IN THE MATTER OF:

SAN JOSE CITY COUNCIL

AGENDA ITEM 2.3(A)

Live Tape

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CITY COUNCIL MEMBERS:

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JOHNNY KHAMIS, District 10
PROCEEDINGS

MAYOR REED: Item 2.3(a) first, then we'll get around to 2.7. I have a couple dozen people who want to speak on 2.3(a). We'll take public testimony at this time. Martha Heinrichs, Jeff Moore, come on down, please. Martha Heinrichs, Jeff Moore, Larry Ames.

I think it will pick your voice up. Just go ahead. We'll adjust the sound to make sure it works.

MS. HEINRICHS: I'm Martha Heinrichs with the Friends of the Willow Glen Trestle.

I am very interested in the historical aspect of this 92-year-old railroad trestle because it is an important representation of our local history during the period when our county was known as the Valley of Heart's Delight. I note that the historical report for this project has never been included in an environmental document for public comment and review.

I'm looking forward to reviewing the supplemental initial study, the supplemental mitigated negative declaration, and the historical analysis within the study.

For much less money than a catalog-ordered bridge this trestle could be simply preserved to add charm and interest to the Three Creeks Trail and would
be a landmark that San José would be proud of. Thank you.

MAYOR REED: Jeff Moore, Larry Ames, and Bruce Tichinin.

MR. MOORE: Hi. My name is Jeff Moore. I want to encourage you to proceed with the steel bridge option on the trestle. As I understand it, you have funding in place, and that I encourage you to go ahead and use the funding that's available. You have a well-defined project. I've seen the City Department's presentation on it. It looks great. I encourage you to go ahead with that project rather than risking losing the money by not having a defined plan ready as this one is to use it. Thank you.

MAYOR REED: Larry Ames, Bruce Tichinin, Bud Beatty.

MR. AMES: Yes. Hi. I'm Larry Ames. This here is a picture of the Willow Glen Trestle as viewed from the planned Los Gatos Creek Trail to where it connects to the Three Creeks Trail. The city's plans and the 2004 initial study and mitigated negative declaration used this trestle for the planned trail connection, adding a new deck and railing on the top.

The city's 2012 engineering report says that
after patching a couple posts and replacing a few sashes and braces the structure is just fine. We can even consider adding a midstream viewing platform, as has been done in a number of other trestle restoration projects around the country.

And then in March, so as not to lose a Prop. 40 grant, the city rushed to assign that grant towards replacing this trestle instead, counting on being able to do that by the grant's deadline.

However, you'll have to supplement or redo the old initial study negative declaration since now it will be working within the sensitive riparian habitat. There is a required period for open public review and comment followed by hearings I believe at Planning Commission and/or City Council. And just as with the recent Penitencia Creek project, there may be delays as environmental compliance is assured, and then you have to wait for getting the actual permits from the Cal. Department of Fish and Game.

Please do not risk losing the Prop. 40 grants here. Please reassign it to some other worthy project within the city, and also don't endanger funding of local parks to cover the loss that might happen in case you do miss the deadline there.

I'd like to point out that quite a few of...
the number of people came out in the middle of the day here to talk about this trestle, to be here and support it. We in the community will have to live with whatever gets built here, so we want to have a really good project here. We'd like to work with you to create a truly iconic trail connection. Thank you.

MAYOR REED: Bruce Tichinin, Bud Beatty, Scott Lane.

MR. TICHININ: Good afternoon. It's nice to see all of you again. My message to you today, my respectful advice is you're presently on the right track. You're doing a good job. Stay the course.

Four years ago the Three Creeks Trail was an abandoned dream. Since that time this Council and the community have made truly remarkable progress, but now it's proposed that you direct the staff to cease its work on replacing the trestle with a bridge that will make the vital connection between the Three Creeks Trail and the Los Gatos Trail and that you allocate the $1.2 million in state grant for that project to a different project.

It's not disputed that if you follow this advice there will be insufficient funds even to make the trestle usable and that that vital trail connection will be indefinitely delayed. I believe
that it will also devastate the ongoing efforts to complete the trail by acquiring the eastern alignment.

What I've outlined shows that the trestle supporters believe that the trestle is more important than the trail, as their leader has publicly said. The trestle proponents are sincere, well-intentioned, and passionate. But you need to be fair to everyone.

Continue being fair to the whole city by making the connection between the two trails without delay.

Continue being fair to the often underserved and equally deserving but neglected east side by not delaying acquisition of the eastern alignment.

You're on the right track. You're doing a good job. Stay the course. Thank you.

MAYOR REED: Bud Beatty, Scott Lane, Taisia McMahon -- I'll work on that.

MR. BEATTY: Hi. I'm Bud Beatty, past president of San José VPA.

San José is a city that is filled with brass plaques and facades and things that speak to what once was here. You have a chance today to actually keep something that is here. Let people see what wonderful things were built in the past and how they were done.

We already have many of the single span steel bridges. They are not a work of art. They're not
intended to be. They're just something to get something from one place to another.

The trestle is something more than that. It shows the history. It's an interesting structure. It's built out of some of the last Douglas firs that were cut locally. It's a wonderful thing. There was also money that was given by the Water District, and the real intention of that money was to preserve the trestle, not to demolish it.

MAYOR REED: Okay. Thank you. Scott Lane, Taisia McMahon, Bill Rankin.

MR. LANE: Mr. Mayor, City Council, thank you very much for your time. I appreciate it very much. Scott Lane, speaking for myself, not for any board positions I may be on.

This is actually viewed to be a win-win position here. I am an absolute trail advocate. I wouldn't be speaking here if I wasn't for alternative transportation.

Originally, this $1.8 million fund was actually for a different district. It was actually for District 7 use. We are very much -- I lead many bike rides. I personally have helped grow bike rides and San José Bike Party that have literally led thousands of people, especially in the east side, to
be involved. The highest use of bicycle ridership is among the lower rungs of the economic ladder, partly by choice, partly by necessity.

The Three Creeks Trail, when you combine that with the Five Wounds Trail, I heartily want that to be purchased as quickly as possible. It is a J-loop trail that will provide 6.5 miles from 280 all the way around, around a wonderful business entertainment district. That is near Happy Hollow Park and the ball fields and San José Ice. It will then go up past Five Wounds BART Station, which is an amazing 17-acre facility, and then to the barriers of BART Station. It is a stunning achievement that will be able to be used for OBAG grants, et cetera. This is going to be an amazing trail.

The trestle has always been told that that is the centerpiece of this trail. It is being ripped out. For years this was going to be the case. The concern here is, frankly, how much time is to do this.

Rajeev Hada, Project Engineer, Public Works Engineer in the city of Palo Alto, says about the Newell Road Bridge timeline, "Our tentative plan is to start construction in 2015 and have all the permits and final documents by the end of 2014."

Also, regarding the trestle and its
timeline, "If the construction documents are all ready now and the environmental documents are all cleared now, their permitting process for the Fish and Games, Santa Clara Valley Water District, U.S. Corps of Engineers and other permits, all filed separately, should be complete within six months."

