



## MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, JANUARY 13, 2015

The Council of the City of San José convened in Regular Session at 9:30 a.m. in the Council Chambers at City Hall.

Present: Council Members - Carrasco, Herrera, Jones, Kalra, Khamis, Matthews, Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent: Council Members - All Present.

### CEREMONAL ITEM

#### 1.1 Administer Oath of Office for Interim District 4 Council Member Marjorie McInnis Matthews. (City Clerk)

Action: City Clerk Toni J. Taber, CMC administered the Oath of Office to Marjorie McInnis Matthews.

### STRATEGIC SUPPORT SERVICES

#### 3.2 Accept Labor Negotiations Update.

There was no report.

### CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 9:32 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9 Subsection (d)(1) with respect to initiation of litigation in one (1) matter. (B) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Designee Jennifer Schembri; Interim Director of Employee Relations; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working

## **CLOSED SESSION (Cont'd.)**

Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO. (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW. (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3. (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: Salaries, Hours, Working Conditions, etc; Name of Existing Wages Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Web: <http://www.sanjoseca.gov/?nid=186>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:55 a.m. and reconvened to Regular Session at 1:32 p.m. in the Council Chambers.

Present: Council Members - Carrasco, Herrera, Jones, Kalra, Khamis, Matthews, Nguyen, Oliverio, Peralez, Rocha; Liccardo.

Absent: Council Members - All Present.

## **INVOCATION**

Pastor Bret Allen, Bethel Church San José presented the Invocation. (District 1)

## PLEDGE OF ALLEGIANCE

Mayor Sam Liccardo led the Pledge of Allegiance.

## ORDERS OF THE DAY

Upon motion by Council Member Rose Herrera, seconded by Council Member Johnny Khamis and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (11-0.)

## CEREMONIAL ITEMS

### 1.1 Administer Oath of Office for Interim District 4 Council Member Marjorie McInnis Matthews. (City Clerk)

Mayor Susan Hammer and Supervisor Blanca Alvarado administered the Oath of Office to Marjorie McInnis Matthews.

## CONSENT CALENDAR

Upon motion by Council Member Rose Herrera, seconded by Council Member Johnny Khamis and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

### 2.1 Approval of Minutes.

There were none.

### 2.2 Final adoption of ordinances.

- (a) **ORD. NO. 29528** – Approving a development agreement with Jackson Taylor Partners, LLC, relative to the development of the Japantown Corporation Yard Redevelopment Project on certain real property located at 696 North Sixth Street and authorizing the City Clerk to execute the development agreement and cause the same to be recorded with the Santa Clara County Recorder's Office. **DA14-003**

Documents Filed: Proof of Publication of the Title of Ordinance No. 29528 executed on December 22, 2014, submitted by the City Clerk.

Action: Ordinance No. 29528 was adopted. (11-0.)

## **2.3 Approval of Council Committee Reports.**

### **(a) Rules and Open Government Committee Report of December 3, 2014. (Mayor)**

Documents Filed: (1) Memorandum from Mayor Sam Liccardo, dated January 2, 2015, recommending agendaing Item G.6 from the December 2, 2014 Rules Committee Report entitled: "Support for Immigrant Services" for the January 27, 2015 Council Meeting for the purpose of allowing the entire Council to consider the proposal. (2) Memorandum from Council Members Kalra, Peralez, Carrasco and Nguyen, dated January 9, 2015, recommending support for immigration services, the memorandum from Vice Mayor Nguyen and Council Members Liccardo and Khamis, dated November 25, 2014, with direction to the City Manager. (3) The Rules and Open Government Committee Report dated December 3, 2014. (4) Email from Aurora Solis, dated January 8, 2015, expressing support for immigrant services.

Mayor Sam Liccardo presented introductory comments and background information about the letter dated December 2, 2014, that he cosigned with former Vice Mayor Madison Nguyen and Council Member Johnny Khamis urging support for Immigrant Services.

