



Memorandum

TO: RULES COMMITTEE

FROM: Deanna J. Santana

SUBJECT: SEE BELOW

DATE: November 1, 2007

Approved:

Kay Winer

Date:

11/1/07

SUBJECT: Approval to validate and rescind selected policies contained in the Council Policy Manual.

RECOMMENDATION

1. Validate the following policies as contained in the Council Policy Manual and forward to the full Council for adoption of a resolution:
 - a. Policy 2-6: Inventory, Storage and Display Gifts
 - b. Policy 3-2: Employee Safety

2. Rescind the following policies as contained in the Council Policy Manual and forward to the full Council for adoption of a resolution:
 - a. Policy 0-23: Policy Analysis Program
 - b. Policy 6-28: School Facility Authority
 - c. Policy 8-3: Frontage Roads and Minor Streets Adjacent to Public Parks and Open Spaces
 - d. Policy 8-3: Installation of Traffic Restraint Devices

OUTCOME

The Rules and Open Government Committee will have the opportunity to review, validate and rescind six Council Policies. Approval of the above recommendations completes staff work to update the Council Policy Manual and Reed Reform #12: Post the Council Policy Manual online.

BACKGROUND

The Council Policy Manual has been in existence since August 3, 1970. The Council policies are intended to provide direction and/or guidance to staff on how the City Council wishes to have certain issues and procedures addressed. The City Manager is responsible for ensuring that the Administration adheres to the established Council Policies.

HONORABLE MAYOR AND CITY COUNCIL

Subject: Approval to validate and rescind selected policies contained in the City Council Policy Manual

November 1, 2007

Page 2 of 5

As part of the Sunshine Reforms related to posting of the Council Policy Manual on the Internet, the Administration recommended a comprehensive review of all the policies concurrent with the Office of the City Clerk's web posting process. This recommendation was based on an acknowledgement that the Council Policy Manual contains policies that do not reflect current practices and/or are no longer current. The City Council approved the Administration's recommendation and directed the Rules and Open Government Committee (Rules Committee) to oversee the Council Policy Manual revision process.

On October 11, 2006, the Rules Committee approved the framework for updating over 120 policies contained in the Council Policy Manual. This framework provided for policies to fall into three categories: (1) Revise, (2) Validate, and (3) Rescind. Each policy was placed in a category based on the following approach:

- Research of current/revised laws governing practices or City policies in conjunction with the City Attorney's Office.
- Review of superseding Council policies.
- Identification of any policy redundancy.
- Review of current applicability of policies as they relate to current City programs, process and procedures.

On November 8, 2006 the Rule Committee approved rescission of 26 policies. On April 18, 2007, the Rules and Open Government Committee approved the process and methodology to validate 31 policies contained in the Council Policy Manual; and validated the first group of 18 Council Policies. The validation process for the remaining 13 policies was completed in June 2007.

The following summarizes the different actions the Rules Committee may take relevant to Council Policies:

Category 1: Rescind Policy - This category includes a set of policies that were identified as outdated, obsolete, redundant, or superseded by other Council action or policy and have been forwarded to the Rules Committee for approval to rescind and delete from the Council Policy Manual. These policies will not be posted on the City's website but will be listed on the Table of Contents (grayed out) so to preserve a historical record of past Council Policies.

Category 2: Validate Policy - This category includes policies that have recently been updated, created, newly developed, or do not require any changes. These policies have been posted on the City Clerk's website. New policies or policies revised since January 2007 will not be brought forward for Council validation.

Category 3: Revise Policy - This category includes policies that need moderate to significant revisions and may require multiple department participation, coordination of changes with other policies, or creation of a new policy. Current policies have been posted onto the City's website by the Office of the City Clerk.

The policy revision phase is an ongoing process and in an effort to balance this work against other department priorities, this work will be folded into the City's Administrative Project

HONORABLE MAYOR AND CITY COUNCIL

Subject: Approval to validate and rescind selected policies contained in the City Council Policy Manual

November 1, 2007

Page 3 of 5

System (CAPS). Department(s) responsible for upholding each Council Policy will ensure the timely revisions of policies and their presentation to the Rules Committee and Council for approval. Revised policies will be posted online upon Council approval.

ANALYSIS

In June 2007, Council validated the last group of Council policies. Since then, additional staff work has identified six policies for Council validation or deletion. Below is discussion on these policies including brief policy descriptions and justification for Council validation or rescission. Additionally, Attachment A is a packet of the six policies, as currently contained in the Council Policy Manual.

Policies to be Validated

1. **Policy 2-6: Inventory, Storage and Display Gifts** – The purpose of this policy is to establish a procedure covering the inventory, storage, and display of all non-monetary gifts to the City organization as a whole. These would generally consist of commemorative items such as plaques, certificates, small art works, etc. **Justification for Council Validation:** This Policy is current with City practice and procedures as well as Council direction.
2. **Policy 3-2: Employee Safety** – In order for a safety program to work, every manager, supervisor and employee must meet certain responsibilities. This Policy outlines individuals' responsibility for a safe work environment. **Justification for Council Validation:** This Policy is current with City practice and procedures as well as Council direction.