This was also concurred with Kevin Murray, Project Manager of San Francisquito Creek, Joint Powers Authority --

MAYOR REED: Sorry. Your time is up. Sir,
your time is up.

MR. LANE: Thank you very much.

MAYOR REED: Taisia McMahon, Bill Rankin, Roland LaBrun.

MS. MCMAHON: Good afternoon, Honorable Mayor and Council Members. My name is Taisia McMahon, and I'm the president of Save Our Trails. I'm speaking on behalf of the board. They approved this statement this Monday.

A link across the creek is an absolutely essential component of the trail system. Save Our Trails recognizes the existence of strong support in the community for preserving the existing structure, but we acknowledge the difficulties with its preservation as outlined in the engineer's report. If
a solution could be found that would (a) ensure that a repaired trestle would survive further fire or vandalism, (b) meet the requirements of the various permitting agencies, and (c) preserve the RZH funds allocated to the project, we would gladly support it.

But if such a solution cannot be found, then Save Our Trails will continue to support replacing the trestle with a permanent structure, one which will provide a safe and enduring link in the city's growing network of trails. Thank you.

MAYOR REED: Bill Rankin, Roland LaBrun, Nancy Capps.

MR. RANKIN: Mayor Reed and members of the Council, I'm Bill Rankin and I'm speaking today as a resident of San José in the North Willow Glen neighborhood. Thank you for the opportunity to speak with you today.

The trail connection over Los Gatos Creek at Three Creeks Trail is a vital link in San José's trail system and must be completed. This is paramount for the future of Three Creeks Trail and its potential to connect miles of existing trails within San José and beyond. I do believe a brand new bridge is better than no bridge at all. What I find hard to believe is we can't find a solution that would allow us to use
the grant money in question to save the trestle and its historic link to the Valley of Heart's Delight.

From the beginning I've been conflicted about this decision, as many of you might be. My feelings have ranged from ambivalence to passion to doing whatever it take to make this connection, scared of losing the grant money, and coming to the realization that we as a society will bulldoze anything for the sake of progress.

I know you have a hard decision in front of you. We all know very many people are tugging you in very different directions. We also know that this link in the trail is vital for the future of Three Creeks Trail. This connection must be made. I just hope it can be made by saving this link to our past by saving the trestle. Thank you.

MAYOR REED: Nancy Capps, Roland LaBrun, David Wohl.

MS. CAPPS: Hi. My name is Nancy Capps, and I'm a resident of San José and I'm here speaking for myself as a taxpayer, a person who doesn't like to waste money, and a person who doesn't like to waste resources.

I am speaking in support of keeping the trestle. It was built originally to carry very heavy
loads, trains and engines, and from the reports, it
indicates that it is very structurally sound at this
time, and it seems like it would be a waste of money
and resources to simply just tear it down, just to
tear it down and replace it with something else when
it's very usable and would be usable in the future.

It would have great historic value. It's
something unique to add to the trail. It isn't more
important than the trail, but it's something that
would be a nice feature for the trail. And I would
ask you to consider the points that Larry Ames has
made. He's done a lot of work and done a lot of
investigation, and he makes some very good points.
Thank you.

MAYOR REED: Roland LaBrun, David Wohl,
Helen Chapman.

MR. LABRUN: Good afternoon. Thank you for
the opportunity. I'm speaking in strong support of
the Rules Committee memo and the subsequent staff
memo, and I'm going to give you one more reason and
I'll be closing off with a 32-second video that speaks
a million words is a reason why the Washington State
Department of Natural Resources is systematically
removing all creosote structures from waterways.
Thank you.
FEMALE VOICE: This first phase of the project is focused on removing the railroad trestle that goes across Woodard Bay. All the pilings will be removed and that will, first of all, get the toxic creosoted pilings out of the waters, but it will also help restore some of the more natural flow of Woodard Bay itself where Woodard Creek comes down into the bay and then flows out into Henderson Inlet. The other structure that we're focusing on is the pier.

MAYOR REED: David Wohl.

MR. WOHL: Sir, this matter has been extensively discussed through various city committee meetings. I want to hold out Council Member Oliverio as being very pro trail-oriented. He's also listened very intently to his constituents about this. Our city engineer's reports also are to be held in highest regards. I have every faith in our city engineer with reference to this particular issue.

I believe this trestle is bucolic in nature. However, it's a sitting time bomb for environmental issues and fire. Should that trestle catch on fire, who knows how many homes around that area could be burned.
Also, there's no talk about community involvement in getting down into the creeks and removing the vegetation and ongoing protection of that trestle from those that would start a fire. So I think that this issue, although it's very painful for people who like myself would like to see the retention of this bridge, it is untenable at this time or any other time due to its age, infestation with termites, environmental damage to the receding waters, and other structural aspects that I am not competent to talk on with reference to the expertise of our city engineer.

Thank you.

MAYOR REED: Helen Chapman, Brian Grayson, Jack Nedo.

MS. CHAPMAN: Good afternoon, Mayor and members of City Council. Helen Chapman, former chair of San José Parks Commission, member of the Committee for Green Foothills.

The sum of the whole is greater than its parts. I interpret this to mean while each group, partner, or organization may have their own direction, the greatest accomplishment is when partners work in unison toward a common goal.

San José is full of beauty and uniqueness. The problem is sometimes that beauty is hidden from
plain view. We've lost some of our history to complacency. Our treasures as we let them sit idle gradually deteriorate because we don't have the time or the dollars to give them the attention they deserve.

The right thing to do is to bring our partners together, explore all possibilities, and challenge ourselves to create opportunities for the future. We can check the box to say, yes, we've done this, or we can stop, pause, and ask ourselves have we done absolutely everything we can to make this a better project and one that is supported and enjoyed by the greatest segment of the community.

With your leadership and direction today, you can move this project from one of confrontation to one of collaboration, and I thank Tai from Save Our Trails for coming forward today and joining with us to find solutions. Thank you.

MAYOR REED: Brian Grayson, Jack Nedo, Jim Carter.


We support the restoration of the trestle for many of the reasons you've already heard today and will hear from other speakers. There's not really a
need for a discussion about whether or not it's historic because of the question about whether it has official historic designation. The city has acknowledged that their historic inventory is incomplete and there are many structures that would likely be eligible for historic designation that are not listed, and this trestle could well be one of those if those surveys are ever completed. Given the trestle's age and linked to the past, common sense tells us that it is historic.

There is cumulative impact every time you scrape the landscape of one of our historic structures. Every time that happens you erase another chapter of San José's history. We urge you not to do that again. Thank you.

MAYOR REED: Jack Nedo, Jim Carter, Trey Silva.

MR. NEDO: Good afternoon, Mayor Reed, City Council members.

As a native of San José, I have become full of pride with those things that we have saved that represent the past. San José has been a city that grew because of the railroads, because of the canning industry, and the trestle is a living representative of those times, and it would be sad, I think, if
future generations would see only a steel bridge there instead of a special place which can make the city special. Special places make cities special. To confine everything to history park, I don't think that does it. We have to have things where they were.

