

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, FEBRUARY 14, 1995

The Council of the City of San Jose convened in regular session at 9:30 a.m. in Council Chambers at City Hall.

Present: Council Members -Diaz, Diquisto, Fernandes, Fiscalini, Johnson, Pandori, Powers, Shirakawa, Woody; Hammer.

Absent: Council Members -None.

Vacant: Council District 10.

Upon motion unanimously adopted, Council recessed to a Closed Session at 9:33 A.M. in Room 600 to confer with Real Property Negotiator pursuant to Government Code Section 54956.8 regarding the Hayes Mansion Phase II property; negotiating parties: Dan McFadden and Jeff Davenport of Renaissance Company; to negotiate rental payment terms of the Hayes Mansion Lease; to confer with Legal Counsel regarding Existing Litigation pursuant to Government Code Section 54956.9, under Subsection (a) to discuss the cases of City of San Jose v. State of California, and Brueggeman v. City of San Jose; and to confer with Legal Counsel regarding Anticipated Litigation pursuant to Section 54956.9 of the Government Code, to discuss one (1) matter relating to significant exposure to litigation under Subsection (b); and to discuss one (1) matter relating to initiation of litigation.

By unanimous consent, Council reconvened from the Closed Session and recessed at 11:23 A.M. and reconvened at 1:35 P.M. in the Council Chambers.

Present: Council Members -Diaz, Diquisto, Fernandes, Fiscalini, Johnson, Pandori, Powers, Shirakawa, Woody; Hammer.

Absent: Council Members -None.

Vacant: Council District 10.

INVOCATION

Students from the 6th grade class at Miner Elementary School made a presentation on the renewal project of the Oak Grove School District called "The Vision," and were

accompanied by Student Council Sponsor Melinda Harris, Principal Melinda Garcia, Superintendent Tim Cuneo, and Judy Demko, Director of the Herman Learning Community.

PLEDGE OF ALLEGIANCE

Mayor Hammer led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Vice Mayor Johnson, seconded by Council Member Fernandes, and unanimously carried, the Orders of the Day and the Amended Agenda were approved. Vote: 10-0-0-0-1. Vacant: District 10.

The San Jose Financing Authority convened at 1:46 P.M. in joint session to consider Financing Authority Item 2 in conjunction with Council Item 9e.

- 2 Adoption of a resolution authorizing the issuance of one or more series of lease revenue bonds (taxable and tax-exempt) in the initial aggregate principal amount not to exceed \$27.5 million in connection with financing certain public capital improvements, authorizing and directing the execution of one or more trust agreements and certain lease documents, authorizing the Treasurer of the City of San Jose Financing Authority to negotiate the sale of bonds, approving an official statement, and authorizing other related actions.
(Heard with Council Item 9e)**

Documents filed: None.

Discussion/Action: This item was deferred to February 21, 1995.

- 9e Adoption of a resolution approving, authorizing and directing the execution of certain financing documents and directing certain related actions in connection with the Hayes Mansion Improvement Project financing, including the approval of the underwriting team of Lehman Brothers and Artemis Capital Group, Inc. for the issuance of variable rate debt.
[Finance Committee referral 2/8/95 - Item 7d(4)]
(Heard with Financing Authority Item 2)**

Documents filed: None.

Discussion/Action: This item was deferred to February 21, 1995.

The San Jose Financing Authority adjourned at 1:47 P.M.

CEREMONIAL ITEMS

- 5a Recognition of the League of Women Voters 75th Anniversary. (Johnson)**

Documents filed: None.

Discussion/Action: Vice Mayor Johnson recounted the history of the League, formed originally to educate women to exercise their political rights and responsibilities; and called to the platform Marty Peterson, Virginia Holtz, and Tona Duncanson, to be recognized for their participation. A commendation was presented to Eve Orton, President of the San Jose Chapter.

- 5b Presentation of a commendation to Marty Peterson for her appointment as a Delegate to the White House Conference on Aging. (Johnson)
(Deferred from 2/7/95 - Item 5c)**

Documents filed: None.

Discussion/Action: Vice Mayor Johnson presented the commendation to Marty Peterson, congratulated her on the appointment to the White House Conference on Aging by Congresswoman Zoe Lofgren, and recognized her work with the League of Women Voters, the San Jose Senior Citizen Commission, the Golden State Mobilehome Owners League, the California Parks and Recreation Society Conventions, the Exchange Club of San Jose, and her participation on the Mayor's Conference on Aging, and service as delegate at the American Society on Aging, as well as many other avenues of service, and wished her well as she leaves for Washington, D.C.