Policies to be Rescinded

1. **Policy 0-23: Policy Analysis Program** - This policy provides guidelines governing the relations between the City Council and the Office of Policy Analysis, as well as certain other situations that determine the effectiveness of the Policy Analysis Program. **Justification for Rescission:** The reconsideration of the Policy Analyst Office was not pursued and therefore this policy is being recommended to be rescinded.
2. **Policy 6-28: School Facility Authority** - In order to insure that the City's future growth will proceed in an orderly planned manner to achieve a balanced composition of industrial, commercial, residential and public uses preserving and advancing the quality of the existing environment the following policy is established: **Justification for Rescission:** This Policy references Municipal Code sections that have been deleted as a result of changes in State law. Schools remain an issue and the City is having discussions with school districts within the scope of the existing State law, including consideration of school issues in the recently launched General Plan update.
3. **Policy 8-3: Frontage Roads and Minor Streets Adjacent to Public Parks and Open Spaces** - It is the purpose of this policy to: (A) Establish uniform and reasonable dedication and improvement standards with respect to frontage roads and minor streets adjacent to public parks and open spaces. (B) Upgrade previous dedication and

HONORABLE MAYOR AND CITY COUNCIL

Subject: Approval to validate and rescind selected policies contained in the City Council Policy Manual

November 1, 2007

Page 4 of 5

improvement requirements adjacent to such public areas in order to insure the public safety, convenience and general welfare by insuring full street improvements at time of private development. **Justification for Rescission:** This is covered by the San Jose Municipal Code (Chapter 19) and a separate policy is not needed.

4. **Policy 8-3: Installation of Traffic Restraint Devices** - To state Council policy relative to the installation of traffic restraints on City residential streets. **Justification for Rescission:** This policy has been superseded by Council Policy 5-6: Traffic Calming Policy for Residential Neighborhoods which states the general processes, responsibilities and outreach related to traffic calming so that interested parties can effectively access this City service.

PUBLIC OUTREACH

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater; (Required: Website Posting)
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. (Required: Email and Website Posting)
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. (Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)

This item does not meet any of the criteria above; however, Information will be posted on the City's website for the November 7, 2007 Rules Committee Agenda per the Agenda process. The complete Council Policy Manual is also now available online on the Office of the Clerk's website.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office, City Clerk's Office and departments responsible for upholding each Council Policy.

HONORABLE MAYOR AND CITY COUNCIL

Subject: Approval to validate and rescind selected policies contained in the City Council Policy Manual

November 1, 2007

Page 5 of 5

BUDGET REFERENCE

Not applicable.


for Deanna J. Santana
Deputy City Manager

For questions, please contact Vilcia Rodriguez, City Manager's Office at 408-535-8253.

Attachment: Council Policies

City of San Jose, California

COUNCIL POLICY

TITLE INVENTORY STORAGE AND DISPLAY OF GIFTS TO THE CITY	PAGE 1 OF 2	POLICY NUMBER 2-6
	EFFECTIVE DATE 08/27/85	REVISED DATE

APPROVED BY
Council Action - August 27, 1985, Item 9c

BACKGROUND

The City continually receives non-monetary gifts from our sister cities, various municipal and community groups, and other organizations interested in and supportive of municipal affairs. There has never been a system to catalog these gifts, store them in a centralized location, and display them on a rotating basis.

PURPOSE

The purpose of this policy is to establish a procedure covering the inventory, storage, and display of all non-monetary gifts to the City organization as a whole. These would generally consist of commemorative items such as plaques, certificates, small art works, etc.

This procedure is not intended to cover non-monetary gifts made to specific departments, which are for use in a department's operations or service delivery programs or which in some other way relate to a specific City department and not to the City as a whole. Examples of gifts not covered by this procedure would be books, computer terminals, or display items donated specifically to the Library or trophies awarded to the Fire Department for muster competitions.

POLICY

It is the policy of the City of San Jose that all gifts given to the City in general be inventoried, stored in Purchasing Division's Las Plumas warehouse, and displayed on a rotational basis in display cases located at strategic locations in City Hall.

PROCEDURE

A. Inventory Of Gifts

1. Gifts received up to the present (10/1/85). The City Clerk shall issue a memorandum to all current Councilmembers, department heads, and other individuals who may have gifts given to the City in their possession. These individuals shall be asked by the City Clerk to list all the gifts that they have and their location. The Clerk's Office and the General Services Department shall then assemble all the gifts identified and inventory them. Following this inventory process all gifts shall be stored with other City gifts.
2. Ongoing inventory of gifts from the present date forward. Gifts given to the City shall be reported and transferred to the City Clerk's Office for inventory. The Clerk's Office shall then transfer the gifts to General Services for centralized storage.

TITLE	PAGE	POLICY NUMBER
INVENTORY STORAGE AND DISPLAY OF GIFTS TO THE CITY	2 OF 2	2-6

B. Centralized Storage

All gifts to the City shall be stored in a centralized location at the Las Plumas Warehouse by the General Services Department. General Services shall supply security for the gift items and store them in such a manner that any specific item can be located and retrieved from storage for display purposes.

