

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUE

The Council of the City of San Jose convened in Regular Session at 1:40 p.m.; the regularly scheduled 9:30 a.m. Closed Session was canceled.

Present: Council Members: Diaz, Diquisto, Fernandes, Fiscalini, Johnson, Pandori, Powers, Shirakawa, Jr., Woody

Absent: Council Members: Hammer (excused)

Vacant: Council District 10

Upon motion by Council Member Fernandes, seconded by Council Member Powers and unanimously carried, the absence for Mayor Hammer was excused. Vote: 9-0-1-0-1. Absent: Hammer. Vacant: District 10.

INVOCATION

Kindergarten Students from Rainbow Bridge School, accompanied by Michael York, Director of Music, and Alecia Benevitas, sang three selections, *Sing With Me; Star Light, Star Bright; and Teddy Bear*. (District 4)

PLEDGE OF ALLEGIANCE

Kindergarten Students from Rainbow Bridge School led in the Pledge of Allegiance

ORDERS OF THE DAY

Upon motion by Council Member Fernandes, seconded by Council Member Powers and unanimously carried, the Orders of the Day and the Amended Agenda were approved. Vote: 9-0-1-0-1. Absent: Hammer. Vacant: District 10.

CEREMONIAL ITEMS

5a Proclamation from the Mayor and Council to the Legal Aid Society of Santa Clara County proclaiming April 1995 as “Fair Housing Month” in the City of San Jose. (Fiscalini)

Documents Filed: None.

Discussion/Action: Council Member Fiscalini acknowledged the work of Teola (Terry) Groce, who on behalf of the Legal Aid Society, accepted the proclamation.

5b Presentation of proclamation declaring April 1995 as “Month of the Young Child,” and awards for the Outstanding Contributors to Child Care. (Neighborhood Services)

Documents Filed: None.

Discussion/Action: Joining Vice Mayor Johnson at the Podium, Deborah Simon, Director of Child Care Services, and Karl Kato, Child Care Commissioner, presented the proclamation to Ernestine Howard, President, Santa Clara County Child Care Coalition, and presented an award to each outstanding contributor to child care services in Santa Clara County: Yolanda Garcia, Director of Santa Clara County Office of Education and Director of Children’s Services that oversees the County’s Head Start Program; Rob Gilmore, Teacher, Primary Plus--Amber School; Barbara Rieder, Director of Public Health Nursing; Reid Gustafson, President of Shea Homes; and Feng Tsao, Director of Scribbles and Giggles Day Care Health Center. Child Care Commissioner Kato introduced the remaining Commissioners and asked them to stand.

5c Presentation of proclamation declaring April 1995 as “San Jose Beautiful Month.” (Neighborhood Services)

Documents Filed: Memorandum from Director of Neighborhood Services, George J. Penn, dated March 17, 1995, requesting Council proclaim *April* as San José Beautiful Month.

Discussion/Action: Vice Mayor Johnson introduced Pat Jackson, Brian O’Halloran, Haresch Panchell, Jerry Reed, James Starbird, and Doris Liu accepted the proclamation.

GENERAL GOVERNMENT

9f Adoption of a resolution in support of Measure A for the renovation of schools in the Cupertino Union School District. (Johnson)

Documents Filed: Memorandum from Vice Mayor Johnson, dated March 29, 1995, submitting to Council for consideration the wording for a resolution in support of Measure A.

Discussion/Action: Vice Mayor Johnson recommended Council approve the resolution in support of Measure A for the renovation of schools in the Cupertino Union School District, and she presented to the School Board representative a copy of same. Upon motion by Council Member Fernandes, seconded by Council Member Fiscalini and unanimously carried, Resolution No. 65812, entitled: "A Resolution of the Council of the City of San Jose in Support of Measure A For the Renovation of Schools in the Cupertino School District", was adopted, and Sandy James, Member, Cupertino Board of Education, accepted a copy of the resolution fully executed by the Mayor and City Council in support of Cupertino's Bond Measure A. Vote: 9-0-1-0-1. Absent: Hammer. Vacant: District 10.

- 9i**
- (1) Review and approval of the organizational structures to be implemented by the City Manager.**
 - (2) Approval of departmental name changes:**
 - (a) The Department of Neighborhood Parks, Recreation and Human Services.**
 - (b) The Department of Convention-Regional Facilities and Cultural Services.**
 - (c) The Department of Planning, Building and Code Enforcement.**
 - (d) The Department of Streets and Traffic Operations.**
 - (3) Referral of the Communications Plan to the Fiscal Year 1995-96 Budget Process.**

(City Manager's Office)

[Rules Committee referral 3/15/95 - Item 7b(4)]

(Deferred from 3/28/95 - Item 9e)

Documents Filed: See Rules Committee report of March 15, 1995, Item 7b(4).