CONSENT CALENDAR

Upon motion by Council Member Fiscalini, seconded by Council Member Powers, and

unanimously carried, Item 6e(3) was deferred, and the remainder of the Consent Calendar was approved and the below listed items were taken as indicated. Vote: 10-0-0-0-1. Vacant: District 10.

Minutes for Approval

6a(1) Joint City Council/Redevelopment Agency Meeting of November 17, 1994

Documents filed: Minutes of November 17, 1994.

Discussion/Action: The minutes were approved. Vote: 10-0-0-0-1. Vacant: District 10.

6a(2) Regular Meeting of November 22, 1994

Documents filed: Minutes of November 22, 1994.

Discussion/Action: The minutes were approved. Vote: 10-0-0-0-1. Vacant: District 10.

Contracts/Agreements

6e(1) Adoption of a resolution authorizing the City Manager to negotiate and execute a master agreement with San Jose Conservation Corps, Inc. to carry out community improvement activities for the period February 10, 1995 to February 9, 1996. (City Manager's Office)

Documents filed: Memorandum from Assistant to the City Manager, Nina S. Grayson, dated January 27, 1995, recommending approval of said agreement.

Discussion/Action: Resolution No. 65726, entitled: "A Resolution of the Council of the City of San Jose Authorizing the City Manager to Negotiate and Execute a One Year Master Agreement with the San Jose Conservation Corps", was adopted. Vote: 10-0-0-0-1. Vacant: District 10.

6e(2) Report on bids and award of contract for the construction project entitled, "San Jose/Santa Clara Water Pollution Control Plant, M4 Auto Synchronization and Miscellaneous Electrical Projects," to the low bidder, HSQ Technology, a corporation, in the amount of \$96,606. CEQA: Exempt. (Environmental Services)

Documents filed: (1) Memorandum from Director of Environmental Services, Louis N.

Garcia, dated January 27, 1995, recommending award to the low bidder, HSQ Technology, A Corporation. (2) Supplemental memorandum from Assistant to the City Manager, Nina S. Grayson, dated February 9, 1995, stating that the low bid received from HSQ Technology, A Corporation, is 7.3 percent above the Engineer's Estimate. (3) Supplemental memorandum from Director of Affirmative Action/ Contract Compliance, Steven T. Wing, dated February 9, 1995, stating that the Office of Contract Compliance concurs with the recommended award. (4) Correspondence from the Treatment Plant Advisory Committee, dated February 10, 1995, recommending award of said contract.

Discussion/Action: The award of contract to the low bidder, HSQ Technology, A Corporation, was approved and its execution authorized. Vote: 10-0-0-1. Vacant: District 10.

6e(3) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 1994-95 #11, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Documents filed: Memorandum from acting Director of General Services, Ellis M. Jones, Jr., dated January 27, 1995, recommending approval of said open purchase orders for FY 1994-95.

Discussion/Action: Council Member Pandori expressed concerns about the contract with Mission Trail Garbage Company because of criminal investigations of principals of the company which are currently being conducted, and requested this item be removed from the list and deferred for one week and referred to the Administration for review of the City's legal options prior to Council consideration. By consensus of the Council, the Mission Trail Garbage Company contract was removed from Open Purchase Order List #11, deferred to February 21, 1995, and referred to the Administration for review; and the remainder of Open Purchase Order List #11 for FY 1994-95 was approved. Vote: 10-0-0-1. Vacant: District 10.

6e(4) Adoption of a resolution authorizing the City Attorney to execute an agreement for consultant services with DKS Associates in an amount not to exceed \$169,000. (City Attorney's Office)

Documents filed: Memorandum from City Attorney Joan R. Gallo, dated February 9, 1995, recommending approval of said agreement.

Discussion/Action: William Garbett addressed Council in opposition to the proposal. Resolution No. 65727, entitled: "A Resolution of the Council of the City of San Jose Delegating to the City Attorney the Authority to Execute an Agreement with DKS Associates for Consultant Services in an Amount Not to Exceed \$169,000", was adopted. Vote: 10-0-0-0-1. Vacant: District 10.

Routine Legislation

6f(1) Approval of an ordinance amending Chapters 3.24, 3.28, 3.32, and 3.36 of Title 3 of the San Jose Municipal Code to provide elections for direct transfers of eligible rollover distributions from the City Retirement Plans as required by Internal Revenue Code Section 401(a)(31). (Federated and Police and Fire Retirement Boards)

Documents filed: Memorandum from the Federated and Police and Fire Retirement Boards, dated January 27, 1995, recommending approval of said ordinance.