C. Display of Gifts

The City Clerk's Office shall take responsibility of arranging for rotating displays of gifts to the City. The Clerk's Office shall periodically request General Services to deliver selected gifts to them for display and return other gifts to storage. There are a number of possible locations for display of these gifts. Among these possibilities are:

1. Placement of a display case in the City Council Offices lobby which would allow for the display of items such as plaques, medallions, and other small works of art which could be placed on shelves inside the glass case.
2. A similar display case could also be placed in the City Hall lobby under the pictures of current Councilmembers.
3. Finally, room could be made for a permanent wall display area where plaques, pictures and similar items could be hung on a rotating basis. This could be done in the City Council Offices lobby area.

City of San José, California

COUNCIL POLICY

TITLE EMPLOYEE SAFETY	PAGE 1 of 3	POLICY NUMBER 3-2
	EFFECTIVE DATE 01/26/93	REVISED DATE
APPROVED BY COUNCIL ACTION		
1/26/93, Item 91		

Founded on the City's organizational values, it is the policy of the City of San Jose that every employee is entitled to work under the safest possible conditions. To this end, every reasonable effort is to be made in the interest of accident prevention, fire prevention and health preservation. The City of San Jose endeavors to maintain a safe and healthful work place that ensures employees the opportunity to do their best work.

Accidents that injure people, damage equipment and destroy property cause needless suffering, inconvenience and expense. Practically all accidents can be prevented by taking reasonable precautions. For the City Safety Program to be successful, there must be a commitment toward accident and illness prevention on the part of supervisors and employees. Only through such a cooperative effort can a safety program be established and preserved.

It is our desire to provide not only a safe work environment and comply with all Federal, State and County safety regulations, but also to create an atmosphere that promotes safety. We want each employee to know every reasonable step is being taken by the City of San Jose to reduce the potential for an accident. We expect every employee to support and participate in the safety program.

Our objective is a safe and healthful work force and that injuries and illness are minimized. We will continually strive for zero accidents and injuries.

RESPONSIBILITY FOR SAFETY

In order for a safety program to work, every manager, supervisor and employee must meet certain responsibilities. Some employees may not feel the need to follow safety rules no matter what type of work they do or where they do it. The responsibility for safety belongs to everyone, and accountability rests as follows:

The City Manager

- Has full responsibility for safety and loss control program
- Provides direction to department managers and appointed safety personnel
- Acts as liaison between the day-to-day operations of the safety program and the City Council

- Is involved in safety program changes and program implementation
- Reviews significant accident investigations and makes any necessary recommendations
- Holds each department manager accountable for safety and loss control

Safety Officer

The role of the safety officer is to administer, design and maintain the safety and health program. To do this, the safety officer is charged with the following:

- Design and implement the safety program to target losses, exposures to loss and compliance with applicable government standards
- Monitor the effectiveness of the program and make recommendations for change
- Maintain an occupational health and safety training program designed to instruct employees in general safe and healthy work practices, providing specific instructions with respect to hazards specific to each employee's job assignment
- Implementing periodic inspections to identify unsafe conditions and work practices
- Ensure that all workplace hazards are identified, evaluated and corrected in a timely manner
- Communicate with employees on occupational health and safety matters and encourage employees to report hazards at the worksite without fear of reprisal
- Design, implement and participate in safety committees, as appropriate
- Ensure that employees comply with safe and healthy work practices

Department Directors

- Are responsible for the safety of their individual departments
- Develop general and specific safety guidelines for their department, with help from the safety officer
- Actively participate in accident investigations
- Participate in safety committees, as appropriate
- Ensure that unsafe conditions and practices are corrected

Managers and Supervisors

- Conduct appropriate safety orientation and training
- Conduct accident investigations immediately upon notification of an injury
- Conduct safety inspections of their work areas
- Ensure that their personnel know, understand and follow established safety guidelines
- Correct unsafe conditions and practices
- Provide the necessary personal protective equipment and train personnel in its use
- Contribute to the continued success of the safety program

City Employees

- Report all injuries no matter how minor to their supervisors
- Accomplish their duties using safe work practices
- Coach fellow employees on safe work practices, whenever appropriate
- Notify a supervisor in the event of an observed unsafe condition or practice
- Perform only authorized jobs
- Actively contribute to the success of the overall safety program

Resolution No. 68183

**RESOLUTION OF THE COUNCIL OF
THE CITY OF SAN JOSÉ
ESTABLISHING A POLICY ON TOBACCO
AS A PUBLIC HEALTH DANGER**

WHEREAS, the City of San José has been extensively concerned with the Public Health Dangers caused by the use of tobacco; and

WHEREAS, the City of San José has been on the forefront of regulation of smoking in public places; and

WHEREAS, the City of San José has initiated efforts to combat the increase in the use of tobacco by younger people through restrictions on the placement of tobacco vending machines, through participation in sting operations against merchants who sell tobacco to minor; through taking stands against the proliferation against tobacco advertising; and

WHEREAS, the San José City Attorney has participated in litigation both to enforce local regulation of smoking and to combat advertising targeted at youth; and

WHEREAS, the City has sponsored and supported state and federal legislation which is designed to combat smoking and the use of tobacco by minors; and

WHEREAS, throughout the City's activities abundant evidence has been accumulated about the tremendous public health costs caused by the use of tobacco and about the effort of tobacco companies to promote smoking by youth: some of which includes the following:

- Youth use of tobacco continues to be a rising concern in this country.
- More than 3 million minors consume over 947 million packs of cigarettes annually in the United States, with over 29 million packs of cigarettes sold to California youth.
- Nearly 90 percent of all tobacco users start well before the age of 18, with the average child smoker starting at 13 years and smoking daily by 14.5 years.
- The tobacco industry spends approximately \$5 billion annually to advertise its products nationally, with many of those advertisements in locations where youth are exposed to them.