Discussion/Action: Noting the reorganizational structures as submitted to Rules Committee by the City Manager, Vice Mayor Johnson stated the Committee, after thorough management review, accepted organizational changes which should occur and which should meet prescribed principles, and which can be achieved without significant additional costs to the City's General Fund. She stated the changes are intended to

enhance the alignment of City services in areas needing refinement or improvement without making unnecessary wholesale changes, and responds to the voters on Measure E. She stated Rules Committee approved the recommended departmental name changes but referred back to the Administration the Communications Plan to be included in discussions on the Citywide Communication and Public Relations Plan. For clarification, City Manager Williams stated the proposed name change for Neighborhood Services Department has been amended; the Rules Committee recommended renaming the function the Department of Parks, Recreation, and Neighborhood Services, not the Department of Neighborhood Parks, Recreation and Human Services. Regarding the Communications Plan, she stated the Administration is considering a citywide program that would also incorporate the use of the governmental access station, Channel 35A, which will be included in the budget review process. She commended the Task Force members for providing invaluable assistance and City employees for their dedication to maintaining the parks and providing excellent recreational services to the citizens of San Jose. The following citizens spoke in support of the Task Force recommendations: H.G. Nguyen, representing the Vietnamese-American Chamber of Commerce of Santa Clara Valley, Virginia Holtz, and Dr. Charles Whitcomb. Council Member Woody agreed with the proposed reorganizational structure placing Code Enforcement in Planning and Building Department and reorganizing regional parks to the Department of Convention - Regional Facilities and Cultural Services, but stated the responsibility of parks maintenance personnel transferred to General Services with the managers reorganized to another department, does create concern. She pointed out that Parks Planning is reflected under Public Works and should be reorganized to the Department of Parks, Recreation and Neighborhood Services. She stated actual provision of parks maintenance services should be performed under the jurisdiction of one department with availability to the public, and should include a team working together in the same department. Regarding seamless management in the reorganization, she underscored the importance that parks maintenance remain a priority during budget deliberations involving the Five Year Capital Improvement Program. In his comments on the reorganizational structure, Council Member Pandori stated consistency, in his opinion, must be the overriding consideration in reorganizing the Department--consistency with the City Charter and the electorate which approved retention of a Parks and Recreation Department. He stated the proposed reorganization is not substantially different from the current organizational structure, that is, the park services function is divided among four departments. He expressed support of an organizational structure contiguous to a traditional Recreation and Parks Department, and until then, he would approve consolidating Parks Planning and Parks Maintenance with the parks, and regional parks operations maintained separately. He requested that Staff incorporate in the report back to Council a comprehensive organizational chart showing each division and department and the reporting relationships of the positions. He requested that Staff provide, for the newer Council Members, a comparative analysis of the proposed organizational

9i (Cont'd.)

structure and any previous structure prior to any changes. In response to Council Member Powers' inquiry regarding neighborhood park management, City Manager Williams stated the Department of Neighborhood Services would be reorganized to include the transfer of the neighborhood park system management which would include development and operations. She stated the actual provision of park maintenance services will be performed under an agreement with the General Services Department; in effect, General Services will be a contractor of Neighborhood Services to provide the actual maintenance for parks in the same way General Services now provides for maintenance of community centers and other city buildings and facilities. She stated the concept of consolidating the entire parks function in one department was not a viable alternative, as the department would be enormous; therefore, the reorganizational process includes negotiating and executing a Memorandum of Understanding between the departments of General Services and Neighborhood Services to accommodate City parks needs. Council Member Fernandes spoke in favor of referring back to the Administration the proposed reorganization of City services, especially the communications plan, for further Staff development; pointed out that City services must be understandable by and accessible to the public, and spoke in favor of simplifying the department names and clarifying the various functions for all stakeholders. Regarding the referrals and associated timeline, City Manager Williams stated the Administration recommended that the proposed communications be referred to the budget process, however, the referrals pertaining to the reorganization of City services can be deferred indefinitely, pending compilation of the information. Upon motion by Council Member Powers, seconded by Council Member Shirakawa, Jr. and unanimously carried, the recommendation to refer to the Budget review process the proposed communications plan, was approved; Item 9i(2)(c), the recommended organizational change to reorganize the Department of City Planning and Building to include Code Enforcement, was approved; Items 9i(2)(a), (b) and (d) were deferred indefinitely, pending receipt of information on consolidating functions in specific departments, centralizing services, and compilation of information clarifying/simplifying department names for the benefit of constituents and City employees; and Staff was directed to develop an organizational chart delineating lines of authority and responsibility for presentation to Council. Vote: 9-0-1-0-1. Absent: Hammer. Vacant: District 10.