I would hate to see a child in the future looking at some plaque on a steel bridge and asking, "Daddy, what was a trestle?" when it could be right there for the child to see and to feel. That's where I'm coming from.

With each passing day I become more involved with preservation. I've joined several local preservation groups, and the main reason is because it gives us pride, it gives us pride in our city. I think that's the key word is pride, and so I trust that you've given this some thought. I trust that San José can turn around in terms of not being preservation savvy.

In other words, I worry that a lot of you are more interested in progress rather than remembrance for future generations. I think it's very, very important, and that's why it's such an emotional issue, because it's really important. Okay, thank you very much.

MAYOR REED: Jim Carter, Trey Silva, Chris
MR. CARTER: Good afternoon. My name is Jim Carter and I served with San José Fire Department for just shy of 36 years, retiring a couple years ago as a chief officer. I was born and raised in Willow Glen, not far from this trestle I grew up, and I currently do live and reside in the Willow Glen area.

There are several things that can be done from a fire prevention standpoint to protect the trestle after it's restored. Number one, clean up the debris from around the foot of the trestle; apply fire retardant to the trestle; implement a monitored smoke and heat detection system; install a sprinkler system.

Additionally, there's been circulating reference and videos of the trestle fires in Sacramento and Texas. Comparing these trestle fires to trestles here in San José is comparing apples to oranges. Not only are those trestles much larger, the firefighters in Sacramento and Texas had access problems and water resource problems to complicate the extinguishment of those trestles.

After the above fire prevention precautions are taken regarding our trestle, I consider the risk of this trestle from fire to be very low. I would be happy to answer further questions you may have about
the security of the trestle. I would hate to see the
structure taken down and part of Willow Glen and San
José's history lost. Thank you.

    MAYOR REED: Trey Silva, Chris Roth, Richard
    Zapelli.

    MR. SILVA: First of all, I don't know what
I'm doing here, but thank you for your two minutes.

    My name is Dick Silva. I've been a resident
of the Valley of Heart's Delight, the seventh
generation here. My immigrants came from Austria,
Germany, Ireland, and Portugal. My great-grandmother
was one of the Daughters of the Golden -- Native
Daughters of the Golden West. That should give you a
little bit about my history here. I've also gone to
Bellarmine, flunked out of there. At my age, I wanted
to be a draft dodger and go to Canada, but I ended up
with a Marine Corps serial number 1672163.

    My purpose here is let's stop playing
kicking the can, guys. I was down in that creek at
one time and I put the pennies on the train, and let's
just move forward. I believe in the system. You guys
are the ones that are making the decisions. You're
our city fathers. Be fathers and lead us. Thank you.

    MAYOR REED: Chris Roth, Richard Zapelli,
Marie Anders.
MR. ROTH: Good afternoon, Mayor and Council members. I simply wanted to come up here as a District 6 resident, a Willow Glen resident, in support of the current trestle bridge replacement.

I have a 2-year-old daughter who I look forward to walking the Three Creeks -- the completed Three Creeks Trail with her in the future. The bridge has been neglected there for over 20 years, and I'm really thrilled that the City of San José has finally decided to do something about that, and we have great staff on hand to plan and to execute.

And I look forward to also my daughter being able to run on this trail as a high school student, something that she wouldn't be able to do as the trestle currently stands. No one could walk on it. The trail is not complete. But thank you for your support.

MAYOR REED: Richard Zapelli, Marie Anders or Anderson, Jack Stallard.

MR. ZAPPELLI: Good afternoon, Mayor Reed and City Council members. I'm here representing the Willow Glen Neighborhood Association and the Willow Glen Business Association as well as members of the Los Gatos Creek Cleanup.

I understand all the emotional parts being
fourth generation in San José, all the emotional ties
to the railroads. I grew up in this valley. I
understand what it's all about. But after reading the
studies, going down to the creek myself, taking
several photographs, sharing it with our board, having
an open discussion, our decision has been and still is
to support the recommendations made by city staff,
especially those latest drawings. They showed us what
ties more the history into the steel structure. I
think they're outstanding.

So the Willow Glen Neighborhood Association,
Business Association and Friends of Los Gatos Creek
all support the staff position. Thank you.

MAYOR REED: Marie Anderson, Jack Stallard.

MS. ANDERSON: Hi. My name is Marie
Anderson. I've lived in Willow Glen for over 28
years. I attended the Three Creeks Community Meeting
along with my family and neighbors. We are very
excited about the new bridge and we want to thank you,
City Council, for your previous vote support. Thank
you.

MAYOR REED: Jack Stallard.

MR. STALLARD: Members of the Council, my
name is Jack Stallard. I've lived in Willow Glen for
the past 47 years.
I recently attended a meeting showing the
design progress of the section of the Three Creeks
Trail stretching from Loness Avenue to Minnesota. The
new bridge design was shown and it carries a trestle
theme. The planned outlooks on each side of the creek
add flavor to that site. I thought that the design,
the bridge design was favorably received by the
attendees. I like the new bridge as well as the
various amenities planned along the trail and am
looking forward to using the new bridge, maybe as
early as next summer. Thank you.

MAYOR REED: That concludes the public
testimony. Staff, did you have anything you wanted to
add? This is the third time this has been in front of
the City Council. The train has left the station, but
this might be a bridge too far. I just want to give
the staff a chance to comment on it.

MR. CANO: Thank you. Matt Cano, Deputy
Director of Parks Recreation Neighborhood Services.
With me today is obviously Julie Edmonds-Mares, our
director, and Dave Sykes, Director of Public Works.

Really briefly. As was mentioned -- a lot
of this was mentioned in the comments, so I'll keep it
brief. The trail and the bridge was purchased by the
city with the help, tremendous help, of the Save Our

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Trails organization and the Open Space Authority and
the County of Santa Clara in December of 2011. We did
at the time commission an engineering study so we can
evaluate what it would take and whether or not we
could restore the existing trestle.

The reasons we ended up where we're at today
are many, but the engineering study was not the final
decisionmaker. It was a tool that we used to inform
our decision. Some key points in our decision include
the annual maintenance and repair and unknowns at
retaining a trestle structure that has been restored
in the city's inventory of 130 miles of trails and
several bridges is something we simply cannot sustain
through the general fund, maintaining and being aware
and fixing and repairing something that unique.

The timeline for costs and replacement of
the -- the timeline and costs for restoring the
trestle would be much more uncertain as opposed to the
current recommendation we're moving forward with,
which is to replace the trestle.

The risks of it being out of service in the
future, as was mentioned by some of the speakers
today, this is an extremely vital link in the city's
trail and transportation network, connecting the Three
Creeks Trail System with the Los Gatos Creek Trail.
It's so important to our transportation system and we want to make sure that we get it active as soon as possible but also so that it continues to be active for generations to come, and we truly believe that the steel bridge replacement project will guarantee that much more than the trestle restoration project.

As was mentioned, there is a state grant that funds $1.2 million of this project. We do have a timeline of using those grant funds by spring of 2015, and in order to keep those grant funds, they've been extended already in the past, and we've heard from many sources they cannot be extended again. We need to keep on this same timeline on the project.