WHEREAS, while the City has had a number of creative and successful programs there is no guiding policy statement on the subject of smoking; and

WHEREAS, a formally adopted policy will not only guide staff activities and legislative positions, but will give a strong policy message that can be used as a part of the campaign of education and persuasion:

JRG:BD
6/9/98

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF CITY OF SAN JOSÉ:

Policy of the City of San José on Tobacco as a Public Health Danger

- I. The City of San José hereby finds that:
 - A. Smoking presents a serious a public health danger to all persons;
 - B. Smoking causes illness and death at all ages. The health care costs alone make this a community issue rather than a question of personal choice; and
 - C. Smoking most frequently begins in youth who are therefore the targets of the tobacco companies; and
 - D. The deadly effects of second hand smoke can no longer be debated. Second hand smoke is a danger to all persons.

- II. It is the Policy of the City of San José to
 - A. Actively discourage tobacco use by persons of all ages;
 - B. Strive to prevent smoking by youth through programs which emphasize education, advocacy, advertising and enforcement.
 - C. Encourage all City staff members who smoke to "kick the habit".
 - D. Decrease second hand smoke exposure through prevention and enforcement.

- III. In the implementation of this Policy the City shall use its resources:
 - A. To effectively and consistently enforce state and local laws on smoking
 - B. To vigorously enforce laws and regulations to prevent the sale of tobacco to minors.
 - C. To enact local legislation regarding the availability and display of tobacco products to minors.
 - D. To support and sponsor state and federal legislation to combat the promotion of tobacco to minors.
 - E. To participate in appropriate litigation against the manufacturers and distributors of tobacco to combat the targeting of youth and to recover the cost that use of tobacco imposes on the public.

JFG:BD
6/9/98

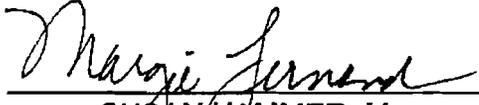
IV. This Policy shall be used as a guideline for City activities and as an educational tool, and for promotion of state and federal legislation consistent with this Policy.

ADOPTED this 9th day of June, 1998, by the following vote:

AYES: DANDO, DIAZ, DIQUISTO, FISCALINI, JOHNSON,
POWERS, SHIRAKAWA, WOODY; FERNANDES

NOES: NONE

ABSENT: PANDORI, HAMMER



SUSAN/HAMMER, Mayor
BY: MARGIE FERNANDES, VICE MAYOR

ATTEST:



PATRICIA L. O'HEARN
City Clerk

City of San Jose, California

COUNCIL POLICY

TITLE POLICY ANALYSIS PROGRAM	PAGE 1 OF 1	POLICY NUMBER 0-23
	EFFECTIVE DATE 11/13/90	REVISED DATE
APPROVED BY Council Action - 11/13/90, Item 9j(2)		

BACKGROUND

An amendment to the City Charter in November, 1986 approved by a vote of San Jose residents, established the Office of Policy Analysis. The Office of Policy Analysis has identified that specific guidelines are required which provide for the Office of Policy Analysis' independence, monitoring and access to information.

PURPOSE

This policy provides guidelines governing the relations between the City Council and the Office of Policy Analysis, as well as certain other situations that determine the effectiveness of the Policy Analysis Program.

POLICY

Given the Office's broad mandate to produce independent, objective and responsive policy analysis, the City Council adopts the following standards:

1. Neither the Mayor, individual Council Members, other Council Appointees, nor their staffs may in any manner dictate the nature of any finding, analysis or recommendation of the Office of Policy Analysis. Each may, however, fully express their views and freely discuss with the Policy Analyst anything pertaining to the Office's projects.
2. The Office of Policy Analysis' Annual Work Plan will be developed and proposed by the City Policy Analyst following consultations with the City Council and other Council Appointees. All additional projects, including Council or Committee referrals, will be reviewed by the Rules Committee for proper assignment and timing. The Rules Committee will monitor performance on the Council-approved Work Plan at least quarterly.
3. The Office of Policy Analysis will consult with Council Members and other Council Appointees, as appropriate, during the design of any study or project in order to identify and address the most significant issues.
4. The Policy Analyst will have timely access to the documents, records and reports, including computer files, of any City department, office or agency which may be relevant to completing an Office of Policy Analysis assignment, subject to reasonable guidelines and restrictions approved by the Council Appointees.
5. The Policy Analyst will utilize both an internal and external quality control system.

CITY OF SAN JOSE, CALIFORNIA

CITY COUNCIL POLICY

TITLE	PAGE	POLICY NUMBER
SCHOOL FACILITY AVAILABILITY	1 of 4	6-28
	EFFECTIVE DATE	REVISED DATE
	11/22/94	

APPROVED BY COUNCIL ACTION

November 22, 1994, Item 9n; December 13, 1994, Ord. No. 24732

BACKGROUND

Many of the nineteen school districts serving the City of San Jose are experiencing growth in student enrollment. A portion of this increase is due to the construction of new housing. The State of California has primary responsibility for funding schools, but State funding for school facilities has been unavailable or insufficient to meet the needs of growing school districts. The School Impact Fee established by the State Legislature to provide school facilities to serve new development has provided only a portion of the funding necessary for the needed facilities.