Council Member Shirakawa Jr. left Council Chambers during discussion of Item 9l.

- 9l (1) Approval of the action plan and timeline for the creation of a San Jose Historical Museum Stabilization Board and creation and appointment of a contract Interim Executive Director and temporary Staff Technician.**

9l (Cont'd.)

- (2) **Adoption of an appropriation ordinance amendment in the General Fund in the amount of \$55,500 to fund the necessary costs associated with the San Jose Historical Museum Stabilization Board and staffing for the interim period.**

(City Manager's Office)

[Rules Committee referral 3/29/95 - Item 7b(2)(d)]

Documents Filed: Memorandum from Budget Director, Larry D. Lisenbee, dated March 30, 1995, recommending Council approve said appropriation ordinance amendments in the General Fund.

Discussion/Action: Council Member Fernandes expressed appreciation to City Manager Williams and to Nina Grayson, Assistant to the City Manager, for the expeditious manner in which they responded to Council's request and the recommendation of the Core Committee for an action plan and timeline in conjunction with the creation of the San Jose Historical Museum Stabilization Board. Council Member Pandori stated his opposition applies to the cost of the national search for the Director, which is greater than the position's salary, and whether Staff has exhausted resources available among the nonprofits in San Jose. Upon motion by Council Member Fernandes, seconded by Council Member Powers and carried, the action plan and timeline for the creation of a San Jose Historical Museum Stabilization Board and creation and appointment of a contract Interim Executive Director and temporary Staff Technician, was approved; and Ordinance No. 24846, entitled: "An Ordinance of the Council of the City of San Jose Amending Ordinance No. 24658 Which Appropriates Moneys in the General Fund in the Amount of \$55,500, to Provide Funding For an Interim Executive Director and a Stabilization Board for the Historical Museum; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. Vote: 7-1-2-0-1. Noes: Pandori. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

Council Member Shirakawa Jr. returned to the Council Chambers.

9j **Adoption of a resolution:**

- (1) **Authorizing the Director of General Services to execute an agreement with Nova Commercial Company, Inc., for park restroom maintenance for the East and West regions of the City, at an annual cost not to exceed \$215,000.**

9j (Cont'd.)

- (2) Authorizing the Director of General Services to exercise two (2) one (1) year options for renewal, based on the Consumer Price Index (CPI) adjustment and contingent upon Council approval of the funds each year. (General Services) (Deferred from 3/7/95 et al., and 3/28/95 - Item 9g)**

Documents Filed: (1) Supplemental memorandum from Acting Director of General Services, Ellis M. Jones, dated March 23, 1995, responding to Council direction for review and recommendation on dividing the contract between East and West regions of the City, and awarding a contract to two separate vendors. (2) Memorandum from Acting Director of General Services, Ellis M. Jones, dated February 16, 1995, recommending Council authorize the Director of General Services to execute an agreement for park restroom maintenance with Nova Commercial company, Inc., and authorize the Director of General Services to exercise two one-year options for renewal based on the Consumer Price Index adjustment, contingent upon Council approval of the funds each year. (3) Memorandum from Council Member Diquisto, dated March 31, 1995, recommending distribution of potential budget savings realized from awarding the park restroom contract to Superior Building Service. (4) Memorandum from Council Member Diquisto, dated March 24, 1995, recommending Council (a) authorize the Director of General Services to execute an agreement with Superior Building Service for East and West regions of the City, and (b) to exercise two one-year options for renewal based on the CPI adjustments, and contingent upon Council approval of the funds each year.

Discussion/Action: Acting Director of General Services, Ellis M. Jones, Jr., reiterated the Administration's recommendation regarding the maintenance of restroom facilities in City parks and the award of the contract to Nova Commercial Company Inc. He stated the Administration, in compliance with Council direction on March 7, 1995, contacted two specific vendors seeking clarification of the interest and ability of each firm to provide the service in either East or West regions of the City. He stated City Staff developed an additional set of questions to be presented to Nova Commercial and Universal Building Services--the two companies considered for award of the contract by the City Council--and met with each vendor separately. He stated Nova and Universal expressed a willingness to accept either the East or the West portion, and submitted written responses to the additional questions formulated by Staff, after which they discussed again their responses with City staff. He stated once awarded, the duration of the Park Restroom Maintenance contract will be one year in accordance with the RFP, and that Staff will closely monitor the vendor's performance on a daily basis. He pointed out the review of the six months performance will be the basis of the decision

9j (Cont'd.)

