CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: SUNSHINE REFORM TASK FORCE

FROM: Dan McFadden

SUBJECT: Supplemental to Agenda Packet Public Information

DATE: November 9, 2006

On October 17, 2006, staff distributed an agenda packet to assist in facilitating the Task Force's discussion on Public Information. Three documents were included:

1. Document G. Public Information Outline, Discussion Questions, State Law Requirements, San Jose Current Practice and Council Referred Reform Proposals.
2. Document H. Ordinance Comparison Table.
3. Document I. Public Information Reform Proposals.

The purpose of this memorandum is to provide supplemental information to the agenda packet to provide clarification on the process by which the City manages public records requests that involve multiple departments, and transmit information on two additional applicable public outreach policies and programs.

Clarification on Management of Public Records Requests

In Document G (*Public Information Outline, Discussion Questions, State Law Requirements, San Jose Practice and Council Referred Reform Proposals*) staff provided an explanation of how the City responds to requests for records. In this explanation (*Section B.3.: Release of Oral Information*) staff explained the process used by the Administration, but inadvertently omitted information about the Clerk's role in responding to requests.

If a request seeks information from more than one Office/Department, the response is coordinated by the City Clerk, City Manager or City Attorney, depending upon the nature and complexity of the request. Typically the City Clerk responds to requests for public records routinely maintained by the City Clerk's Office, as well as those associated with City Council activities and actions. The Administration coordinates responses to requests for information about the responsibilities and work performed by the City's many departments, with the assistance of the designated records coordinators of all affected Offices/Departments.

Additional Background Information on the City's Public Outreach Policies

Task Force Chairman Ed Rast has requested that two additional documents be distributed to the Task Force: 1) Parks, Recreation and Neighborhood Services Public Outreach Policy; and, 2) Traffic Calming Policy for Residential Neighborhoods. Information contained in both of these policies was previously distributed to the Task Force in an attachment to *Document G. Public Information Outline, Discussion Questions, State Law Requirements, San Jose Current Practice and Council Referred Reform Proposals.* To provide additional information, the full policies are included.

Dan McFadden
Deputy City Manager

For more information contact: Dan McFadden, Deputy City Manager, Office of the City Manager at (408) 535-8120.

Attachments:
Department of Parks, Recreation and Neighborhood Services Policy
Policy 5-6 Traffic Calming Policy for Residential Neighborhoods

Attachment

Department of Parks, Recreation and Neighborhood Services Policy

City of San José, California

DEPARTMENT OF PARKS, RECREATION AND NEIGHBORHOOD SERVICES POLICY

TITLE	PAGE 1 of 6	POLICY NUMBER
PUBLIC OUTREACH POLICY	EFFECTIVE DATE 11/3/04	REVISED DATE
APPROVED BY		

BACKGROUND

The Department of Parks Recreation and Neighborhood Services desires to keep residents informed on projects (Parks, Community Centers, and Trails) in their neighborhoods and City-wide. The intent of this policy is to establish a baseline protocol for the dissemination of information related to park, trail and recreational facility development and to encourage early and frequent communication between Department staff, consultants and the public.

Utilizing the "saturation" approach, as described by this policy has proven successful in outreaching to as many people as possible, which has translated in greater numbers of people attending community meetings. Using the following outreach methods has also kept projects on schedule and on budget.

DEFINITIONS

For the purposes of the following policies:

"Minor Improvement" is defined as the addition of new park sidewalks, lighting, site furniture, general infrastructure upgrades and repairs or the renovation of equipment such as a play structure or sports court.

"Standard Project" is defined as the development of a new park less than two acres in size, a Master Plan or Master Plan update to a park less than two acres in size, or the addition of a new program element to parks such as, a new play structure, new restroom building, roller sport/skate facility, sports courts or fields, off-leash dog area or a community garden.

"Large Project" is defined as adding a new program element to parks greater than two acres in size, development of new park greater than two acres in size, a Master Plan or Master Plan update for parks greater than two acre in size, community centers or building additions.

"Trail Project" is defined as a linear paved or unpaved pathway used for the purposes of pedestrian/bicycle recreation or commuting.

"Project Manager" is defined as the person who will be taking the lead for the project. He/She will make decisions on outreach strategies after consulting with department public information staff.

PURPOSE

Development of parks, trails and/or recreational facilities can be controversial for nearby residents or stakeholder groups. It is the Department staff's experience that public outreach efforts can clarify misunderstandings and mitigate concerns or points of contention before project plans are fully developed. With early and extensive outreach, staff seeks to minimize concerns expressed at Parks and Recreation Commission and City Council meetings later in the process when design changes can be costly and may present delays in the schedule.