Quality public schools are of great importance to the citizens of San Jose and to the economic health of the community. Adequate school facilities are essential to the provision of quality education. Residential development is also vital to the economic well-being of San Jose and cannot be expected to fully finance all necessary school facilities. Recognizing the dual importance to the community of providing an adequate supply of affordable housing and the school facilities necessary to support quality education, the City has considered the views of the school districts and representatives of development and labor interests in developing a Policy and an ordinance for addressing the availability of school facilities within the Planned Development Zoning process.

PURPOSE AND SCOPE

The purpose and scope of this Policy is threefold. First, recognizing that the State School Impact Fee falls short of providing the facilities needed to serve new residential development, this Policy establishes the City Council's intent to consider whether the availability of school facilities has reasonably been addressed by the developer, in making its decision to approve, deny or reduce the density of any proposed residential Planned Development zoning, other than Council initiated rezonings and Senior Citizen Housing. Second, the policy defines a process that facilitates communication regarding the school facility needs generated by new residential development between school districts and developers. Finally, the policy addresses the need for joint action by the City, the school districts and the development community in lobbying the State Legislature for comprehensive and long-term solutions to the problem of adequately funding public schools.

POLICY

I POLICY OVERVIEW

- A. It is the policy of the City to support the provision of quality public schools to serve the citizens of San Jose by:
1. Fostering communication among the City, the school districts and residential developers regarding the school facilities needed to serve new residential development;
 2. Expecting school districts and developers to communicate regarding the provision of school facilities to serve new housing;
 3. Denying or phasing Planned Development (PD) zonings, other than Council initiated rezonings and Senior Citizen Housing, where the burden on school availability for Participating School Districts which will be created by the proposed residential development has not been reasonably addressed, to the satisfaction of the City Council; and
 4. Supporting long-term funding solutions for public school facilities.

II GUIDELINES FOR ADDRESSING SCHOOL AVAILABILITY

A. Participating School Districts

The ability of the City to assess school availability is dependent on the willingness of the school districts to provide reliable detailed information in a timely manner. Therefore, in order to participate in this program, school districts must file a timely School Availability Statement in accordance with Chapter 20.42 of the San Jose Municipal Code. If such a Statement is not timely filed, Chapter 20.42 and this policy shall not be applicable.

B. PD Zoning Districts

In considering whether to approve, phase or deny any Planned Development (PD) zonings, other than Council initiated rezonings and Senior Citizen Housing the City Council shall consider school availability of Participating School Districts in accordance with Chapter 20.42 of the San Jose Municipal Code.

1. A developer will be determined to have reasonably addressed any burdens on school availability created by the project, if the developer has entered into an agreement with the Participating School District or has made an irrevocable offer to pay the Participating School District the presumptive payment as set forth in this Policy whether the offer was accepted or not. The presumptive payment shall be due and payable prior to issuance of building permits for each residential units.

a. The Presumptive Payment

HOUSING TYPE	AMOUNT PER SQUARE FOOT IN ADDITION TO THE GOVERNMENT CODE s. 65995 FEE IN EFFECT AT THE TIME THAT THE PD ZONING IS FILED
Single Family Detached	55% of the maximum fee permitted pursuant to Government Code s. 65995.
Multi-Family	12% of the maximum fee permitted pursuant to Government Code s.65995.

b. Non-unified Districts

If a Participating School District is a non-unified District, the portion of the presumptive payment to be provided to the District shall be based on the portion of the Government Code s. 65995 fee to which the District is entitled pursuant to its cooperation agreement. The portion of the Presumptive Payment for any School District shall not increase because any other School District with common territorial jurisdiction enters into a non-monetary agreement with the Developer.

III COMMUNICATIONS

- A. The Department of City Planning and Building shall implement improved communication with the school districts by:
1. Instituting an expanded referral process whereby all residential rezonings, development permit applications and tentative maps, other than Council initiated rezonings and senior housing, are referred to the Participating School District's within which they are located.
 2. Developing information packets for the school districts that explain the City's development review process.
 3. Preparing a quarterly report listing all new development applications filed during the quarter.
 4. Hosting an annual meeting of school districts after completion of the General Plan annual review to provide an update on land use changes and any major planning studies to present an overview of the City's development review process and to highlight current trends in development.

- B. In order to facilitate communication regarding school facility availability, Participating School Districts shall:
 - 1. File a School Availability Statement in accordance with Chapter 20.42 of the San Jose Municipal code.
 - 2. Hold annual briefings for the City and interested developers on the district's current and planned facilities, on any transportation/desegregation issues unique to their district that are affected by development and on the district's status in the state process for facility financing.
- C. As part of the development process, developers shall:
 - 1. Engage in early discussions with Participating School Districts regarding proposed residential development. Ideally, preliminary discussions should precede or immediately follow land acquisition.
 - 2. Consult with the Participating School Districts during project planning to ensure that school facility availability is reasonably addressed.