We are comfortable with this recommendation for a more certain sustainable project, and as I mentioned, this is an important part of our transportation network. We do recognize the significance of the existing trestle to the existing community and the passion for those who want to preserve it. We do recognize that and we do feel that we will be able to recognize that as much as possible in the design of the new bridge.

We had some community meetings prior to the Council's original direction in March, and we've had at least five community input sessions since that
time, and we will have one more in early September to finalize the design of the new bridge that's going in. With that, I'd like to turn it over to Dave to see if he'd like to add anything.

MR. SYKES: Thanks, Matt. I think Matt's summary is a very good one. I think it is important to note that the shift that took place with staff's thinking on this project through the course of the planning process. Initially we commissioned the engineering report to identify the things that we would need to do to renovate and keep the bridge. It was through that analysis that we became concerned about what it was going to take to do that, and so there a shift happened for us in terms of rethinking that original thought process.

I do want to state that the rehab and renovation work that is recommended in the engineer's report to keep the trestle bridge is extensive, and there comes with it some risks in terms of being able to do that work as described in the report and to certainly meet the schedules that have been described. So I think the reason that we made that shift is because we believe that the recommendation is one that kind of factors in all of these considerations, and through the rethinking that we've
done over the summer as the questions have come up,
our position is and the recommendation stays as it was
back in the springtime.

MAYOR REED: Thank you, Staff. It may not
have been apparent to our audience watching us on TV,
so let me just explain what we're talking about here.

We're actually discussing the minutes of the
Rules and Open Government Committee meeting of May 15,
2013, and one of the items on that agenda that's
reported out was a request to set a study session on
this trestle bridge. The Rules Committee declined to
do so, took no action, and so that's what's in front
of us today is that Rules Committee action, which is
why we're talking about this under the minutes portion
of the consent calendar.

Council Member Oliverio.

COUNCIL MEMBER OLIVERIO: Thank you, Mayor.
Thank you, Staff, for the summary and appreciate the
speakers from the public. Many of you add value in
many different ways, and that's appreciated. In the
end, though, and the way that things work out that a
decision must be made, and this falls on those that
have been vetted and elected by all the residents,
which is us on the City Council. So let me just say
I'd like to start at the beginning. Okay? Not when
the City Council discussed this item twice, heard testimony from the public twice, and voted unanimously twice to support the staff recommendation nearly five months ago but rather starting with the railroad company itself.

The railroad company for the purpose of commerce took 95 telephone poles and sunk them into the creek over a half-century ago, 95 telephone poles treated with a chemical called creosote, a chemical which has leached into the amphibian habitat for decades, a chemical, when ignited, that sends a toxic cloud into the air and in this case into an adjacent neighborhood. Ninety-five chemically treated telephone poles in the waterway does not win an environmental award. The railroad company damaged this riparian corridor and is certainly not an environmental steward.

A structure like this would not be allowed to be built today. The city would not approve it. The Water District would not approve it. State Fish and Wildlife would not approve it. Why? Because clean water regulations have improved over time. In fact, the city is currently working on a policy for no development 100 feet from the creek, yet this manmade structure is actually within the creek. As shown in
the video, other jurisdictions like Washington State have been proactive in actually removing these structures from the waterway.

Technical staff from the Water District and the State Department of Fish and Wildlife are pleased with the staff recommendation to remove the structure. Removing the structure will allow for the restoration of the riparian corridor with a new, safe, fire-resistant bridge that will not impede the waterway since it spans the creek from above. Removing the structure eliminates a known and documented risk of toxic smoke to the neighborhood and creates a permanent connection linking two trails for 75 years or longer.

The Council has heard testimony on this item from Save Our Trails and the Willow Glen Neighborhood Association, who both support the staff recommendation and along with the greater community are pleased with the progress made over the summer and look forward to opening the new bridge in 2014.

Save Our Trails has conducted public meetings for years on the trail. Save Our Trails has and is the leading community advocate for this trail and has adopted the trail and organized volunteer cleanups. Likewise, the Willow Glen Neighborhood
Association has worked with Friends of the Los Gatos Creek to clean up the creek in a very significant way. Some individuals would like to preserve the current structure even if it means delaying the completion of this trail for unknown years. Though they may have sincere hearts and can articulate their passion well for the nostalgic structure, critics come forward with no funding and thus the alternative is no connection between these two creeks for many years to come. There are no other funds besides these grant funds available for this project today or in the coming years.

We as a council vote on many things: budget, ordinances, policy, land use. Rarely, if ever, do we get a unanimous vote not once but twice on an agenda item. Some believe that the entire City Council did not read the staff recommendation on the Council Agenda not once but twice prior to voting.

Now I know I read the information, and I also know my council colleagues and their respective staff are diligent in reviewing all agenda items on the Council Agenda. So I know this is not the case and that when the Council voted twice unanimously we did so clearly understanding the staff recommendation and the end goal, that we would have a new bridge paid
As we know, issues and concerns were raised by a few individuals challenging the integrity of city staff and the engineering experts we hired. Hearing these concerns, I was strongly supportive of a sitdown meeting between these individuals, including the Director of Public Works, the Director of Parks, and the civil engineer who wrote the report. However, I was unable to personally attend this small group meeting since the Council had a budget study session that day.

After this small group meeting a memo I authored went before the Rules Committee outlining the various risks of delay or changing course but potentially considering at that time another engineering study focused on preservation of the existing structure if it could be done for significantly less than the current one to $1.1 million price tag.

The current engineering study did not take bore samples of all the wood beams as it was a visual inspection, and therefore unforeseen damaged wood would likely increase the cost of preservation. Spending $1.1 million to preserve the structure, assuming there are no hiccups, which would be rare as
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rehabilitating a structure that is old and has not
been maintained for a decade could very well find
ourselves in the likely scenario with more wood damage
and subsequent higher costs, and a delay in completing
the project would jeopardize the grant.

The million dollar project could all go up
in smoke when a fire occurs. This would mean a
severed trail connection for countless years. Why
several years? Since the city does not have millions
of dollars sitting around to replace the burned wood
structure, plus the timing of when work is allowed in
the creek, summer only, and you must apply for permits
a year in advance.

At the Rules Committee meeting, we had
speakers for and against. City staff answered all the
concerns raised by speakers in a complete manner and
explained the details well. The Rules Committee did
not support taking this topic up again having recently
voted twice for the staff recommendation and no new
data was presented in opposition to the staff
recommendation.

Listening to the Rules Committee members'
comments, I personally could not disagree with my
colleagues' rationale. However, having heard city
staff answer the concerns raised at the Rules

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Committee, I asked the city manager to have staff put it in writing as an informational memo recapping the concerns from the rules meeting, plus the previous small group meeting held with these individuals and our civil engineers. As I mentioned earlier, I was unable to attend this small group meeting to observe the discussions.

Staff followed up with my request from the Rules Committee meeting with a six-page informational memo detailing concerns and answers from both civil and non-civil engineering staff. It is a concise document that covers the topic well, and I, like my colleagues, receive countless emails daily on a variety of topics and challenges facing the City of San José, and this item is no different.