Community meetings serve the best interests of both staff and the community by providing a forum to discuss the project and potential issues well before the Commission or Council consideration of the matter.

POLICY

1. General Guidelines

The Department of Parks, Recreation and Neighborhood Services encourages staff to work with consultants and department colleagues on the appropriate means of notifying the surrounding property owners or residents about proposed development of recreation facilities, parks and trails, in their neighborhoods. While specific means of outreach are identified for large projects, it may be appropriate for standard projects to also utilize the expanded outreach methods outlined in this Policy. The Project Manager shall define a project outreach strategy and budget as part of the project scoping and planning prior to initiation of project.

2. Mailed Notices

For certain projects the Department recognizes the importance of using large radius noticing as a tool to broaden the community awareness of projects. Community meeting notices should be mailed a minimum of fourteen (14) days prior to the meeting and should be sent to all property owners and residents within 500 feet of the park boundary (300 foot notification may be used for minor improvements, see below). This notification area should be expanded to a minimum of 1000 feet for large projects. The intent of the larger noticing area is to broaden the awareness beyond the immediate neighborhood that a large project that is being proposed.

The Project Manager may decide that a modified notification area with a larger coverage area should be used in residential areas, and smaller notification area be used where the project abuts non-residential land uses. The Project Manager may utilize the traditional 300 foot radius for very small improvements with localized interest such as adding new sidewalk, new lighting, or renovating a new playground structure at a park.

For all projects, regardless of size, the notification should include including relevant project information shall be provided to the local neighborhood, homeowners association, or school(s). In addition, for large projects, a postcard, door hanger or flyer indicating the project is being proposed should also be sent to all residences and businesses within a 1000-foot radius.

3. Newspaper Advertisements

The appropriate use of newspaper advertisements in a paper of general or local circulation is an effective means of informing residents and property owners about a proposed project. Some projects have interest beyond the area that a focused mailing would cover. San Jose has several different regional (*San Jose Mercury News)* and neighborhood (*Evergreen Times)* newspapers. Specialty papers such as *The Metro* or the *El Observador* offer exposure to unique audiences that may be considered for use depending on the specific type of project.

All large projects should be advertised for public hearing in the *San Jose Mercury News*, and other community newspapers as appropriate. Advertisements in the newspapers should also utilize the two-week lead time used for mailed notices. The Project Manager in consultation with the Council Office and other Department staff will decide if newspaper advertisement is necessary.

4. "Knock and Talk"

When time and resources permit an effective tool to notify residences that live in close proximity to the project is to knock on doors and talk about the proposed project. Teams of staff, consultants and volunteers, properly credentialed and versed in the details of the project may conduct a door-to-door outreach providing both project information and soliciting public

comment for use in identifying issues to be addressed in later staff work or meetings. This approach gives residents the opportunity to become informed before the community meeting. In this way residents most directly affected by the project will be able to better visualize improvements and respond with concerns in a timeframe that will allow for resolution prior to public discussion. This approach provides a more comfortable atmosphere that is conducive to communications of complex or emotionally charged issues.

5. Phone/E-mail/"Expedite"

The use of phone banks, "Expedite" services, webpages, listserves and e-mails can be a useful means to notify residents of upcoming meetings and/or projects. Contact databases frequently are maintained by Council Offices, the Neighborhood Development Center, Strong Neighborhood Initiative (SNI) Coordinators, Neighborhood Associations, schools, churches, Non-Profit agencies, facility users, community centers, and Chambers of Commerce that can be used to create project related contact lists to send out flyers and/or letters. The "Expedite" service is a computer program that allows a project manager to record a 30-second message which is then transmitted simultaneously to 1000 pre-programmed telephone numbers. This service is very effective when used at the correct time, usually the day before or the day of the meeting. The "Expedite" service is a reminder call to residents who received prior notifications but forgot about the meeting.

6. Outreach Levels

In order to outreach to as many people as possible it is necessary to develop an outreach strategy that is unique to the project and/or community. In developing the outreach strategy, the "saturation" approach will be used in all projects to encourage all residents within the project area to participate and attend the community meetings. To this end, the following Outreach Levels will be utilized for outreaching to the community:

Level 1 – Canvassing only
This is going door to door and putting a flyer on the doorstep. (Please do not put anything in the mailbox, as this is against Federal Law). To accomplish this you'll need the flyer and a canvassing team.

Level 2 – Canvassing and Mailer
In addition to the above, you'll mail a flyer/postcard to the identified radius. To accomplish this you'll need a database with resident information.