IV COMPREHENSIVE AND LONG TERM SCHOOL FUNDING SOLUTIONS

- A. It is the Policy of the City that there must be long-term funding solutions for schools.
 - 1. The City supports a joint state lobbying effort to address key school funding issues that are outside the control of the City, school districts and the development community.
 - 2. The City will participate in a committee of school district and development community representatives to develop a joint lobbying strategy to address issues of mutual concern.
 - 3. The City supports local bond measures to raise funds for school facilities.

City of San Jose, California

COUNCIL POLICY

TITLE FRONTAGE ROADS AND MINOR STREETS ADJACENT TO PUBLIC PARKS AND OPEN SPACES	PAGE 1 OF 2	POLICY NUMBER 8-5
	EFFECTIVE DATE 7-24-72	REVISED DATE 6-25-73
APPROVED BY Council Action July 24, 1972 Revised June 25, 1973		

BACKGROUND

The City Council of San Jose is responsible, under provisions of the Subdivision Ordinance, to control the design and improvements of public streets. This Council recognizes that public parks, open spaces, and other similar public areas require adjacent public streets.

PURPOSE

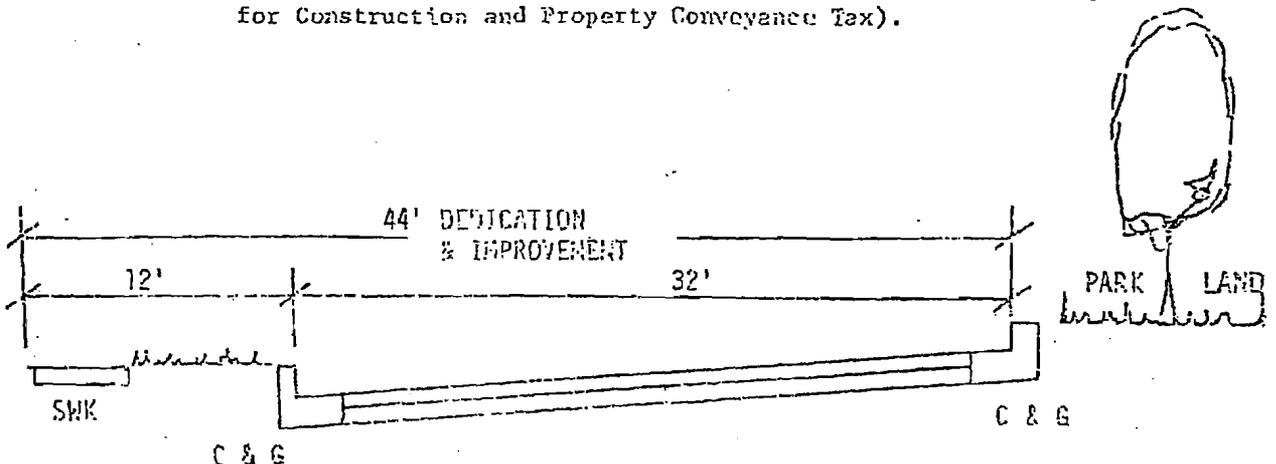
It is the purpose of this policy to:

- A. Establish uniform and reasonable dedication and improvement standards with respect to frontage roads and minor streets adjacent to public parks and open spaces.
- B. Upgrade previous dedication and improvement requirements adjacent to such public areas in order to insure the public safety, convenience and general welfare by insuring full street improvements at time of private development.

POLICY

It is the policy of the City of San Jose that:

- A. Urban development opposite public parks and open spaces shall be designed in a manner to insure maximum exposure of the public facility to the public.
- B. That minor public streets, proposed by urban development, opposite public parks and open spaces shall be improved to the following standards:
 - 1. City-wide, flood plains, and other regional parks (not eligible for Construction and Property Conveyance Tax).