Discussion/Action: Ordinance No. 24814, entitled: "An Ordinance of the City of San Jose Amending Chapters 3.24, 3.28, 3.32 and 3.36 of Title 3 of the San Jose Municipal Code to Provide Elections for Direct Transfers of Eligible Rollover Distributions from the City Retirement Plans as Required by Internal Revenue Code Section 401 (a) (31)", was passed for publication. Vote: 10-0-0-0-1. Vacant: District 10.

6f(2) Adoption of a resolution amending Resolution No. 51872:
(a) Exhibit 21, to abolish the class of Administrative Officer - WPC (1645).
(b) Exhibit 99, to retitle the class of Assistant Director, Water Pollution Control (U) (3895) to Water Pollution Control Plant Manager (3895).
(c) Exhibit 99, to abolish the class of Environmental Enforcement Administrator (3944).
(Human Resources)

Documents filed: Memorandum from Director of Human Resources, Nona Tobin, dated January 27, 1995, recommending adoption of said resolution.

6f(2) (Cont'd.)

Discussion/Action: Resolution No. 65728, entitled: "A Resolution of the Council of the City of San Jose Amending Resolution No. 51872 to (1) Amend Exhibit 21 to

Abolish the Class of Administrative Officer - WPC (1645), and (2) Amend Exhibit 99 to Retitle the Class of Assistant Director, Water Pollution Control (U)(3895) to WPC Plant Manager (3895) and Abolish the Class of Environmental Administrator (3944), Effective February 26, 1995”, was adopted. Vote: 10-0-0-0-1. Vacant: District 10.

- 6f(3) Adoption of a resolution authorizing the City Manager to submit a grant application to the San Andreas Regional Center, in the amount of \$8,600, to support the implementation of the Americans with Disabilities Act Transition Plan, and to execute all documents related to the application and to accept the grant if awarded. (Neighborhood Services)**

Documents filed: Memorandum from Director of Neighborhood Services, George Penn, dated January 27, 1995, recommending adoption of said resolution.

Discussion/Action: Resolution No. 65729, entitled: “A Resolution of the Council of the City of San Jose Authorizing the City Manager to Submit a Grant Application to the San Andreas Regional Center”, was adopted. Vote: 10-0-0-0-1. Vacant: District 10.

- 6f(4) Approval of appointments to the San Jose Beautiful Steering Committee. (Neighborhood Services)**

Documents filed: Memorandum from Director of Neighborhood Services, George Penn, dated January 27, 1995, recommending appointment to the San Jose Beautiful Steering Committee for two year terms effective January 1995.

Discussion/Action: The Staff recommendation was approved and Shirley Daffin, John McCluggage, Haresh Panchel, and Jerry Reed were appointed to the San Jose Beautiful Steering Committee for two year terms effective January 1995, and Roy Cryer, Cindy Diaz, Doris Liu, and Diana Nichols were reappointed.

- 6f(5) Adoption of a resolution:**
(a) Tentatively accepting the basic cable television rates reported by TCI Cablevision on July 15, 1994 on FCC Forms 1200 and 1205, subject to future adjustment and refunds if the City subsequently disapproves of any portion of those rates.

- 6f(5) (Cont'd.)**

- (b) Directing TCI Cablevision of San Jose to keep an accurate account of all amounts received by reason of the rates reported on July 15, 1994 on FCC Forms 1200 and 1205 and on whose behalf amounts were paid.**
(c) Delegating to the City Manager, or her designee, the authority to issue accounting orders to TCI related to FCC cable service rate filings, if needed in the future, in accordance with 47 CFR Section 76.933.

(Office of Economic Development)

Documents filed: Memorandum from Assistant Director of Economic Development, Pamela K. Stone, dated January 27, 1995, recommending adoption of said resolution.

Discussion/Action: Resolution No. 65730, entitled: "A Resolution of the Council of the City of San Jose Tentatively Accepting Basic Cable Service Rates Reported by TCI Cablevision of San Jose ("TCI") on July 15, 1994, Subject to Future Adjustment and Refund Orders; Directing and Ordering TCI to Keep an Accurate Account of Certain Amounts Received, Pursuant to 47 C.F.R. Section 76.933; and Authorizing the City Manager to Execute and Issue Accounting Orders to TCI, in Connection with Basic Cable Service Rate Filings by TCI, in Accordance with 47 C.F.R. Section 76.933", was adopted. Vote: 10-0-0-0-1. Vacant: District 10.