Motion: Council Member Ash Kalra moved approval of the memorandum from Mayor Sam Liccardo, dated January 2, 2015, recommending agendaing Item G.6 (including the letter dated November 25, 2014, with direction to the City Manager as described in "Action") from the December 2, 2014 Rules Committee Report entitled: "Support for Immigrant Services" for the January 27, 2015 Council Meeting for a full Council discussion and to provide direction to the City Manager at that time and the memorandum from Council Members Kalra, Peralez, Carrasco and Nguyen, dated January 9, 2015. Council Member Rose Herrera seconded the motion.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Expressing support for Immigrant Services were Josue Fuentes, District Attorney's Office; Rebecca Armendariz, SEUI-USWW; Jessica Jenkins, CET Immigration and Citizenship Program; Richard Konda, Asian Law Alliance; Mayra Cruz, Tomas Margain, Jeremy Barousse, Serious Immigrant Rights and Education Network (SIREN); Eunice Hernandez, Sacred Heart Community Services; Poncho Guevara, Dr. Julia Curry, Cesar Juarez, Raymond Sullivan Blum, Student Advocates for Higher Education; Sarait Martinez, Working Partnerships USA; James Zahradka, Law Foundation of Silicon Valley; Dennis Raj, South Bay Labor Council; Ernesto Perez, PACT; John Reynaldo, Catholic Charities of Santa Clara County; Deacon Ruben Solorio, Diocese of San José; Ross Signorino, Engels Garcia and Zelica Rodriguez, Somos Mayfair.

Council discussion ensued.

### 2.3(a) (Cont'd.)

Mayor Sam Liccardo expressed appreciation to all the comments and suggestions presented by the speakers and the Council Members.

Action: On a call for the question, the motion carried, the Rules and Open Government Committee Report dated December 3, was approved. The memorandum from Mayor Sam Liccardo, dated January 2, 2015, was approved, directing Staff to agendaize Item G.6 from the December 3, 2014 Rules Committee Report entitled "Support for Immigration Services" to the January 27, 2015 Council Meeting in order to allow the entire Council to consider the following proposal from Vice Mayor Nguyen, Council Members Liccardo and Khamis, dated November 25, 2014: (a) Direct the City Manager to return to the Neighborhood Services and Education Committee and through the mid-year budget process to Council, to create a plan to address the imminent flood of inquiries from thousands of City of San José residents who might qualify for relief from deportation under President Obama's recent Executive Action and under the Deferred Action for Childhood Arrivals (DACA). (b) Specifically the City Manager should assess the resources required to perform several specific tasks critical to ensuring that otherwise law-abiding undocumented immigrants in San José can fully benefit from the Obama Administration's recent actions. In consultation with key partners, including the Santa Clara County Office of Human Relations, the South Bay Immigration Services Network, SIREN and other nonprofit organizations serving immigrants in the community, the City should assess whether its network of existing nonprofits already addresses the impending need and what, if any, role the City should play in such tasks as: (1) Referring residents to competent legal service organizations and U.S. government offices where they can obtain critical services and additional information. (2) Tracking and making public the identity of those organizations and individuals exploiting vulnerable immigrants seeking legal services and to warn residents against the use of those specific providers. (3) Proactively performing outreach in many immigrant communities to ensure that families can take full advantage of the programs under the Executive Action or DACA. (4) Assessing whether the City is taking full advantage of available grant funding from federal sources or foundations to better serve its immigrant communities through City processes, such as by assistant immigrant-led businesses in navigating City Permit processes or ensuring that adults have access to English as a Second Language (ESL) and literacy programs through City libraries. (c) Any funding needs should be raised and discussed during the Council's mid-year budget process in February 2015. The memorandum from Council Members Kalra, Peralez, Carrasco and Nguyen, dated January 9, 2015, was approved, with the City Manager directed to: (a) Bring back a plan to establish an Office of Immigrant Affairs, as well as a report back on a potential Welcome Ordinance. (b) Investigate and outline a plan for coordination with the County of Santa Clara. (c) Explore and report back to the Council on options of utilizing current City sources. (d) Report back to the Council on the costs and scope of work of designating roles to Parks, Recreation and Neighborhood Services Staff. (10-1. Noes: Oliverio.)