Level 3 – Canvassing, Mail & "Knock and Talk"
In addition to the above, you will go door to door and knock and engage in a conversation with the resident regarding the community meeting, the project, any related issues, etc. To accomplish this you'll need a "Knock and Talk" team.

Level 4 - Canvassing, Mail, "Knock and Talk", Newspaper, and Phone/E-mail/"Expedite"
In addition to the above, you will put ad in the newspaper, e-mail the flyer and telephone residents reminding them of the meeting.

7. Public Information Notices

The design and content of the Notice will include information which clearly explains who is conducting the meeting (the Project Manager or consultant), the topic of the meeting, the location of the project, the date, time and place of the meeting, the specific time at which the formal presentation will begin as well as details of the project.

8. Use of the Internet

The Department of Parks, Recreation and Neighborhood Services recognizes the importance of the Internet in providing self-service information to the public 24 hours a day, seven days a week. Currently, Services, Pending Projects and Neighborhood Meetings are listed online. As this policy is implemented, additional information that could facilitate the public outreach goals of this policy should be implemented, as staffing is available. These could include:

- Project information notices with drawings.
- Conceptual Designs.
- Previous Community Meeting Minutes.

Additionally, the Internet may provide the means for the public to be notified in a real time manner of project activity, submit comments electronically, or subscribe to electronic mailing lists for updated information from the Department.

9. Community Meetings

The Project Manager or consultant shall conduct the meeting. Appropriate staff members from the Department are encouraged to attend as observers; as active participants in the presentation; or to respond to questions on policy and process. It is important that the Project Manager coordinate the meeting with other staff to determine appropriate meeting location, meeting noticing, agenda and respective roles.

Possible locations for the meeting may include community centers, parks, local schools, churches, or meeting facilities. A private residence may also be used although is not normally encouraged. It is important that the location of the meeting be neutral to encourage public attendance and participation.

During the meeting, a brief presentation will be provided by the consultant or Project Manager after which the public will have an opportunity to informally discuss the project. The consultant or Project Manager must ensure that there is adequate opportunity for comments and questions from the public. The consultant or Project Manager shall ensure that the following details of the project are available at the meeting:

- Site location and street address.
- Existing and proposed improvements
- Project phasing and schedule
- Project budget
- Potential environmental issues

The use of visual presentations, such as sketches, renderings, aerial photos and models are encourage as an effective method of relaying the information to the public.

Timing

It is recommended that the community meeting be held as early as possible in the process. Mid-week evening meetings are preferred. The Project Manager should coordinate with the Council Office as early as possible to coordinate the meeting date, time and location. A minimum of two weeks should be allowed for the actual mailing of the notice of community meeting prior to the meeting date to give appropriate advance notice to the community.

10. Noticing Language

The Department should consider the necessity to provide multi-lingual information notices. Multi-lingual information notices should be prepared to reflect the primary languages spoken by residents living within the notification area. The use of technical terms should also be avoided to ensure understanding of the information presented.

11. Construction Phase Noticing

PRNS staff will erect a project construction sign on each job site 30 days before the start of construction for standard, large or trail projects and 7 days in advance for minor projects.

The sign will have the following information: City logo, project name, project description including a listing of park facilities that will be out of service for the duration of construction, a start date and a completion date for construction, listing of the names of the Mayor and City Council members, source of funding, project cost, designer's name, contractor's name, and the Park Manager's name and phone number.

For all construction projects (small, standard, large, and trail) construction flyers shall be distributed within the respective distribution areas pursuant to this policy. Flyers shall be distributed at least 15 days prior to the start of construction. The construction contractor under the direction of the Project Manager shall complete the development and distribution of the flyers. The flyer will contain the following information: brief project description, project schedule(start and completion of construction), project potential impacts, and Project Manager name and number.

Matrix of Public Outreach Methods

Project Type

	Minor Improvement	Standard Project	Large Project	Trail Project
Community Meeting Notice (MAILER/CANVASS)				
Radius	300'	500'	1000'	500'
Other Groups	NA/HOA	NA/HOA Schools	NA/HOA Schools	NA/HOA School
Lead Time	2 weeks	2 weeks	2 weeks	2 weeks
Newspaper Advertisements	Optional	Optional	Mercury News/ Community Newspapers	Mercury News
"Knock and Talk" Lead Time	Optional	✓ 3-5 days	✓ 3-5 days	Optional
Phone/E-mail/"Expedite" Lead Time	Optional	✓ 0-2 days	✓ 0-2 days	Optional
Internet Posting	Optional	✓	✓	✓

NA/HOA - Neighborhood Association / Homeowner Association

✓ - Appropriate Public Outreach Method

Optional - To be used at the discretion of the Project Manager.