either to exercise the future year option or to locate replacement contractors. He stated City Staff continues to recommend Nova for both regions because the proposal provides the best overall value in that the cost per hour is lower and total number of hours devoted to the service for the contract amount is greater; however, the issue pertaining to Nova paying prevailing wage rates can be resolved in the contract. Mike Garcia, representing Local 1877, spoke in support of the Janitors who will perform the actual work, and requested a one-week deferral of Council action to allow further study of the issues. Ron Martinucci, District Manager, Universal Building Services, spoke against the award of the park restroom maintenance contract. Cindy Chavez, representing the Central Labor Council - AFL/CIO, encouraged Council to select the contractor who would provide required service and pay favorable wages. The motion by Council Member Shirakawa Jr. to award the contract to Universal Building Services, was seconded by Council Member Woody. Council Member Fiscalini expressed his reluctance to support any motion to award the contract at this time, absent clarification of outstanding issues, and suggested that Council reject all bids and authorize the Administration to reimplement the process. Council devoted considerable discussion to various aspects of the subject, and as a point of clarification, City Attorney Gallo suggested that Council authorize Staff to return to Council prior to exercising the options for renewal. Upon motion by Council Member Shirakawa Jr., seconded by Council Member Woody and carried, Staff recommendation to execute an agreement for park restroom maintenance with Nova Commercial Company, Inc., was rejected; and Resolution No. 65813, entitled: "A Resolution of the Council of the City of San Jose Authorizing the Director of General Services to Execute An Agreement With Universal Building Services for Park Restroom Maintenance for the East and West Regions in an Amount Not to Exceed One Hundred Eighty-Seven Thousand Four Hundred Twenty Dollars (\$187,420) For One Year; and Authorizing the Director of General Services to Exercise Two (2) One-Year Options to Renew the Agreement Contingent Upon Council Appropriation of Funds Each Year", was adopted, and Staff directed to return to Council prior to renewal of the contract for review of the contractor's performance. Vote: 8-1-1-0-1. Noes: Fiscalini. Absent: Hammer. Vacant: District 10.

Council Member Shirakawa Jr. left the meeting at 3:28 p.m.

**9h Interview of the final three candidates and appointment to fill the one vacancy on the Civil Service Commission. (City Clerk)
(Council referral 3/28/95 - Item 9b)**

9h (Cont'd.)

Documents Filed: (1) Memorandum from City Clerk, Patricia L. O'Hearn, dated March 27, 1995, recommending Council interview and appoint to an unexpired term on the Civil Service Commission one of three candidates who received the highest number of votes. (2) Memorandum from City Attorney, Joan R. Gallo, dated March 31, 1995, highlighting major areas of known potential conflict.

Discussion/Action: Council interviewed the final three candidates Bill Brill, Frank Cetani Jr., and Judy Larson; and on the first ballot, unanimously appointed Bill Brill to fill the unexpired term on the Civil Service Commission. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

CONSENT CALENDAR

Upon motion by Council Member, seconded by Council Member and unanimously carried, the Consent Calendar was approved and the below listed actions were taken as indicated. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

Minutes for Approval

6a(1) Regular Meeting of February 7, 1995

Documents Filed: Minutes of February 7, 1995.

Discussion/Action: The Minutes of February 7, 1995 were approved. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

Ordinances for Final Adoption

6b(1) ORD. NO. 24833 - Amends various Sections of Title 14 of the San Jose Municipal Code to increase the formal bidding amount for Public Works projects from \$20,000 to \$50,000, and to conform the voting requirements of Section 14.04.170E to the City Charter.

Documents Filed: Proof of publication of the title of Ordinance No. 24833 submitted by the City Clerk.

Discussion/Action: Ordinance No. 24833 was adopted. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

- 6b(2) **ORD. NO. 24834 - Amends Chapter 17.40 of Title 17 of the San Jose Municipal Code to extend the time within which to repair or demolish Unreinforced Masonry Buildings.**

Documents Filed: Proof of publication of the title of Ordinance No. 24834 submitted by the City Clerk.

Discussion/Action: Ordinance No. 24834 was adopted. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

- 6b(3) **ORD. NO. 24835 - Amends Section 2.08.4240 of Chapter 2, and various sections of Chapter 23.02 and Chapter 23.04, and adds various sections to Chapter 23.02 and Chapter 23.04 of Title 23 of the San Jose Municipal Code to impose responsibility for illegal signs posted on public property and create a system to impose charges for City's cost of removal, and making related conforming changes.**

Documents Filed: Proof of publication of the title of Ordinance No. 24835 submitted by the City Clerk.

Discussion/Action: Ordinance No. 24835 was adopted. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

- 6b (4) **ORD. NO. 24838 - Grants a Mixed Recyclables Collection Franchise to Stevens Creek Disposal and Recycling.**

Documents Filed: Proof of publication of the title of Ordinance No. 24838 submitted by the City Clerk.