- 2.3 (b) **Rules and Open Government Committee Report of December 10, 2014. (Mayor)**  
(c) **Public Safety, Finance, and Strategic Support Committee Report of December 11, 2014. (Constant)**

Documents Filed: (1) The Rules and Open Government Committee Report dated December 10, 2014. (2) The Public Safety, Finance and Strategic Support Committee Report dated December 11, 2014.

Action: The Council Committee Reports were approved. (11-0.)

2.4 **Mayor and Council Excused Absence Requests.**

There were none.

2.5 **City Council Travel Reports.**

There were none.

2.6 **Report from the Council Liaison to the Retirement Boards.**

There were none.

2.7 **Adopt a resolution authorizing the City Manager or designee to:**

- (a) **Submit a grant application to the Department of Resources Recycling and Recovery (CalRecycle) Rubberized Pavement Grant.**  
(b) **Negotiate and execute all necessary grant documents to accept grant funding. CEQA: Exempt, File No. PP14-069. (Transportation)**

Documents Filed: City Council Action Request from Director of Transportation Hans Larsen, dated December 29, 2014, recommending adoption of a resolution.

Action: Resolution No. 77266, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Submit Applications for the CalRecycle Rubberized Pavement Grant Program and To Negotiate and Execute Any Documents Necessary to Effectuate the Grant Funding", was adopted. (11-0.)

- 2.8 (a) **Adopt a resolution directing the City Auditor to report all audits to the specific Council Committee having jurisdiction for the subject matter of the audit, as designated by the City Manager.**  
(b) **Adopt a resolution amending the Council's Rules for the Conduct of Its Meetings, Superseding Resolution No. 77136, to increase the composition of the Rules and Open Government Committee to five members, to notice Rules and Open Government Committee meetings as a Joint Meeting of the Rules and Open Government Committee/Committee of the Whole, and to notice**

- 2.8 (b) **other Standing Council Committees as a Joint Meeting of the Standing Committee/Committee of the Whole when non-Standing Committee Council Members notify the Committee secretary of their planned participation.**

**CEQA: Not a Project, File No. PP10-068(c), Municipal Code or Policy. (City Attorney)**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated January 8, 2015, recommending adoption of resolutions.

Council Member Donald Rocha requested that the Rules and Open Government Committee consider moving the Open Forum to the beginning of the Agenda.

Action: Upon motion by Council Member Donald Rocha, seconded by Council Member Rose Herrera and carried unanimously, Resolution No. 77267, entitled: “A Resolution of the Council of the City of San José Directing the City Auditor to Report All Audits to the Specific Council Committee Having Jurisdiction for the Subject Matter of the Audit, As the City Manager Deems Appropriate” and Resolution No. 77268, entitled: “A Resolution of the Council of the City of San José Amending the Rules for the Conduct of Its Meetings, Superseding Resolution No. 77136”, were adopted. Referral to Rules and Open Government Committee to consider the Order of the Agenda: move Open Forum to the beginning of the Agenda in lieu of the end. (11-0.)

- 2.9 **As recommended by the Rules and Open Government Committee on January 7, 2015:**

- (a) **Approve the Tartan Day Flag Raising scheduled on Tuesday, April 7, 2015 as a City Council sponsored Special Event and approve the expenditure of funds.**
- (b) **Approve and accept donations from various individuals, businesses, or community groups to support the event.**

**CEQA: Not a Project. (Khamis)**

**[Rules Committee referral 1/7/15 – Item G(4)]**

Documents Filed: Memorandum from City Clerk Toni J. Taber, CMC, dated January 7, 2015, transmitting the recommendations of the Rules and Open Government Committee.

Action: The Tartan Day Flag Raising as a City Council sponsored Special Event was approved and expenditure of funds and acceptance of donations from various individuals, businesses and community groups to support this event were authorized. (11-0.)