Attachment

Policy 5-6 Traffic Calming Policy for Residential Neighborhoods

THIS POLICY
REPLACES POLICIES
5-5 and 8-4

CITY OF SAN JOSE, CALIFORNIA

CITY COUNCIL POLICY

TITLE	PAGE	POLICY NUMBER
TRAFFIC CALMING POLICY FOR RESIDENTIAL NEIGHBORHOODS	1 OF 5	5-6
	EFFECTIVE DATE 4/25/00	REVISED DATE 6/26/01

Approved by Council Action:
April 25, 2000, Item 9j, Resolution Nos. 69541 and 69542; June 26, 2001, Item 6.11, Resolution No. 70524.

BACKGROUND

The speed, volume and inappropriate behavior of motorists are adversely impacting a growing number of San Jose residents. Traffic is also having a negative effect on pedestrians and bicyclists, in particular near schools. The City has responded to these conditions with the installation of traffic control devices, roadway features, pedestrian improvements, the deployment of resources to enforce traffic and parking regulations, and the application of education programs. These efforts are referred to as ***traffic calming.***

PURPOSE

The purpose of this Council policy is to state the general processes, responsibilities and outreach related to ***traffic calming*** so that interested parties can effectively access this City service. The time schedules contained in this policy are subject to available City resources and the level of active community involvement.

POLICY

It is the policy of San Jose to minimize the negative impacts associated with traffic on all streets, particularly within residential neighborhoods and near schools, by applying education, enforcement, and sound engineering solutions developed with strong community involvement. Traffic impacts that cannot be addressed through basic traffic calming services may qualify for assessment processes referred to as comprehensive traffic calming projects. All traffic calming services and projects will be coordinated with other transportation policies and will be consistent with the General Plan.

BASIC TRAFFIC CALMING SERVICES

A. Request for Service

Individuals or organizations that are concerned about the negative impact of traffic should contact the City's Department of Transportation (DOT) to request a traffic calming analysis. If the concern regards the enforcement of traffic regulations, the requester should contact the Police Department.

B. Services and Schedules

DOT performs a wide variety of traffic engineering studies. The appropriate study will be performed to address the requester's particular concern and situation. Most engineering studies will be completed within two weeks of the receipt of the request. The application of some devices may be subject to independent policies and guidelines, such as those for crosswalks, stop signs, traffic signals, and bike lanes. Some devices require City Council's approval, which will extend the time before installation.

If traffic control devices (signs or markings) are needed, installation will normally be completed within three weeks of the study findings. In some cases capital improvements will require funding, which will extend the time of completion. The requester will be kept advised of the planned action and schedule. If education and/or public outreach activities are needed, the requester will also be informed of the schedule.

Traffic enforcement, provided by the Police Department, generally occurs within two weeks from the date of request. Due to the limited resources for traditional traffic enforcement, another form of enforcement of speed limits on residential streets is the Neighborhood Automated Speed Compliance Program (NASCOP). This service involves the application of photo radar technology and requires substantial support of the affected residents. Access to this service is through DOT and takes approximately two months to implement. Timeliness of traffic calming projects will be reviewed using performance measures.

COMPREHENSIVE TRAFFIC CALMING PROJECTS

A. Initiation of Comprehensive Traffic Calming Projects

The Department of Transportation may program a comprehensive traffic calming analysis whenever an adverse traffic condition warrants an analysis. If an adverse traffic condition cannot be addressed through basic traffic calming services, DOT will automatically program a comprehensive traffic calming project. A comprehensive traffic calming project is generally the construction of a roadway design feature(s) that is intended to reduce vehicular speeds or volume of traffic. Residents and businesses that may be affected by the outcome of the comprehensive traffic calming project will be notified in writing of any planned actions and schedule.

B. Adverse Traffic Conditions

Streets that experience traffic volumes, speeds or crash rates higher than 10% above the citywide average for the applicable category of street will be considered to have an existing adverse traffic condition [1]. In addition streets that are deemed to have unusual conditions, like limited visibility of pedestrians, irregular roadway design features, or indications of unreported crashes, will also be considered to have an adverse traffic condition.

C. Petition Process

If DOT declines to perform a comprehensive traffic calming project, a comprehensive project may be initiated through a petition process. The petition, which will be supplied by the City, must have the support of 50% + 1 of the households on the section of street(s) that DOT staff determines to be within a project area. Written notices will be sent to any affected business informing them of the proposed action and schedule.