I found most people signing a vague petition or sending a form email did not have the background information. Therefore, I sent the six-page informational memo to those individuals that lived in San José as many that sent the Council emails and signed petitions do not even reside in San José. In only one case did I get a response that was skeptical of the informational memo, specifically on how much it would cost to dismantle the wood structure. To this very point I have found no credible source providing a
different dollar amount for deconstructing the
structure than is detailed in the engineering report.

So what does the memo cover? Six pages.

Here. It basically covers back when it was posted on
the -- when the report was posted on the agenda back
in February, it talks about the estimated cost for
retaining the wooden trestle are significantly higher
than for a replacement bridge, and annual maintenance
and inspection of trails and bridges are paid from the
general fund.

In addition, it talks about the
environmental permitting process; what to do since the
bridge is degraded; that the fact that it went through
the historic process, which is required by the state
and NEPA, that's a correct pronunciation or NEPA; and
that we've already looked at extending the grant and
were unable to. It goes over the engineering study,
the public outreach. Then it summarizes again that
the annual maintenance, cleanup, inspection costs to
retain the existing trestle bridge are significantly
higher than the cost of a replacement bridge.

It says that keeping the existing trestle
presents a significantly higher risk of the bridge and
trail system being out of service indefinitely because
of the potential for fire damage or continued
deterioration. Last I heard we had 10 fires in five years, some next to the structure, some on the structure. One arson. That this is a trail network that we're trying to build; that we want to have this connectivity; that the construction schedule to meet the grant is far more reliable with the new bridge; and that the uncertainty for construction costs is much greater because we don't know the full extent once you get into these projects of what's going on.

This summer while my colleagues might have been away I've gone on several group tours led by Mr. Ames. These are tours of the trestle and the creek area. I did not speak at length to the group at large during these tours as I preferred to listen. What I heard was not totally one-sided but also did not acknowledge many of the staff points, and I chose not to debate.

During each tour there was a visible and sizable homeless population in the creek area. There have been encampments here since I was in high school, and I do not see them going away anytime soon. These encampments present an inherent fire danger to the existing structure as the homeless cook where they live, which is often directly underneath the structure. The inherent fire danger is documented by
the fire department, but also one can see the visual proof of past fires present in the charred wood in several locations of the structure and even an empty gas can, which I saw after an interview at the bridge with reporter Damian Trujillo. The empty gas can was also documented in a photo on the Willow Glen website.

Some on the group tour shared with me they were disturbed with the encampments and that the existing wood structure was less than what they expected. I do not believe these people will be coming back until there is a new bridge, and I'm going to read to you a letter from Megan that sent us a letter to the whole Council that went on the tour, and she writes:

"Dear Council Members: My spouse and I own a home that backs up to the Three Creeks Trail, less than two blocks from the Willow Glen Trestle. We strongly support the construction of the new steel trestle and urge you to use the $1.1 million in grant money for this new bridge in Willow Glen.

"In May, we joined a tour of the trestle led by individuals who wish to save the existing structure. We found the existing trestle is an eyesore, unsafe, dilapidated, and a fire hazard. Though some argue for its beauty and hope for it to be
a grand entryway to Willow Glen, the existing trestle is not visible from any streets in Willow Glen. Additionally, the proposed design would not impede the flow of the creek, which is home to an impressive variety of wildlife, including Chinook salmon and steelhead trout.

"We look forward to the completion of the Three Creeks Trail, and that includes a safe steel bridge over the Los Gatos Creek. Please keep the funds raised for this new bridge in Willow Glen and support the new steel structure."

Megan Jenson, who's actually also a biologist by her occupation.

A new bridge will not remove the homeless encampments, but it will remove a wooden structure that has zero supervision from sunset to sunrise and is itself fuel for fire. Certainly doing nothing for years to come will only promote more encampments as there's no way for the general public to use the trail without a safe way to cross the creek on foot or by bicycle.

Since Council voted unanimously we've had four community meetings on the Three Creeks Trail, all of which cover the topic of the new bridge. We had great feedback on the trail master plan from attendees.
with attendance as high as 100 people. At this meeting, staff also provided Mr. Ames the floor for the meeting. Mr. Ames was allowed to speak at length and present his very own PowerPoint slides which were in opposition to the staff recommendation. I did not witness any outpouring from the audience embracing going back but rather moving forward with a new bridge so people could actually use the trail since it would be connected.

After this meeting I received -- well, actually I read in The Mercury News there was a letter from someone that attended the meeting, and they write, "Hello. My wife and I attended the Willow Glen Trail Planning Meeting," and I want to be clear, this is the meeting that Mr. Ames presented the PowerPoint position -- presentation.

"Hello. My wife and I attended the Willow Glen Trail Planning Meeting tonight. I know there are some vocal advocates for the old trestle, but I trust that you recognize there are plenty of other constituents who support the proposed city plan of a new steel bridge. I have to believe the design will be in good taste, as all of the design elements reviewed tonight clearly demonstrated. Any historical value of the old wooden structure exists solely in the
minds of the romantics, who never go there, or the
retired railroad buffs, who have nothing better to do
than debate and obstruct. Please proceed if possible
with the new bridge. Thank you. George and Pamela
Amenosota."

I want to clarify. That was an email to me.

There's another letter I'll read to you that was
printed in The Mercury News.

This same community meeting also provided
the opportunity for Mr. Ames and others to have a
second sitdown discussion with the civil engineer who
wrote the report. This time I was able to observe the
conversation firsthand. What I saw were concerns and
issues raised and the civil engineer responding with
complete and very technical answers. However, it
seemed from my observation that no matter what was
said by the civil engineer, it was not trusted nor
accepted by the individuals opposed.

Mind you, this is the expert we hired and it
seemed to me in the presence of Public Works and Park
staff that the answers were complete.

Also presented by Mr. Ames during this
discussion were some new concept drawings of actually
adding on to the existing structure. However, these
new concept drawings are not part of the engineering
report, and the civil engineer said these design
changes would require an additional engineering
report, additional structural engineering, and
inevitably increase the cost significantly.

So now I'll read you the letter to the
editor that someone who attended that meeting as well
and they write:

"This past Wednesday I attended the third
workshop to discuss the Three Creeks Trail Master
Plan. The City of San José should be commended. They
presented a wonderful plan to replace the old trestle
across the Los Gatos Creek and other details for the
trail itself. We have lived next to the Los Gatos
Creek for 25 years in Willow Glen. We support the
City Council in its decision to approve a new bridge
at the Three Creeks Trail. It's time to move forward.
Steve Anderson."

And another letter from Jack Stallard, who
is here today, former president of the Willow Glen
Neighborhood Association. But you spoke, so I won't
read your letter to the editor.

But I will say that nostalgia can be a
strong emotion. I believe that the bridge is
nostalgic, but as covered in the report, it is not
historic. Some people in Willow Glen were nostalgic
about the former Willow Glen Library on Minnesota Avenue. However, now we have a new library that is good for the long term.