**END OF CONSENT CALENDAR**

## STRATEGIC SUPPORT SERVICES

### 3.1 Report of the Interim City Manager, Norberto Dueñas (Verbal Report).

Interim City Manager Norberto Dueñas welcomed the Council back from Holiday furlough, acknowledged the new Council Members and offered background information on news information and highlights about upcoming events.

### 3.3 As recommended by the Public Safety, Finance, and Strategic Support Committee on December 11, 2014, accept the Audit of Accounts Receivables. (City Auditor) [Public Safety, Finance, and Strategic Support Committee referral 12/11/14 – Item D(3)]

Action: Deferred to January 27, 2015 per Administration.

### 3.4 Approve the appointment of the Vice Mayor. (Mayor)

Documents Filed: Memorandum from Mayor Sam Liccardo, dated January 9, 2015, recommending Council Member Rose Herrera to the position of Vice Mayor.

Motion: Council Member “Chappie” Charles Jones moved approval of the appointment of Council Member Rose Herrera to the position of Vice Mayor. Council Member Magdalena Carrasco seconded the motion.

Vice Mayor Rose Herrera acknowledged that she was proud and honored to be chosen as Vice Mayor of the City of San José and thanked Mayor Sam Liccardo for the nomination.

Action: On a call for the question, the motion carried, Council Member Rose Herrera was appointed as Vice Chair. (10-1. Noes: Rocha.)

### 4.1 Conduct a Public Hearing and adopt a resolution:

- (a) **Overruling any and all objections to the 2015-2016 Hazardous Vegetation Commencement Report.**
- (b) **Directing the Santa Clara County Department of Agriculture and Environmental Management to abate the seasonal and/or recurrent public nuisances on those properties identified in the Report pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement between the City of San José and the County of Santa Clara.**

**CEQA: Exempt, File No. PP13-097. (Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement Harry Freitas, dated December 15, 2014, recommending adoption of a resolution.

Mayor Sam Liccardo opened the Public Hearing.



#### 4.1 (Cont'd.)

Public Comments: There was no testimony from the floor.

Mayor Sam Liccardo closed the Public Hearing.

Action: Upon motion by Council Member Pierluigi Oliverio, seconded by Council Member Johnny Khamis and carried unanimously, Resolution No. 77269, entitled: “A Resolution of the Council of the City of San José Overruling Objections to the 2015-2016 Hazardous Vegetation Commencement Report and Directing the Santa Clara County Department of Agriculture and Environmental Management to Abate the Seasonal and/or Recurrent Public Nuisances on Those Properties Identified in the Report Pursuant to Chapter 9.12 of Title 9 of the San José Municipal Code and the Weed Abatement Agreement Between the City of San José and Transportation and Environment Committee County of Santa Clara”, was adopted. (10-0-1. Absent: Peralez.)

#### 4.2 **Approve the proposed ordinance amending Title 23 (the Sign Code) of the San José Municipal Code to:**

- (a) **Modify and add general and specific provisions in Parts 1 and 2 of Chapter 23.02 and Part 1 of Chapter 23.04 pertaining to signage within the Commercial and Industrial Zoning Districts and Neighborhood Business Districts of the City to add new definitions for Airport Influence Area, Outdoor Stadium Spaces (Large), Scoreboard Sign, and Sponsorship Marketing Plan; and to allow Large Outdoor Stadium Spaces to apply for a permit for larger and additional Signs than would otherwise be allowable, including:**
  - (1) **Larger and additional Attached Signs, including flexibility in the placement of such Signs.**
  - (2) **An additional Flat Roof-Top Sign.**
  - (3) **Additional free-standing Banner Signs.**
  - (4) **A larger Free-standing Sign with a programmable component and displaying advertising pursuant to a sponsorship market plan.**
  - (5) **A new Scoreboard Sign with a programmable component and displaying advertising pursuant to a sponsorship market plan, including the potential to display video and animation between the hours of 6:00 a.m. and 12:00 a.m. (midnight).**
- (b) **Update and add text to align with federal and state law and the City’s policy and practice regarding substitution of noncommercial messages, and to eliminate obsolete terminology, and to correct typographic errors, all as further described in this staff report and the attached ordinance.**