Discussion/Action: Ordinance No. 24838 was adopted. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

- 6b (5) ORD. NO. 24841 - Prezones certain real property situated on the northwest corner of Capitol Avenue and Fallingtree Drive.
PDC 94-11-049**

Documents Filed: Proof of publication of the title of Ordinance No. 24841 submitted by the City Clerk.

Discussion/Action: Ordinance No. 24841 was adopted. Vote: 7-0-2-1-1. Absent: Shirakawa Jr.; Hammer. Disqualified: Woody, due to her absence during March 21, 1995 public hearing. Vacant: District 10.

Public Hearings Set by Council

- 6c(1) Adoption of a resolution initiating the conforming prezoning of approximately 0.57 gross acre located on portions of Cherry Grove Drive and Willowhurst Avenue right-of-way west of Meridian Avenue, and Meridian Avenue between Cherry Grove Drive and Willowhurst Avenue, from County Zoning District to A-Agricultural Zoning District, and setting a public hearing on May 2, 1995 at 7:00 p.m. (Planning)
CC 95-03-015**

Documents Filed: Memorandum from Director of Planning, Gary J. Schoennauer, dated March 17, 1995, recommending placing on the Consent Calendar for the April 4, 1995 City Council Agenda adoption of said resolution.

Discussion/Action: Resolution No. 65814, entitled: "Resolution of the Council of the City of San Jose Initiating Proceedings On Its Own Motion to Prezone Certain Real Property Situated On Portions of Cherry Grove Drive and Willowhurst Avenue Right of Way West of Meridian Avenue, and Meridian Avenue Between Cherry Grove Drive and Willowhurst Avenue From County to A-Agricultural Zoning District", was adopted. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

- 6c(2) Adoption of a resolution of intention vacating a portion of O'Connor Drive, between Forest Avenue and Emory Street, reserving a public service easement over the entire area, and setting a public hearing on May 2, 1995 at 1:30 p.m. CEQA: Resolution No. 65039. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated March 17, 1995, recommending Council adopt said resolution.

6c(2) (Cont'd.)

Discussion/Action: Resolution No. 65815, entitled: "Resolution of the Council of the City of San Jose Approving a Certain Map Showing That Portion of O'Connor Drive Between Forest Avenue and Emory Street Which Said Council Proposes to Vacate, Subject to the Reservation of a Certain Public Service Easement; Directing the City Clerk to File Said Map in the Office of the City Clerk; Describing Said Street and Easement to be Reserved; Setting a Public Hearing Thereon; and Directing Notice Thereof to be Posted", was adopted. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

Contracts/Agreements

- 6e(1) Approval of an employment agreement with Cynthia Waddell, as Disability Access Coordinator, for the period March 1, 1995 to February 29, 1996, in an amount not to exceed \$72,800.
(City Manager's Office)**

Documents Filed: Memorandum from Director of Affirmative Action and Contract Compliance, Steven T. Wing, dated March 17, 1995, recommending Council approve said employment agreement.

Discussion/Action: The employment agreement with Cynthia Waddell was approved and its execution authorized. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

- 6e(2) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 1994-95 #16, 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 March 17, 1995, recommending Council award said open purchase orders list and authorize the Director of General Services to execute the purchase orders.

Discussion/Action: The award of open purchase orders List No. 16 for FY 1994-95 was approved, and execution of the purchase orders authorized. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

- 6e(3) Adoption of a resolution approving an agreement for the purchase of a one (1) story, single-family residence from the Jennie J. McMonagle Living Trust for the realignment of San Pedro Street between Mission and Taylor Streets in the amount of \$175,000, and authorization for the Director of Public Works, or designee, to accept the Grant Deed on behalf of the City. CEQA: Resolution No. 65071. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated March 17, 1995, recommending Council approve said purchase agreement and authorize the Director of Public Works, or designee, to accept the Grant Deed on behalf of the City.

Discussion/Action: Resolution No. 65816, "A Resolution of the Council of the City of San Jose Approving An Agreement to Purchase Real Property Located on North San Pedro Street From the Jennie J. McMonagle Living Trust and Authorizing the Director of Public Works or Designee to Accept a Grant Deed for the Property", was adopted. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

- 6e4) (a) Adoption of a resolution declaring 1.973 acres of real property located at the southwest corner of Snell Avenue and Colleen Drive surplus to the needs of the City.**
- (b) Approval of an agreement to transfer the property to the Santa Clara Valley Water District, and authorization for the City Clerk to execute a Quitclaim Deed to the Santa Clara Valley Water District.**
- CEQA: Exempt. (Public Works)**

Documents Filed: None.

Discussion/Action: This item was deferred to April 18, 1995.