D. Level 1 Traffic Calming Project and Schedule

A Level 1 traffic calming project is intended to address pedestrian safety, speeding or other inappropriate driver behavior with devices that go beyond the basic traffic calming devices, but does not require City Council approval. Examples of traffic calming devices that fall into this category are traffic circles, road bumps, medians and chokers. DOT will work with interested parties to gain community input on a proposed traffic calming plan. Substantial community support in the project area is needed to finalize a plan. Substantial community support may be demonstrated through community meetings, petitions or other means.

Most Level 1 traffic calming plans will be permanently installed following finalization of the plan, without a trial installation. Some plans, however, may require a trial installation, which will generally occur within four months from the date the plan is finalized. The duration of the trial will normally be less than three months. During the trial period City staff will evaluate the plan. The community's input will be solicited and a final plan will be developed by staff, supported by the community and programmed for construction. Construction will normally be completed within 12 months. Trial installations will remain until replaced by the permanent improvements.

E. Level 2 Traffic Calming Project and Schedule

A Level 2 traffic calming project is intended to redirect traffic in order to address excessive traffic volumes and requires City Council approval. Examples of traffic calming projects that fall into this category are full or partial street closures, traffic diversion islands and changing the direction of travel on a street.

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[1] Based on actual data, the average traffic volume, speed and crash rates will be determined for various categories of City streets. Using the local residential street category as an example, the average speed on streets within this category of streets is 26.0 miles per hour. If the average speed on a local residential street exceeds 26.0 miles per hour by 10%, or exceeds 28.6 miles per hour, the street would be considered to have an adverse condition.

Because the Level 2 traffic calming improvements are the most complex, they require more outreach and community input and more review by affected service providers. Based upon potential impacts of the proposed project, DOT will determine the affected project area. Level 2 projects require the active involvement of a neighborhood traffic committee and the support of the affected residents and property owners. The DOT Director will solicit volunteers and approve membership on the traffic committee. Committee members must own property or reside within the affected project area. If the scope of the project is revised the DOT Director may make adjustments to the boundaries of the project area and to the committee membership.

Based on relevant data and community input, the traffic committee and DOT staff will develop a proposed traffic calming plan. The traffic committee will distribute a City developed petition to all households, businesses and absentee property owners within the project area. The petition must have 50% + 1 support of the households within the project study area before a trial installation is presented to City Council. The duration of the trial will normally be less than six months. During the trial period City staff will evaluate the plan and community input will be solicited. Minor adjustments to the plan may be made based on the input received. Based on all relevant data and community input, DOT, in coordination with the traffic committee, will develop a proposed plan that will be presented to the community for its approval. A majority of the affected households (50% + 1) within the project area is needed to finalize a plan, which will then be presented to City Council for its consideration.

Generally, it will take from 8 to 16 months from the initiation of a Level 2 study to the City Council's approval of a permanent plan. Depending upon the complexity of the permanent plan, it may then take up to 12 months to design and construct the final set of improvements. Trial installations will remain until replaced by the permanent improvements.

PRIORITIZATION OF COMPREHENSIVE TRAFFIC CALMING PROJECTS

In general, comprehensive traffic calming projects will be initiated in the order of the date programmed by staff or petitioned by the community (see sections A and C under Comprehensive Traffic Calming Projects). The DOT Director may give a project priority attention in consideration of one or more of the following factors:

- ***Crash Experience*** - 12-month crash history with special emphasis on crashes involving bicyclists or pedestrians.
- ***Excessive Speeding*** - High percentage of vehicles exceeding the speed limit.
- ***School Safety*** - Immediate safety concerns.
- ***Traffic Volumes*** - Traffic volumes that are significantly higher than on similar streets within the City.
- ***Pedestrian Facilities*** - Streets listed as a General Plan Pedestrian Zone or Corridor.
- ***Unusual Conditions*** - Streets with an unusual physical configuration or motorist behavior.

- ***Changing Conditions*** - Streets projected to experience an adverse traffic impact as a result of new development.

ADDRESSING TRAFFIC IN EXISTING NEIGHBORHOODS FROM NEW DEVELOPMENTS

All private and public_development proposals will be reviewed for potential traffic calming issues and a study will be required when necessary. DOT, other City staff or consultants will be actively involved in the review of any proposed development that is determined by a study to create or increase an adverse traffic condition on an existing neighborhood. It is the intent of this involvement that the development will be designed or that traffic calming conditions will be placed upon the developer to eliminate or minimize the portion of the adverse impacts that are a result of the development. The Planning, Building and Code Enforcement Department will inform the developer and affected community by public notification of guidelines established for review of new developments.

COORDINATION

Level 1 and Level 2 traffic calming projects will be coordinated with existing transportation policies and providers of emergency response services, public transit, school transportation, utilities and related services.