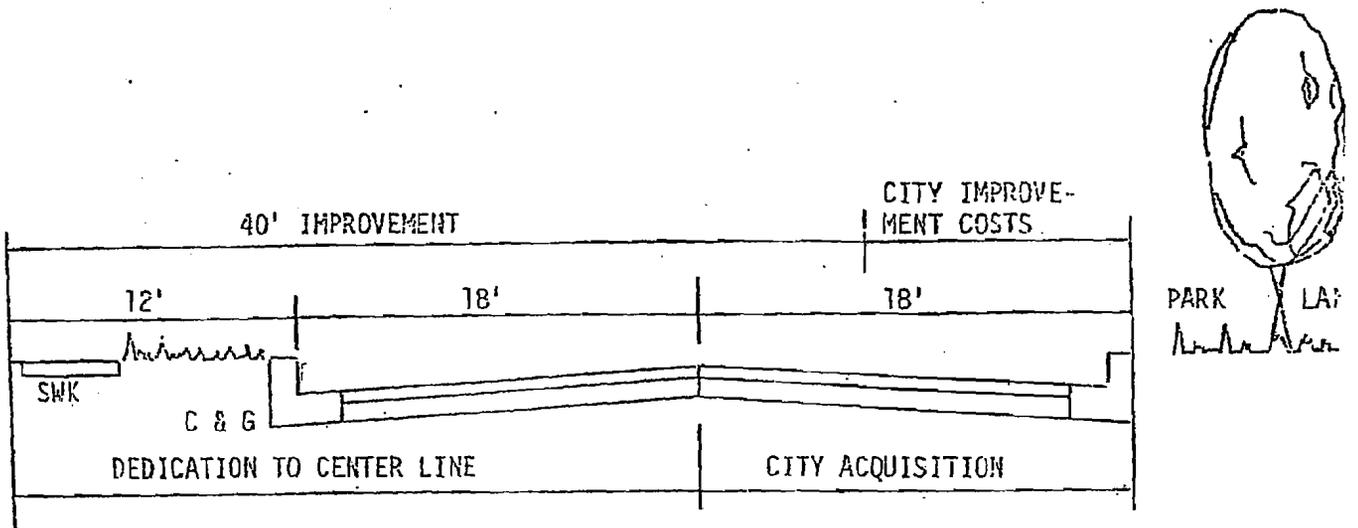


TITLE	FRONTAGE ROADS AND MINOR STREETS ADJACENT TO PUBLIC PARKS AND OPEN SPACES	PAGE	2 OF 2	POLICY NUMBER	8-3
-------	--	------	--------	---------------	-----

The City will normally require a 44' frontage road adjacent to City-wide park lands. Example: Coyote Creek Parkway. Proposed development shall be required to dedicate and improve a 44' right-of-way.

2. Neighborhood and District Parks (eligible for Construction and Property Conveyance Tax).

Where the City determines that a 44' or 48' street improvement section is desirable and placement of a half-street improvement requirement is to be on City park lands, the proposed development adjacent to public park lands shall dedicate to centerline of right-of-way and install permanent improvement of 40'. City is obligated to purchase to centerline of street right-of-way and for cost of remaining street improvement on City park lands.



City of San Jose, California

COUNCIL POLICY

TITLE INSTALLATION OF TRAFFIC RESTRAINT DEVICES	PAGE 1 OF 3	POLICY NUMBER 8-3
	EFFECTIVE DATE 12-5-78	REVISED DATE
APPROVED BY Council Action - December 5, 1978		

BACKGROUND

Increasingly citizens have expressed concern over the increased flow of vehicular traffic on residential streets and have sought Council action requiring that traffic restraint devices be installed so that traffic is diverted from local streets onto arterial streets. In most cases, installation of traffic restraint devices causes only minor problems. However, the potential exists that reduction of through traffic on local residential streets will increase congestion on nearby arterial streets to such a degree that the City's Transportation Level of Service policy is downgraded to a level inconsistent with the General Plan policies of the City of San Jose. Traffic restraint devices may be cul-de-sacs, "T" island, diverters or other similar devices.

PURPOSE

To state Council policy relative to the installation of traffic restraints on City residential streets.

POLICY

It is the policy of San Jose that traffic restraint devices be installed on residential streets only after (1) engineering considerations and real or potential conflicts with other related City policies have been evaluated, and (2) neighborhood residents have participated in the decision-making process in each specific instance where installation of a traffic restraint device is considered. It is further the policy of the City of San Jose that traffic restraint devices be installed temporarily or permanently only after approval by Council, subject to the following conditions:

1. Initially each traffic restraint device will be installed on a temporary basis for a period not to exceed six (6) months. During this period, the effectiveness of the traffic restraint device will be evaluated to determine whether to remove the restraint, install the restraint permanently, extend the evaluation period, or carry out other acceptable courses of action.
2. Traffic restraint devices will be permanently installed only after (a) an evaluation period, (b) the recommendation of the Director of Public Works, and (c) approval of the City Council.

TITLE	PAGE	POLICY NUMBER
INSTALLATION OF TRAFFIC RESTRAINT DEVICES	2 OF 3	8-3

CRITERIA FOR INSTALLATION OF TRAFFIC RESTRAINT DEVICES

1. At least one of the following conditions must exist before a traffic restraint device is installed on a local residential street:*
 - a. A relatively high percentage of the traffic volume is non-resident, through traffic. The acceptable percentage will vary in accordance with the particular circumstances of the street and in the neighborhood.
 - b. The total volume of daily traffic is excessive for the design of the street and the prevailing use of the street by school-age children. An excessive volume will vary in accordance with the geometrics, the access to, and the pedestrian use of the street, and will exceed at least 700 vehicles per day.
 - c. There are unusual geometric conditions on the street that directly contribute to a potentially unsafe situation.
 - d. The San Jose Police Department determines that there is a significant problem with "exhibitionist" motorists' behavior that can be most effectively mitigated with the diversion of traffic.
 - e. The average speed of vehicles is significantly higher than the normal speeds on similar local residential streets.
2. The households (occupied dwelling units) within the area directly affected by the installation of the traffic restraint device must have had the opportunity to discuss with the City Transportation staff the impacts of the proposed action and possible alternatives. The boundaries of this area will be determined by the Director of Public Works based on an assessment of the probable change in traffic flows.
3. At least 60 percent of the households (occupied dwelling units) within the area defined in criterion #2 must petition the City for the installation of an experimental traffic restraint device or devices.
4. Requirements for emergency service (i.e., fire, police, and ambulance) must be satisfactorily accommodated during the temporary installation. The acceptability of the experimental and the permanent device will be determined by the agency/department responsible for the emergency service.
5. Reasonable alternatives must be available for service vehicles, such as mail, refuse collection, newspaper delivery and public transit vehicles.