Others were adamantly opposed to the tearing down of the old Blane's lighting building on Lincoln Avenue to make way for a new retail and office development, now home to Lew's Village, among others. Because of this approval, Willow Glen now has a town square. This new fountain area is constantly filled with people both young and old alike, united in their enjoyment of this enhanced open space.

I believe a year from now we will be celebrating the opening of a new bridge, paid for by grant funds and not the general fund, nor park funds, which will mean we will not have to give up on commitments made for other neighboring parks and even the buildout of the trail.

I know the Council also received a letter from the California Trolley Railroad Group. If this group has a million dollars, then I'm all ears. However, they do not. I contacted three board members who are listed on the letter and they each said they had never been asked about this issue.

The County of Santa Clara Board of Supervisors on May 24 voted to have county park staff
work with city staff on this issue. The board present acknowledged that this is 100 percent a city decision. Since that vote in May county park staff reviewed all the information and authored a report. The county report actually validates the city staff work is correct. The county validated the structure is not historic. The county validated the structure has a risk of fire danger. The county validated the grant is expiring and cannot be extended. The county validated the cost to maintain the existing structure is higher than a new bridge. So this appears to me to be third-party validation of the work that staff has done.

In closing, if there are any vote change today from the prior two unanimous votes, it would be a mystery to the public since no new data has been presented, nor has there been any change of the staff recommendation. Those individuals opposed raised concerns commonly know as FUD -- fear, uncertainty, and doubt -- that would ultimately result in having no trail connection for years to come.

Government entities, including San José, have spent millions of dollars on this land and at minimum given the current opportunity before us, we should enable this land to be accessible for the
Public now rather than waiting years as there are no monies in the District 6 park funds to cover this project. After today I'm hopeful those opposed will lay down their quiver and cease with veiled threats to stop the new bridge by interfering with the environmental application.

Staff believes through their conversations with state regulatory agencies that the timeline can be achieved for environmental permits, dismantling the wood structure, and actual construction of the new bridge. The trail, this trail will provide joy to San José residents for many years to come. However, only once it's actually connected.

Staff, do you have any comments or feedback on what I've said?

FEMALE VOICE: No additional comments.

COUNCIL MEMBER OLIVERIO: Okay, thank you. And then, City Attorney, a motion on this to approve the rules minutes, would that suffice?

MR. DOYLE: That would be consistent with taking no action, yes.

COUNCIL MEMBER OLIVERIO: Yes, I'll make a motion to approve the rules minutes.

MAYOR REED: All right. We have a motion to approve the rules minutes. Council Member Rocha.
COUNCIL MEMBER ROCHA: Thank you, Mayor.

As far as the memo that I distributed, I'd ask for somewhat of an update, so to speak, in terms of the processes permitting engineering construction documents. Would you mind speaking a little bit? I'm not sure if the memo that Council Member Oliverio is talking about couldn't have included that. Is the one you're speaking about from May? May 17, is it that one?

COUNCIL MEMBER OLIVERIO: There's a six-page info memo.

COUNCIL MEMBER ROCHA: A six-pager --

COUNCIL MEMBER OLIVERIO: -- and then --

COUNCIL MEMBER ROCHA: -- from May 17. I saw the info memo, but it was a six-page one.

COUNCIL MEMBER OLIVERIO: And then staff issued another informational memo yesterday.

COUNCIL MEMBER ROCHA: Yes.

MR. CANO: Thank you.

COUNCIL MEMBER ROCHA: But the six-page one you're talking about is from May?

COUNCIL MEMBER OLIVERIO: Yes.

COUNCIL MEMBER ROCHA: Okay, thank you.

MR. CANO: Thank you. Yes, the six-page information memo is from May and we issued another
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informational memo with an update on the community process since May as well as the construction process.

COUNCIL MEMBER ROCHA: That was the one I was more interested in was the construction.

MR. CANO: Sure. The construction, the design is proceeding as well as the conversations with the permitting agencies. The environmental documents are under preparation as well. Those will be published on the state clearinghouse as well as the City of San José's website at least 60 days prior to the Council award of the construction project.

We are expecting the construction award to be presented to the City Council in April 2014, with construction commencing in June and completing in the fall of 2014.

COUNCIL MEMBER ROCHA: Construction in the fall 2014?

MR. CANO: Correct.

COUNCIL MEMBER ROCHA: Okay. And there has been some issues raised about environmental clearance or additional environmental work that needed to be done or should have been done. Can you speak a little bit about that so I understand it better?

MR. CANO: Sure. The environmental clearance for this project is underway right now, so
whether we would have gone with the option of
restoring the trestle or the current option of
replacing the trestle with the steel bridge, we still
need to do the environmental clearance work no matter
what.

COUNCIL MEMBER ROCHA: Can you talk about
what level of environmental review?

MR. CANO: Sure. This is anticipated -- let
me just make sure I'm correct -- this is anticipated
to be a mitigated negative declaration.

COUNCIL MEMBER ROCHA: Okay. So as far as
environmental review, that's more on the lower end
than the higher end, and that would have happened or
this level of review would have happened whether it
was renovating the current structure or a new one, or
would it have been a different review?

MR. CANO: Okay, we definitely would have
gone through the SECA process either way, and I would
say that yes, because either project requires us to go
into the creek and divert the creek essentially when
we're doing construction. So whether we would have
restored it or the current project to replace the
structure, it's still a significant amount of work in
the creek bed.

COUNCIL MEMBER ROCHA: Okay. And then as
part of this review, were we going to get a sense of what potential mitigation issues we might have or environmental issues we might have by removing the current structure that are unforeseen at this point?

MR. CANO: Correct. Yes, that would happen during this discussions with the permitting agencies as well as the environmental review process, although we have had discussions -- we have started discussions with all the permitting agencies right now, and we feel very comfortable that we've got a handle on all the mitigations that are going to be necessary.

COUNCIL MEMBER ROCHA: A handle? I mean, we talked about it the last time that there might be some costs that were unforeseen, and that's typical of any project, so that's not something --

MR. CANO: Sure. Yeah, there's definitely unforeseen costs in any construction project and Dave can maybe help me out, but we definitely feel there's much, much less unforeseen costs with the trestle replacement project than there would be if we were to have proceeded with the restoration of the trestle.

MR. SYKES: Yeah, I think if I can add on. You know, we've done our best to kind of look at both scenarios. As Matt mentioned, in either scenario we will need to get down into the creek area.
For the removal of the trestle, most of the removal will be able to be done from the banks, but the center piers we'll probably have to get into the creek. On the renovation proposal, we will definitely be down in the creek. It would require that we would have scaffolding at every single bent, there's 13 bents, so we would be down in the creek for an extensive period of time to renovate that bridge.

So either scenario presents generally the same type of construction impacts if you will. Obviously, in the scenario of replacing the bridge, the long-term environmental impacts are less than keeping the trestle bridge.

COUNCIL MEMBER ROCHA: Okay, thank you.