6f(6) Adoption of a resolution summarily vacating the Wire Clearance Easement at the northeast corner of Rainbow Drive and Arlington Lane (Lot 3 of Tract 3152). (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated January 27, 1995, recommending adoption of said resolution.

Discussion/Action: Resolution No. 65731, entitled: "A Resolution of the Council of the City of San Jose Summarily Vacating the Five Foot Wide Wire Clearance Easement at the Northeast Corner of Rainbow Drive and Arlington Lane (Lot 34 of Tract 3152)", was adopted. Vote: 10-0-0-0-1. Vacant: District 10.

6f(7) Adoption of a resolution authorizing the closure of various streets within the Guadalupe Gardens area. CEQA: Exempt. (Streets and Parks)

Documents filed: Memorandum from Director of Streets and Parks, Wayne K. Tanda, dated January 26, 1995, recommending adoption of said resolution.

6f(7) (Cont'd.)

Discussion/Action: Resolution No. 65732, entitled: "A Resolution of the Council of the City of San Jose Closing to Vehicular Traffic Portions of Twelve Streets Within the Guadalupe Gardens Area (Southern Airport Approach Zone)", was adopted. Vote: 10-0-0-0-1. Vacant: District 10.

6f(8) (a) Adoption of appropriation ordinance and revenue resolution amendments to transfer \$35,000 from the Municipal Golf Course Fund to the General Fund to be used for preliminary market feasibility studies related to

- potential softball complex development sites.**
- (b) Adoption of a resolution authorizing the reimbursement of the Municipal Golf Course Fund for these expenditures from any bond proceeds acquired to fund a portion or all of a project's development.**

(City Manager's Office)

[(Deferred from 2/7/95 - Item 6f(2)(a)(b)]

Documents filed: Memorandum from Budget Director, Larry D. Lisenbee, dated February 10, 1995, recommending approval of said appropriation ordinance and related revenue resolution amendments, and authorization for the reimbursement of the Municipal Golf Course Fund for said expenditures.

Discussion/Action: Rodrigo-Roy Hernandez, Executive Director, Santa Clara Valley Athletic Commission, spoke in support of the proposal. Council Ordinance No. 24815, entitled: "An Ordinance of the City of San Jose amending Ordinance No. 24658 to Transfer Moneys from the General Golf Course Fund to the General Fund in the Amount of \$35,000 for Preliminary Market Feasibility Studies Related to Potential Softball Complex Development Sites; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption"; Resolution No. 65733, entitled: "A Resolution of the Council of the City of San Jose Amending Revenue Resolution No. 65348 for the Fiscal Year 1994-95 to Adjust Revenues in the General Fund"; and Resolution No. 65734, entitled: "A Resolution of the Council of the City of San Jose Authorizing the Reimbursement of the Municipal Golf Course fund for expenditures from any bond proceeds acquired to fund a portion or all of a project's development", were adopted. Vote: 10-0-0-0-1. Vacant: District 10.

END OF CONSENT CALENDAR

COMMISSION, COMMITTEE, AND STANDING REPORTS

7b Report of the Rules Committee - February 1, 1995

Documents filed: Rules Committee report dated February 1, 1995.

- (1) Review of February 14 Council Agenda

The Committee recommended approval of the February 14, 1995 Council Agenda.

- (2) Add New Items to February 7, 1995 Amended Council Agenda

The Committee recommended six additions and three changes to the February 7, 1995 Council Agenda.

- (3) The Public Record: January 18-24, 1995. Attachments: (1) Memorandum from City Clerk O'Hearn, dated January 26, 1995, listing items transmitted to the Administration and filed for the public record for January 18-24, 1995.

The Committee recommended approval of the Public Record.

- (4) Boards and Commissions
 - (a) Deferred Compensation Advisory Committee. Attachment: Memorandum from Director of Human Resources, Nona Tobin, dated January 23, 1995, requesting approval for appointment of two employee representatives to the Deferred Compensation Advisory Committee for terms ending March 1, 1997.

The Committee recommended two appointments to the Deferred Compensation Advisory Committee for terms ending March 1, 1997: Michael Boggess as the Police and Fire employee representative; and Ken Korpi as one of two general employee representatives.