* Local residential streets are generally 36 feet in width (curb-to-curb) with homes abutting and fronting onto the street.

TITLE INSTALLATION OF TRAFFIC RESTRAINT DEVICES	PAGE 3 OF 3	POLICY NUMBER 8-3
--	----------------	----------------------

6. The Department of Public Works must make a determination that the possible benefits derived within the immediate neighborhood outweigh the probable negative impacts to motorists and the general community considering, but not limited to, change in levels of service on arterial streets, changes in total travel time, changes in traffic volumes on local streets, effects on potential for accidents, increases in energy consumption, changes in noise levels, and the effect on school crossings.

PROCESS FOR EVALUATION OF TRAFFIC RESTRAINT DEVICES

1. Following the receipt of requests for a restraint device, the staff will meet with the requestors to perform a preliminary assessment of their concerns and to discuss possible remedial actions. Staff will determine if the particular street or streets being considered meet criterion # 1 for the installation of restraint devices. (Note: The term "staff" refers to the Department of Public Works.)
2. If the street meets criterion # 1, the area that would be affected by the proposed action will be determined by staff and a meeting will be held with these residents (see criterion # 2).
3. The requestors will gather the necessary neighborhood support within the affected area (see criterion # 3).
4. An assessment of the proposed action will be conducted by staff (see criteria # 4, # 5, and # 6).
5. If there is the necessary neighborhood support and if staff and Council assessment is favorable, an experimental device or devices will be installed for a period not to exceed six months for evaluation.
6. During the period of the temporary installation, appropriate data will be gathered and analyzed, and neighborhood meetings will be held to adequately evaluate the effect of the restraint device(s).
7. Based on the evaluation, the cost implications, and the available funding, staff will recommend to Council a "permanent solution" which would be to retain, remove, modify, and/or seek alternatives to the restraint device(s).
8. Consistent with the Council's decision and the availability of funding, the staff will pursue the "permanent solution".

City of San Jose, California

COUNCIL POLICY

TITLE FRONTAGE ROADS AND MINOR STREETS ADJACENT TO PUBLIC PARKS AND OPEN SPACES	PAGE 1 OF 2	POLICY NUMBER 8-3
	EFFECTIVE DATE 7-24-72	REVISED DATE 6-25-73

APPROVED BY
Council Action July 24, 1972 Revised June 25, 1973

BACKGROUND

The City Council of San Jose is responsible, under provisions of the Subdivision Ordinance, to control the design and improvements of public streets. This Council recognizes that public parks, open spaces, and other similar public areas require adjacent public streets.

PURPOSE

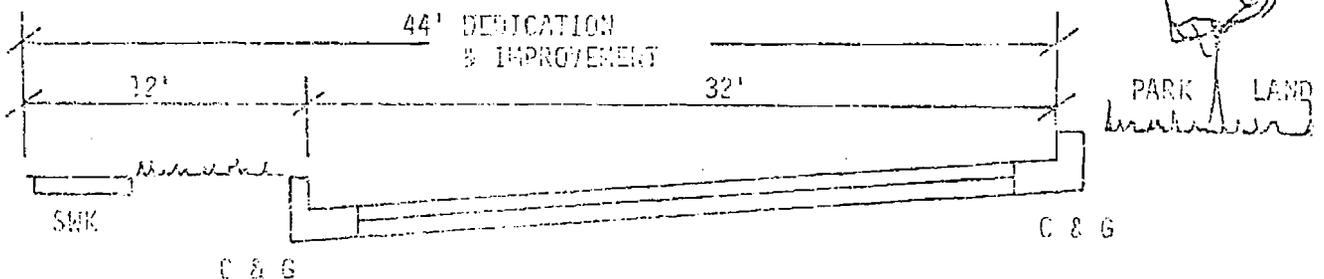
It is the purpose of this policy to:

- A. Establish uniform and reasonable dedication and improvement standards with respect to frontage roads and minor streets adjacent to public parks and open spaces.
- B. Upgrade previous dedication and improvement requirements adjacent to such public areas in order to insure the public safety, convenience and general welfare by insuring full street improvements at time of private development.

POLICY

It is the policy of the City of San Jose that:

- A. Urban development opposite public parks and open spaces shall be designed in a manner to insure maximum exposure of the public facility to the public.
- B. That minor public streets, proposed by urban development, opposite public parks and open spaces shall be improved to the following standards:
 - 1. City-wide, flood plains, and other regional parks (not eligible for Construction and Property Conveyance Tax).



TITLE	FRONTAGE ROADS AND MINOR STREETS ADJACENT TO PUBLIC PARKS AND OPEN SPACES	PAGE	2 OF 2	POLICY NUMBER	8-3
-------	--	------	--------	---------------	-----

The City will normally require a 44' frontage road adjacent to City-wide park lands. Example: Coyote Creek Parkway. Proposed development shall be required to dedicate and improve a 44' right-of-way.

2. Neighborhood and District Parks (eligible for Construction and Property Conveyance Tax).

Where the City determines that a 44' or 48' street improvement section is desirable and placement of a half-street improvement requirement is to be on City park lands, the proposed development adjacent to public park lands shall dedicate to centerline of right-of-way and install permanent improvement of 40'. City is obligated to purchase to centerline of street right-of-way and for cost of remaining street improvement on City park lands.