**CEQA: Final Environmental Impact Report (EIR) entitled, “Airport West Stadium and Great Oaks Place Project Final EIR (2010 Stadium Final EIR, SCH# 2009052053)”, Resolution No. 75309 and Addenda thereto, File No. PD14-018 and Negative Declaration File No. PP13-067. (Planning, Building and Code Enforcement)**

## 4.2 (Cont'd.)

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement Harry Freitas, dated December 18, 2014, recommending approval of the ordinance. (2) Supplemental memorandum from City Attorney Richard Doyle, dated January 12, 2015, transmitting correction of clerical errors and minor revisions to the draft ordinance to address Staff's comments. (3) Proof of Publication of Notice of Public Hearing executed on December 22, 2014, submitted by the City Clerk.

Motion: Council Member Pierluigi Oliverio moved approval of the Staff recommendations. Vice Mayor Rose Herrera seconded the motion.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Expressing support to the Staff recommendations were Bob Kieve, KLIV; David Kaval and Keith Wolff, San José Earthquakes.

Director of Planning, Building and Code Enforcement Harry Freitas responded to Council questions.

Action: On a call for the question, the motion carried unanimously, Ordinance No. 29529, entitled: "An Ordinance of the Council of the City of San José Amending Title 23 of the San José Municipal Code (Sign Code) As Follows: To Amend Part 1 of Chapter 23.02 To Add New Sections 23.02.015 To Define Airport Influence Area, 23.02.355 To Define Non-Commercial Speech, 23.02.367 To Define Large Outdoor Stadium Space, 23.02.485 To Define Scoreboard Sign and 23.02.525 To Define Sponsorship Marking Plan; To Amend Part 2 of Chapter 23.02 To Make Minor Corrections to Section 23.02.905 Limitations on Programmable Electronic Signs, Revise Sections 23.02.910 Computation of Area of Sign, 23.02.1010 Prohibited Signs, Prohibited Displays and Section 23.1190 No Limitation of Message; and To Amend Part 1 of Chapter 23.04 To Add New Section 23.04.032, Large Outdoor Stadium Space, To Allow More Overall Signage for Large Outdoor Stadium Spaces, Including Larger and Additional Attached Signs and Greater Flexibility in Placement of Such Signs, An Additional Rooftop Sign and Increasing the Total Square Footage for Rooftop Signs, A Larger Freestanding Programmable Electronic Sign Displaying Messaging Pursuant to a Sponsorship Marketing Plan, A New Programmable Electronic Scoreboard Sign Displaying Messaging Pursuant to a Sponsorship Marketing Plan, Freestanding Banner Signs and To Make Other Nonsubstantive, Ministerial, Technical or Typographical Changes to Said Chapters 23.02 and 23.04 of Title 23 of the San José Municipal Code", was passed for publication. (11-0.)

## NEIGHBORHOOD SERVICES

- 5.1 As recommended by the Library and Early Education Commission, name the new library at 4001 Evergreen Village Square, as John J. Montgomery Village Square Library. CEQA: Not a Project, File No. PP10-069. (City Clerk) (Deferred from 12/16/14 – Item 2.16)**

Action: Deferred to March 2015 per District 8.

## ENVIRONMENTAL & UTILITY SERVICES

- 7.1 As recommended by the Rules and Open Government Committee on January 7, 2015, direct Staff to prepare a letter to be sent on behalf of the City of San José in opposition of the proposed Phillips 66 oil train offloading facility in San Luis Obispo County. (Kalra) [Rules Committee referral 1/7/15 – Item G(2)]**

Documents Filed: (1) Memorandum from City Clerk Toni J. Taber, CMC, dated January 8, 2015, transmitting the recommendations of the Rules and Open Government Committee. (2) Supplemental memorandum from Director of Environmental Services Kerrie Romanow, dated January 12, 2015, clarifying comment language to be submitted by the City Manager on the Revised Draft Environmental Impact Report for the Phillips 66 Oil Train Facility in San Luis Obispo County. (3) Supplemental memorandum from Director of Intergovernmental Relations Betsy Shotwell, dated January 12, 2015, providing the status of the League of California Cities review on matters related to rail safety.

