Refunds should be made to *All* rate payers.****Why does San José refuse to assert treated final is “harmless to endangered species and their habitat?”****Rate payers paid for studies that prove SBWR is not needed in (NPDES) Discharge permit.**Dateline: City Desk [Thursday, (03.28.13)]. *C'mon and fess up that the SBWR program is stealing money.***SBWR is funded from the Sewer Service & Use Charge and is governed by Proposition 218.**

The City of San José, using rate payer monies, conducted a series of studies that proved treated final effluent discharged into the South San Francisco Bay, by the San José / Santa Clara Water Pollution Control Plant, have “No harmful effect” on the habitats of the Salt Marsh Harvest Mouse, the California Clapper and the “pickle weed.” *The data is readily available and has been given to the State of California.*

This fact begs a lot of questions as to why SBWR has first been allowed to continue under the archaic and obsolete state order dictating a 120 million gallon per day discharge limit which was designed to protect the aforementioned endangered species which were never in any harm in the first place.

*The misuse of the Sewer Service & Use Charge to fund SBWR is nothing short of an abuse by government who perpetrates the lie of protecting endangered species while causing rate payers to pay for a water utility they do not need or should be compelled to pay for.*

The Sewer Service & Use Charge misuse, reformulation and refund structure has not been placed on any “study session agenda.” Why?

You are already embarrassed beyond recognition with the gross mismanagement of the Capital Improvement Program (CIP) at the San José / Santa Clara Water Pollution Control Plant (WPCP).

You have allowed the Office of the City Manager to go unpunished for the gross dereliction of their fiduciary responsibilities with reference to the aforementioned CIP scandal.

You have allowed incompetent administrators at the Environmental Services Department (ESD) and an incompetent administrator transferred from the Office of the City Manager to remain in their highly paid and benefited positions. Why?

You have run out of excuses.

*Respectfully submitted,*

Cc: City Attorney / City Auditor / Manager  
Members TPAC

*David S. Wall*  
03.28.13