As far as the public outreach process, my experience, and forgive me if I missed a bunch of it, and that's possibly the case because I was not engaged as much on this issue as I have been post decision, was not the lack of -- I would suggest that the public outreach now has been more than prior to this decision, and that may be typical of some projects or it may be typical of all projects. But I kind of feel, looking backwards now, that if we had had a bit more public outreach in terms of the initial decision, and again I'm not going to put that failure on
anybody, I have to point out that I made that decision in looking in hindsight, I take full responsibility for that decision, but I thought then hearing from the community that we might have been better served if we'd done more outreach on the front end than after. That's not really something you need to respond to unless you feel inclined, but that's just me looking backwards on the issue and why I struggle with this decision.

I for one am okay admitting that I may have made a mistake. I have the integrity and capacity to do that, so I also admit that I'm not perfect and 100 percent of my decisions looking backwards may not be perfect, so that's my interest in raising this issue was to make sure that I had the opportunity to hear from you folks again going forward that we made the right choice and I can be comfortable with that because the last thing I want to do is make a decision that I'm going to regret completely, so I appreciate you taking the time not only today, and my colleagues as well, but also in the community outreach process. And as far as the update on the community outreach process, the final design will go forward to the community for a final meeting, so to speak?

MR. CANO: Correct. We're currently
scheduling that likely early September.

COUNCIL MEMBER ROCHA: And you're going to do that at one meeting?

MR. CANO: Yes. We've already had -- we've had three meetings already where we've presented preliminary designs. The first two meetings, we presented the same design, got feedback, and then at the third meeting we presented some revised designs and told the community that we would continue to incorporate that and get their final feedback on the designs in a meeting, which is currently being scheduled for early September. So that would be the final meeting.

COUNCIL MEMBER ROCHA: Okay. The -- well, okay, I'll leave that one alone. And there's no further public process as far as the Council's role?

MR. CANO: No, the next time the Council would see this would be at the construction award recommendation.

COUNCIL MEMBER ROCHA: And you put that out for bid for different companies. Is there a long list of companies that do this kind of work?

MR. SYKES: I think there will be enough bidders to get competitive bids. It's not the type of work that you'll see hundreds and hundreds of
contractors be able to do, but I think there's enough companies out there that we'll be able to get competitive bids.

COUNCIL MEMBER ROCHA: Okay. And then at that point we're done, Council's engagement. All right. I'm sure you're looking forward to that and I'm sure a few of us up here as well.

And I didn't prepare any comments like my colleague did, and again that wasn't for me a debate over whether it was the right decision or not, the right decision or who's right or who's wrong. I mean, I also recall some comments in the past about coming into these meetings with prepared comments and how it was a failure on their part in some cases. The word I struggle with a little bit with as well is critics, and I'm also okay with folks having different opinions or different priorities for their dollars, and I wouldn't refer to them as critics. So thank you.

MAYOR REED: Council Member Liccardo.

COUNCIL MEMBER LICCARDO: Thanks, Mayor. I wanted to thank all the people who are so passionate about this on both sides have come out because that passion in many ways has driven the buildout of our trail system. We know that this grant and many other efforts have really been -- have really depended in
many ways on critical community involvement, and I'm grateful for folks on both sides of this.

I've spent a lot of time talking with Tai McMahon about this issue as well as with Larry Ames and many other members of the community who emailed me, who called our office who don't live anywhere near the bridge trestle obviously. This issue has struck a chord for a lot of folks, including a lot of people who care about the environment and historic preservation and a lot of other issues.

I guess I just wanted to ask one question that is still a little foggy in my mind about the Prop. 40 grant. I know everyone is concerned about losing the grant and needing to move forward in a timely way. But this grant was originally a trail acquisition grant, wasn't it?

MR. CANO: Yes. Most recently we had planned on using it for the acquisition of the western alignment of the Three Creeks Trail, but because of the strict requirements of the state on requiring not only appraisals but a double appraisal essentially and the fact that we had -- the way we had negotiated the purchase price with Union Pacific, we were not able to meet the state's requirements to use this for acquisition of the Union Pacific property.
COUNCIL MEMBER LICCARDO: Okay.

MR. CANO: So I don't foresee us being able to do that.

COUNCIL MEMBER LICCARDO: Were there other sites either for property or for easement where we could have used this grant that would have built out the Three Creeks Trail?

MR. CANO: For the Three Creeks Trail, no. Any acquisition would have likely required working with Union Pacific, and we tried and failed on using this money last time around, and the construction of the Three Creeks Trail is not ready yet because we're just wrapping up the master plan.

COUNCIL MEMBER LICCARDO: Okay. That's helpful to know. I guess, you know, I think Dave Sykes' statement I think was very compelling to me, that really the staff began this process looking for a way to restore this bridge, and we obviously hired a consultant to do the analysis, and when the analysis came back, it became apparent that that wasn't a feasible course for us, and I always found Dave to be very credible on these kinds of issues, and he's had plenty of challenging issues to deal with lately, so I can appreciate that.

I actually had lots of misgivings about our
vote. I even talked to folks who I consider to be historic preservation experts, people like Jim Salada, and asked them, hey, give me your opinion. What I haven't seen is anyone who has come forward and said, I'm an expert, this is what I do for a living and, hey, the data that the city has is wrong. And that is something I've been very interested in seeing. I've encouraged folks to bring that to me. I just haven't seen it.

And so, as a result, I think many of the concerns raised by my colleague, Council Member Oliverio, are well-founded, and certainly by staff as well.

I think the concern, though, that animated many of my questions is something that Council Member Rocha raised, which is around the process. I appreciate Council Member Oliverio indicated that, you know, of course our staffs and each of the council members on the dais should have read the staff recommendation on the council agenda and thoroughly reviewed it before voting.

But if you look at Item 5.1 on March 26, and it's an item just the direction alone is half a page long. You actually don't see anywhere in that any mention of a decision about the destruction or
demolition or restoration of a bridge. The closest it comes is there's one line that mentions a Three Creeks Trail pedestrian bridge development project, that we're submitting grant applications for that purpose, and obviously this was initially begun as I understood it for restoration.

That development project as it's described doesn't exactly tell the public what's going on very clearly, and I don't mean that from the standpoint of, hey, we didn't know what was going on, we had a report to read. The problem is is as the public is notified about what to be coming out for or not and what side to align themselves on and whether to speak out.

You know, at that March 26 hearing, I went and pulled the transcript and I actually spoke on it and said, gee, I'm really pleasantly surprised that all the dissent out there in the community seems to be resolved because we had Mr. Delsom and Mr. Zapelli come out and speak both in favor. We didn't have anybody come out to speak in opposition. And I said I know originally there were lots of folks who were willing to chain themselves to this bridge, and I think we've moved considerably to a place where we recognize the need to simply move on and build a new one.
The point is is that it wasn't obvious to me that all of the work that's gone into this after the Council vote, the extraordinary amount of outreach would have been necessary if there had been perhaps a little more checking in before the Council vote, and I know there were neighborhood meetings and so forth, but I'd much rather have this battle of wanting opinions about experts and everything else here in Council chambers than to hear about it third-hand in sort of a game of telephone out in the community.