- (5) Appointments to Project Diversity Screening Committee. Attachments: (1) Memorandum from City Clerk O'Hearn dated January 11, 1995, notifying the Mayor and Council that there are vacancies on the Project Diversity Screening Committee (PDSC). (2) Memorandum from Vice Mayor Johnson, dated February 1, 1995 recommending Doug Christopher for appointment to PDSC. (3) Memorandum from Mayor Susan Hammer dated February 14, 1995, making recommendations for vacancies on the Project Diversity Screening Committee.

7b Report of the Rules Committee - February 1, 1995 (Cont'd.)

- (5) Appointments to Project Diversity Screening Committee (Cont'd.)

The Committee recommended appointment of Jacquelyn Adams and Doug Christopher to the Project Diversity Screening Committee for terms ending December 31, 1996.

Discussion/Action: The Committee action was accepted, and the recommendations in Mayor Hammer's memorandum dated February 14, 1995, that Eric Morley be appointed Chair of the Project Diversity Screening Committee for 1995-96, and Xavier Campos, William Freddie Sidbury, Alicia Mendeke, and Carmen Johnson be appointed to fill the four vacancies expiring December 31, 1996, were approved.

- (6) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee

There were none.

(7) City Council and Rules Committee Meeting Schedules

There were none.

(8) Oral Communications

None were presented.

(9) Adjournment

The meeting was adjourned at 2:40 p.m.

Discussion/Action: Upon motion by Vice Mayor Johnson, seconded by Council Fiscalini, and unanimously carried, the Committee report and actions of February 1, 1995, and the Project Diversity Screening Committee appointments recommended in Mayor Hammer's memorandum of February 14, 1995, were accepted. Vote: 10-0-0-0-1. Vacant: District 10.

7c Report of the Housing and Community Services Committee - February 6, 1995

Documents filed: Housing and Community Services Committee Report for February 6, 1995. (Partial)

7c Report of the Housing and Community Services Committee - February 6, 1995 (Cont'd.)

- (12) Approval of Work Plan to Implement Library Benefit Assessment District. Attachment: Memorandum from City Librarian, James H. Fish, dated February 1, 1995, recommending approval of the Work Plan and of costs to implement said Library Benefit Assessment District.

The Committee recommended Council approve the work plan to create the Library Assessment District effective July 1, 1995, as advised by 65% of the voters on November 8, 1994; and costs in the amount of \$206,000 to implement the District be appropriated from contingency reserve with repayment from Library Benefit Assessment proceeds when collected in FY 1995-96.

Discussion/Action: See item 9d for Council action taken.

7d Report of the Finance Committee - February 8, 1995

- (4) Hayes Renaissance Conference Center Phase II Financing Plan Follow-Up Report

For Committee recommendations, see Council Minutes of February 21, 1995.

Discussion/Action The Finance Committee report of February 8, 1995, and discussion of the Hayes Renaissance Conference Center Phase II Financing Plan Follow-Up Report were deferred, with Item 9e, to February 21, 1995.

GENERAL GOVERNMENT

- 9a**
- (1) Approval of a first amendment to the Management Agreement with Griffin Sports, Inc. regarding revised debt service and parking lot maintenance at the Community Ice Rink, at no additional cost to the City; and**
 - (2) Approval of a third amendment to the construction agreement with Griffin Sports, Inc. for the Community Ice Rink, increasing the total project budget by \$165,000, from \$8,419,400 to \$8,584,400.**
- (City Manager's Office)**

Documents filed: Memorandum from Deputy City Manager Dan McFadden, dated February 8, 1995, recommending approval of the referenced amendments to said agreements.

9a (Cont'd.)

Discussion/Action: Deputy City Manager Dan McFadden made a brief Staff presentation. In the absence of a signed agreement, Mayor Hammer stated the motion should include delegation of authority to the City Manager to negotiate said agreement. Upon motion by Vice Mayor Johnson, seconded by Council Member Powers, and unanimously carried, the City Manager was authorized to negotiate said agreement, and Resolution No. 65735, entitled: "A Resolution of the Council of the City of San Jose Authorizing the City Manager to Execute Certain Amendments to Ice Centre Agreements", was adopted. Vote: 10-0-0-0-1. Vacant: District 10. William Garbett addressed the Council in opposition to this proposal.

- 9b Approval of an agreement with Towill, Inc. for professional land surveying services for the South Bay Water Recycling Project, in an amount not to exceed \$934,112, and for additional services in an amount not to exceed \$286,438, for a total amount not to exceed \$1,220,550. (Environmental Services)**

Documents filed: None.