- 6e(5) Report on bids and award of contract for the San Fernando Street Widening from 9th to 10th Streets to the low bidder, Grade Tech, Inc., in the amount of \$158,726.50. CEQA: Exempt. (Public Works)**

Documents Filed: (1) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated March 17, 1995, recommending Council award said contract to the low bidder. (2) Memorandum from Director of Affirmative Action and Contract Compliance, Steven T. Wing, dated March 31, 1995, stating the Office of Affirmative Action/Contract Compliance concurs with the recommended award.

6e(5) (Cont'd.)

Discussion/Action: The award of contract to Grade Tech, Inc. was approved and its execution authorized. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

- 6e(6) (a) Approval of amendments to the employee agreements with Nora Campos and Noella Tabladillo. (Diaz)**
(b) Adoption of appropriation ordinance amendments in the General Fund to transfer \$2,200 from the Council District 5 Non-Personal appropriation to the Personal Services appropriation to fund contract increases. (City Manager's Office)
(Rules Committee referral 3/29/95)

Documents Filed: Memorandum from Budget Director, Larry D. Lisenbee, dated March 29, 1995, recommending Council approve said appropriation ordinance amendments in the General Fund.

Discussion/Action: Ordinance No. 24847, entitled: "An Ordinance of the Council of the City of San Jose Amending Ordinance No. 24658 Which Appropriates Moneys in the General Fund to Transfer the Amount of \$2,200 From the Council District 5 Non-Personal Appropriation to the Personal Services Appropriation to Fund Contract Increases; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. Vote: 8-0-2-0-1. Absent: Shirakawa, Jr.; Hammer. Vacant: District 10.

- 6e(7) Approval of an agreement for the County to reimburse the City a maximum of \$369,648 for the operation of the Grace Baptist Community Center, for the period July 1, 1994 to June 30, 1995. (Neighborhood Services)**
(Rules Committee referral 3/29/95)

Documents Filed: Memorandum from Director of Neighborhood Services, George J. Penn, dated March 28, 1995, recommending Council approve said agreement.

Discussion/Action: The agreement for the County to reimburse the City for the operation of the Grace Baptist Community Center was approved and execution of the agreement authorized. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

Routine Legislation

- 6f(1) Adoption of appropriation ordinance and revenue resolution amendments in the HOME Investment Partnership Program (HOME) Fund to more accurately reflect anticipated revenues and corresponding expenditures for Fiscal Year 1994-95.
(Housing/City Manager's Office)**

Documents Filed: Memorandum from Director of Housing Alex Sanchez, and Budget Director Larry Lisenbee, dated March 30, 1995, recommending Council approve said appropriation ordinance and revenue resolution amendments.

Discussion/Action: Ordinance No. 24848, entitled: "An Ordinance of the Council of the City of San Jose Amending Ordinance No. 24658 Which Appropriates Moneys in the Home Investment Partnership Program Fund (Fund 445), Adjusting Funds to More Accurately Reflect Anticipated Revenues and Corresponding Expenditure for the 1994-95 Fiscal Year; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", was adopted; and Resolution No. 65817, 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 Home Investment Partnership Program Fund (Fund 445)", was adopted. Vote: 8-0-2-0-1. Absent: Shirakawa, Jr.; Hammer. Vacant: District 10.

- 6f(2) Adoption of appropriation ordinance and revenue resolution amendments in the General Fund related to the receipt of funding from the National Center for Earthquake Engineering Research (NCEER) for an Earthquake Preparedness Conference.
(City Manager's Office)
(Rules Committee referral 3/29/95)**

Documents Filed: Memorandum from Budget Director Larry Lisenbee, dated March 28, 1995, recommending Council approve said appropriation ordinance and revenue resolution amendments in the General Fund.

Discussion/Action: Ordinance No. 24849, entitled: "An Ordinance of the Council of the City of San Jose Amending Ordinance No. 24658 Which Appropriates Moneys in the General Fund in the Amount of \$4,000, Pertaining to the Receipt of Funding From the National Center For Earthquake Engineering Research (NCEER) for an Earthquake Preparedness Conference; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", was adopted; and Resolution No. 65818 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", was adopted. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

**6f(3) Adoption of an appropriation ordinance amendment in the General Fund to provide \$75,000 in funding for the Special Run-off Election on May 2, 1995 for the Council District 10 seat. (City Manager's Office)
(Rules Committee referral 3/29/95)**

Documents Filed: Memorandum from Budget Director Larry Lisenbee, dated March 27, 1995, recommending Council approve said appropriation ordinance amendments in the General Fund

Discussion/Action: Ordinance No. 24850, entitled: "An Ordinance of the Council of the City of San Jose Amending Ordinance No. 24658 Which Appropriates Moneys in the General Fund in the Amount of \$75,000, to Fund the Special Runoff Election for the Council District 10 Seat; and Providing That this Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

END OF CONSENT CALENDAR

COMMISSION, COMMITTEE, AND STANDING REPORTS

7b Report of the Rules Committee - Meeting of March 22, 1995

Documents Filed: Rules Committee report of March 22, 1995.