You know, when it came back to Council on April 9, I pulled it off the consent agenda, because it was on the consent agenda at the time, again there's nothing in the item that mentions the demolition or destruction of a bridge. It's just an agreement with CH2M Hill. And I pulled it off because I had started to hear concern out there in the community, and at that time, it was, you know, emphasized, well, the Council has heard this and debated this already, and clearly it really hadn't happened in the context of a community that was out here telling us, hey, we're really concerned about the historic preservation issues and some of the other issues associated with this bridge.

So I appreciate the fact that staff has put
in an enormous amount of work into this, and I recognize that there were certainly community meetings beforehand. I just can't help but wonder if we wouldn't be spinning our wheels so much if we had had this sort of hashed out in Council with all the members of the community the first time, and that's what has animated many of my concerns.

Nonetheless, as I said, I think ultimately the final decision was the right one for the reasons I think that Dave Sykes and others have articulated.

MAYOR REED: Now that it's 3:00 and we haven't finished the consent calendar, I just want to remind everybody that the original idea in the Rules Committee was to have a study session. I think we just had one, but we're still talking about it.

Council Member Kalra.

COUNCIL MEMBER KALRA: Thank you, Mayor, and some of the questions of staff have already been asked and I appreciate the staff's work on this, and I also appreciate all the members of the community that come out on both sides, are people that I think we all respect and have gained credibility through the work they've done for the community on both sides of the issue, and I think that makes it challenging, makes it even that much more challenging because we have people

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who always -- it does matter when people that you respect have differing opinions and you have to take it -- certainly take that into account.

I do believe that, especially based upon some of the timelines and the study of the staff, that we are on the right course and the comments made by Councilmen Rocha and Liccardo are well taken, and I for one have never -- I'm always one to allow for further public comment and debate.

There's always going to be a timeline. There's a decision that has to be made and there's a time for a decision to be made and that time is now.

But I'm glad that we've had the opportunity to discuss this fully, and, you know, I haven't always -- I think that this City Council and City Hall has done a very good job of making our trail system a priority.

I don't always think that we've done the best we can in terms of preservation or in terms of protection or appearing in corridors and what have you, and I've been vocal about that over the years, and so I think that there are some legitimate concerns that we have and should continue to have going forward, particularly when it comes to preservation and the priorities we have when it comes to preservation, and I think in balance I think that the
decision the Council has made on this issue has been correct, but I do take very seriously into account the concerns about preservation as a whole and feel that there is certainly still a lot more work to do in this city, throughout the city in terms of making preservation a priority.

In this case, I think it's particularly regarding the analysis done by staff and the funding in order to complete the trail, which I think is of critical importance for us as a city in terms of many of our goals, I think it's important for us to move forward, but I do thank the public for the debate and the discussion and allowing us hopefully next time as these issues will continue to come up to have the debate early and often so that we can come to what I believe is the best decision on any given issue.

MAYOR REED: Council Member Herrera.

COUNCIL MEMBER HERRERA: Thank you, Mayor. I know that the first time I heard about the objections to this I was very moved. I'm very much concerned about preserving historical buildings, objects, things in our community that take us back and memorialize our history because they help us know who we are, and there's been a lot of lost opportunities in San José to save things that are of historical
significance.

And so I was ready to go to bat with Larry on this. I went to some meetings. I started to learn about it. I didn't get enough evidence to make me believe that we should go in a different direction, and I wanted to because I was with you on wanting to preserve this. But one thing I will say and I'm not going to elaborate on all these things. I think Council Member Oliverio covered a lot of the facts, and Council Member Liccardo talked about the need to continually improve our process, and I want to commend staff on everything you've done in terms of the work on this. We always can improve process and outreach.

I want to thank the community for coming forward and all the varieties of opinions that you hold. I have a great deal of respect for the folks that have come today no matter where you stand on the issue.

I guess I just want to suggest one thing, and I don't know if this is possible, but is there a way in this project to through photographs or through art somehow retain at least the image of this trestle, some way to incorporate that in the new bridge or the surroundings? At least maybe have some tie to that historic past? I don't know if that's possible, but
that's one thought that comes up for me.

And the second thing is there's lots of other historic buildings and things that need preserving in San José, and I hope members of this group, this audience will be out there helping us save those because there are other things that are threatened that might be able to be preserved, and I think we need a lot of effort in that regard, and I really support the feeling and the passion of the people here that really want to make sure that we preserve these things. Thank you.

MAYOR REED: Council Member Rocha.

COUNCIL MEMBER ROCHA: Thank you, Mayor. I just had one followup question for staff, and I forgot to follow up on it.

Someone from my office did give you a call earlier today with a question. I know it's a little outside-the-box question. It was about leaving the trestle in place and building the bridge, the new bridge parallel to it and retaining some portion of it. Did you have some further comments on that?

MR. CANO: Thank you for the question. What I had mentioned earlier today was there's a few concerns I would have with that. One is that we don't own the right-of-way, sufficient right-of-way to do
COUNCIL MEMBER ROCHA: And who does?

MR. CANO: I haven't confirmed that yet.

COUNCIL MEMBER ROCHA: Okay.

MR. CANO: I'm not sure.

COUNCIL MEMBER ROCHA: Who could it potentially be?

MR. CANO: It could be the Water District.

COUNCIL MEMBER ROCHA: Any other parties that --

MR. CANO: There's a lot of private property along the Los Gatos Creek Trail, but I'm not sure if it is right there or not.

COUNCIL MEMBER ROCHA: Okay.

MR. CANO: But it could be some private property as well. It would also create a jog in the trail, and it's unlikely we would be able to move forward. Right now we've already started the process of design, talking to the permit agencies, et cetera, and a lot of that process, because we know where the new bridge is going to go.

COUNCIL MEMBER ROCHA: What the footprint is going to be, yes.

MR. CANO: The footprint, the shadowing on the creek and everything like that. And then it would
leave the -- correct.

COUNCIL MEMBER ROCHA: So the jog or you call it the sharp corner, couldn't you ease into that given that we have, or would that also require some additional land to bend it out a bit to make sure that it's not a sharp corner?

MR. CANO: We haven't done analysis yet, and I imagine if we kept the trestle and put a bridge next to it, it would require additional land that we don't own right now is my educated guess on that one. I feel comfortable saying that.

COUNCIL MEMBER ROCHA: Okay. Thank you. And that's one of the regrets that I have is not having this full discussion and being as engaged as in my opinion I should have been early on to ask some of these questions on the front end as opposed to after the fact, so thank you for your time.

MAYOR REED: That concludes the Council discussion. We do have a motion on the floor. The motion was to approve the Rules Committee minutes. On that motion, all in favor? Opposed? No, none opposed. The motion is approved. That concludes Item 2.3(a).

(Whereupon, the audio in the above-entitled matter was concluded.)
CERTIFICATE

DOCKET NO.: N/A

CASE TITLE: San Jose City Council Agenda Item 2.3(a)

HEARING DATE: August 13, 2013

I certify that the foregoing is a true and correct transcript made to the best of our ability from a copy of the official electronic digital recording provided by Brandt-Hawley Law Group in the above-entitled matter.

Date: April 25, 2014

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