Discussion/Action: This item was deferred to February 21, 1995.

- 9c Application of Waste Resource Technologies, Inc., dba GB Debris, for a Commercial Solid Waste Collection Franchise, approval of an ordinance granting the franchise, and approval of the Commercial Solid Waste Collection Franchise Agreement with Waste Resource Technologies, Inc., dba GB Debris. (Environmental Services) (Renoticed)**

Documents filed: None.

Discussion/Action: This item was dropped from the Agenda.

- 9d
- (1) **Approval of the Work Plan to create the Library Benefit Assessment District effective July 1, 1995, as advised by sixty-five percent of voters on November 8, 1994. (Library)**
 - (2) **Adoption of appropriation ordinance amendments in the General Fund in the amount of \$206,000 to fund the costs associated with implementing the Library Benefit Assessment District with repayment from the Library Benefit Assessment District proceeds when collected in Fiscal Year 1995-96. (City Manager's Office)**

9d (Cont'd.)

- (3) **Approval of an ordinance adding Chapter 14.26 of Title 14 of the San Jose Municipal Code relating to the establishment of a Library Benefit Assessment District. (City Attorney's Office)**
[Housing & Community Services Committee referral 2/6/95 - Item 7c(12)]

Documents filed: (1) See Item 7c(12) for Staff recommendations dated February 1, 1995. (1) Memorandum from Budget Director Larry D. Lisenbee dated February 3, 1995, recommending approval of the Staff recommendations contained therein. (2) Hard Copies of transparencies used by Deputy City Manager Dan McFadden in making the Staff Presentation.

Discussion/Action: City Librarian James H. Fish made a brief Staff presentation. Upon motion by Council Member Powers, seconded by Council Member Fiscalini, and unanimously carried, the partial Committee Report for February 6, 1995, and the Staff recommendations dated February 1, 1995, were approved, Ordinance No. 24816, entitled: "An Ordinance of the City of San Jose amending Ordinance No. 24658 which Appropriates Moneys in the General Fund in the Amount of \$206,000, to Fund the Costs Associated with Implementing the Library Assessment District; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", was adopted; and Ordinance No. 24817, entitled: "An Ordinance of the City of San Jose Amending Title 14 of the San Jose Municipal Code by Adding Chapter 14.26 to Establish a Library Benefit Assessment District", was passed for publication. Vote: 10-0-0-0-1. Vacant: District 10.

The Council of the City of San Jose convened the Redevelopment Agency Board at 2:18 p.m. to consider Item 11a in a joint session.

- 11a **Adoption of a resolution approving the Replacement Housing Plan for the Poco Way Family Housing Project. CEQA: ND. (Housing)**

Documents filed: Memorandum from Director of Housing, Alex Sanchez, dated January 27, 1995, recommending adoption of said resolution.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Council Member Powers, and unanimously carried, Resolution No. 65736, entitled: "A Resolution of the Council of the City of San Jose Approving the Replacement Housing Plan for the Poco Way Family Housing Project", was adopted. Vote: 10-0-0-0-1. Vacant: District 10.

The Redevelopment Agency Board portion of the meeting adjourned at 2:19 P.M.

CLOSED SESSION REPORT

The following disclosure of Closed Session action of February 14, 1995 was reported by City Attorney Joan R. Gallo:

- A. Authority to enter a litigation as Amicus Curiae:
1. Case Name: Neecke v. County of Marin (City of Mill Valley)
Adverse party or parties: Neecke
Substance of litigation: The case challenges a parcel tax deposited in the city's general fund on the basis that it is actually a special tax in violation of Proposition 13.
Council Vote:
Ayes: Diaz, Diquisto, Fernandes, Fiscalini, Johnson, Pandori, Powers, Shirakawa, Woody; Hammer.
Noes: None.
Absent: None.
Disqualified: None.
Vacant: District 10.

ADJOURNMENT

The Council of the City of San Jose adjourned at 2:20 P.M. to Thursday, February 16, 1995, 9:00 A.M., Council Chambers, to consider the 1994-95 Mid-Year Operating and Capital Budget in an Adjourned Regular Session.

The Council of the City of San Jose adjourned in memory of Dale Brown, a resident of Pleasanton and a San Jose landlord dedicated to improving his San Jose neighborhood.

SUSAN HAMMER, MAYOR

ATTEST:

PATRICIA L. O'HEARN
CITY CLERK

DC/2/14/95