Motion: Council Member Ash Kalra moved approval to direct the City Manager to prepare a letter to be sent on behalf of the City of San José in opposition of the proposed Phillips 66 oil train offloading facility in San Luis Obispo County. Vice Mayor Rose Herrera seconded the motion.

Council Member Johnny Khamis requested to amend the motion to strike the last sentence on the second paragraph of the draft letter from the City Manager “*Our current rail system is designed to connect residents to their destinations throughout the entire Bay Area, not to move large quantities of hazardous materials like crude oil*”. Council Member Ash Kalra respectfully declined to accept the amendment.

Council Member Ash Kalra requested to amend the motion to add to the letter regardless of whether the rail systems are transporting people or goods: “Safety is the City of San José’s primary concern” and to direct Staff to continue to identify any opportunities for grant funding from the Federal or State levels in terms of rail safety for local jurisdictions. Vice Mayor Rose Herrera accepted the amendments.

## 7.1 (Cont'd.)

City Attorney Richard Doyle, Interim City Manager Norberto Dueñas and Director of Intergovernmental Relations Betsy Shotwell responded to Council questions and concerns.

Substitute Motion: Council Member Pierluigi Oliverio moved approval to defer this item until January 27, 2015 in order to allow time to receive further information from the Federal delegation. Council Member Johnny Khamis seconded the motion.

Vice Mayor Rose Herrera and Council Member Ash Kalra expressed opposition to the substitute motion citing that the Council has a responsibility to the residents and it was important to move forward without delay.

Mayor Sam Liccardo opened the floor for public testimony.

Public Comments: Expressing comments about public safety issues, support to the recommendations from Council Member Ash Kalra, support for a letter in opposition to the proposed Phillips 66 oil train offloading facility in San Luis Obispo County, support for clean energy and improving safety for oil by train and other comments were: Bastiaan Bergman, Michael Kutilek, Sustainable San José; Simone Cardona, Forest Ethics; Fran Salisbury, Deborah Levoy, Tonya Parnak, John Fioretta, Gerry Hunt, Stephanie Flaniken, Valerie Love and Kelsey Baker, Center for Biological Diversity.

On a call for the question, the substitute motion failed. (2-9. Noes: Carrasco, Herrera, Jones, Kalra, Matthews, Nguyen, Peralez, Rocha; Liccardo.)

The original motion presented by Council Member Ash Kalra and seconded by Vice Mayor Rose Herrera was back on the floor for consideration.

Council Member Johnny Khamis expressed support to the motion only because it is important to send a message regarding the City of San José's concerns for safety and the environment.

Action: On a call for the question, the original motion carried unanimously, Staff was directed to prepare a letter to be sent on behalf of the City of San José in opposition of the proposed Phillips 66 oil train offloading facility in San Luis Obispo County with the following addition from Council Member Ash Kalra concerning regardless of whether the rail systems are transporting people or goods: "Safety is the City of San José's primary concern". Staff was further directed to continue to identify any opportunities for grant funding from the Federal or State levels in terms of rail safety for local jurisdictions. (11-0.)

## **OPEN FORUM**

- (1) Perry Mistry urged the Council to create more jobs in San José.
- (2) Ross Signorino suggested that the Council Members use microphones that light up “red” when speaking at the Council Meetings.
- (3) Brian Darby complained about traffic issues near Santana Row and suggested that Council allow people with disabilities to bring a laptop to the podium to aid in speaking.

## **ADJOURNMENT**

The Council of the City of San José was adjourned at 4:23 p.m. in memory of Irene Dalis, who passed away on December 14, 2014 at the age of 89. Ms. Dalis, San José native and mezzo-soprano, was both an international opera star and the founder of the successful company Opera San José. (Herrera)

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC  
City Clerk

/smd 01-13-15 MIN

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/clerk/agenda.asp> or <http://www.sanjoseca.gov/clerk/MeetingArchive.asp>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.