(1) Review of April 4 Council Agenda

The Committee approved the April 4 Council Agenda with one addition.

(2) Add New Items to March 28 Amended Council Agenda. Attachment: Memorandum from Council Member Pandori, dated March 22, 1995, recommending Council direct the Administration to implement a free pick-up system for flood-damaged appliances and other bulky goods.

The Committee recommended ten additions to the March 28 Amended Council Agenda.

(3) The Public Record.

No Public Record was filed.

7b Report of the Rules Committee - Meeting of March 22, 1995 - (Cont'd.)

- (4) Report and recommendations on reorganization of City services related to Parks, Recreation, and Code Enforcement. Attachments: (1) Memorandum from City Manager, Regina V.K. Williams, dated March 14, 1995, recommending Council action on the reorganization of City services related to Parks, Recreation & Code Enforcement. (2) Memorandum from Council Members Powers, dated March 22, 1995, listing additional recommendations on the reorganization of City services related to Parks, Recreation & Code Enforcement.

The Committee (1) approved the reorganization of City services related to Parks, Recreation and Code Enforcement as listed in City Manager Regina Williams' memorandum of March 14, 1995; (2) accepted the recommendation for a central telephone number for all parks; (3) rejected a public relations plan focusing on Parks and Recreation and instead directed the Administration to bring back a proposal for a Citywide Communications Plan including staffing, Channel 35A, public information, and community education; (4) referred to the Housing and Community Services Committee the parks maintenance issues; and (5) recommended the following departmental name changes:

- (a) The Neighborhood Services Department renamed Department of Parks, Recreation and Neighborhood Services;
 - (b) The Department of Convention, Cultural and Visitors Services renamed Department of Convention-Regional Facilities and Cultural Services; and
 - (c) The Planning and Building Department renamed Department of Planning, Building & Code Enforcement.
- (5) Discuss and approve work plan for:
- (a) Hiring of San Jose Historical Museum Interim Director
 - (b) Appointments to San Jose Historical Museum Stabilization Board

The Committee deferred this item to March 29, 1995 Rules Committee meeting.

7b Report of the Rules Committee - Meeting of March 22, 1995 - (Cont'd.)

(6) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee. Attachment: Memorandum from Council Member Pandori, dated March 21, 1995, recommending the Rules Committee direct the Administration to reinstate the rotating bin program for this fiscal year and reduce program costs by utilizing trained volunteers to assist with monitoring responsibilities.

(a) Refer to Transportation, Development, & Environment Committee a review of the Neighborhood Rotating Bin Cleanup Program

The Committee referred this item to the Transportation, Development and Environment Committee

(7) City Council and Rules Committee meeting schedules

None presented.

(8) Oral communications

None presented.

(9) Adjournment

The meeting adjourned at 3:20 p.m.

Upon motion by Council Member Powers, seconded by Council Member Fiscalini and unanimously carried, the Rules Committee report and actions of March 22, 1995 were accepted. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

7b Report of the Rules Committee - Meeting of March 29, 1995

Documents Filed: Rules Committee report of March 29, 1995.

(1) Review of April 11 Council Agenda

The Committee recommended approval of the April. 11, 1995 Council meeting Agenda with two changes.

7b Report of the Rules Committee - Meeting of March 29, 1995 - (Cont'd.)

- (2) Add New Items to April 4 Amended Council Agenda

The Committee recommended seven additions and two deferrals to the April 11, 1995 Council Agenda.

- (3) The Public Record - March 8-21, 1995. Attachments: (1) Memorandum from City Clerk, Patricia L. O'Hearn, dated March 23, 1995, listing the items transmitted to the Administration. (2) Memorandum from Assistant to the City Manager, Nina S. Grayson, dated March 27, 1995, summarizing actions taken on the items transmitted to the Administration and those items filed for the Public Record.

The Committee recommended approval of the Public Record.

- (4) Discuss and approve work plan for:
(a) Hiring of San Jose Historical Museum Interim Director
(b) Appointments to San Jose Historical Museum Stabilization Board.
(City Manager's Office)
(Deferred from 03/22/95). Attachment: Memorandum from City Manager, Regina V.K. Williams, dated March 23, 1995, recommending the Rules Committee (a) approve the action plan and timeline for the creation of the Historical Museum Stabilization Board and the creation and appointment of a contract Interim Executive Director and temporary Staff Technician; and (b) recommend to Council the approval of an appropriation amendment to fund the necessary costs associated with the Stabilization Board and staffing for the interim period.

The Committee recommended approval of the action plan, the timeline and the appropriation amendment to fund the costs, and asked that the Rules Committee receive from the City Manager regular status reports throughout the process .

See Item 91 for Council action taken.

- (5) Approve Legislative Report 95-01. Attachments: (1) Memorandum from Director of Intergovernmental Relations, Georgiana Flaherty, dated March 24, 1995, recommending approval of Legislative Report 95-01 and the recommended City positions for each bill. (2) Memorandum from City Attorney, Joan R. Gallo, dated April 3, 1995, transmitting to Rules Committee an amendment to AB 282 which will allow for greater Agency participation in the assessment appeal concerning property in a redevelopment area.

7b Report of the Rules Committee - Meeting of March 29, 1995 - (Cont'd.)

- (5) Approve Legislative Report 95-01 - (Cont'd.)

The Committee accepted the report by City Attorney Joan Gallo who recommended the City position on AB 282 be Amended in that the current language does not provide enough protection; City Attorney Gallo stated she will provide alternate language when this matter is presented to the City Council on April 4, 1995. The Committee recommended approval of Legislative Report 95-01 with the recommended change.

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

None presented.

- (7) City Council and Rules Committee meeting schedules

None presented.

- (8) Oral communications

Bill Chew spoke in support of broadcasting all meetings held in Room 204 on Channel 35A.

- (9) Adjournment

The meeting adjourned at 3:10 p.m.

Upon motion by Council Member Fernandes, seconded by Council Member Powers and unanimously carried, the Rules Committee report and actions of March 29, 1995 were accepted with Item 7b(4) acted upon at Item 9l. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

7d Report of the Finance Committee - March 22, 1995

Documents Filed: Finance Committee report of March 22, 1995. Attachment: Memorandum from Director of Finance, John V. Guthrie, dated April 4, 1995, submitting corrections to pages 2 and 6 of the Finance Committee Minutes for the meeting of March 22, 1995 and corrections to pages 2, item 4, paragraph 3 of the Finance Committee Minutes for the meeting of October 12, 1994.

7d Report of the Finance Committee - March 22, 1995 - (Cont'd.)

- (1) Oral petitions. Attachment: Information memorandum from City Manager, Regina V.K. Williams, dated March 17, 1995, advising the Finance Committee on the transfer of the Weed Abatement Program to the County.

None presented.

- (2) Recommendations for Alternate Funding Sources for Sidewalk Maintenance. Attachment: Memorandum from City Manager, Regina V.K. Williams, dated March 7, 1995, transmitting to the Finance Committee the Staff report on recommendations for alternate funding sources for Sidewalk Maintenance Repair.

The Committee accepted the report and referred it to the budget process with questions regarding the positions; in addition, the Committee referred the report to the New Realities Task Force.

- (3) Monthly Auditor's Report for February 1995. Attachment: Report of the Office of the City Auditor's activities for the month of February 1995.

The Committee accepted the report.

- (4) Quarterly Follow-up Report Ending January 31, 1995

The Committee deferred this item to April 12, 1995 Finance Committee meeting.

- (5) Proposal to Revise Delinquency Procedures for San Jose Municipal Water System. Attachment: Memorandum from Director of Environmental Services, Louis N. Garcia, dated March 8, 1995, recommending Council adopt a resolution establishing new delinquency and shut-off procedures to reflect the bimonthly meter reading and billing schedules.

The Committee accepted the report.

See Item 9k for Council action taken.

- (6) Audit of the City Employees' Health Plan. Attachment: Report on an audit of the City of San Jose Employee's Health Plan, dated March 1995, submitted by City Auditor, Gerald A. Silva.

7d Report of the Finance Committee - March 22, 1995 - (Cont'd.)

- (6) Audit of the City Employees' Health Plan. (Cont'd.)

The Committee (a) referred to the City Attorney's Office the Auditor's recommendations that are administrative in nature; (b) accepted the Auditor's recommendations; (c) referred to the Budget process the need for additional personnel; and (d) directed the Auditor to report back in Quarterly Report.

- (7) Committee schedule

Review of delinquency billing to be scheduled for Committee review; Financial Systems Long Range Development Plan Follow Up to be brought to Committee on April 26, 1995; and the Weed Abatement Program discussed with the County will come to Finance Committee on April 26, 1995. The next meeting is scheduled for April 5, 1995 at 10:00 a.m.

- (8) Adjournment

The meeting adjourned at 11:43 a.m.

Upon motion by Council Member Woody, seconded by Council Member Fiscalini and unanimously carried, the Finance Committee report and actions of March 22, 1995 were accepted with Item 7d(5) acted upon at Item 9k. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

7e Report of the Transportation, Development, and Environment Committee - March 23, 1995

Documents Filed: Transportation, Development, and Environment Committee report of March 23, 1995.

- (1) Consent Calendar

No items were presented.

- (2) Semi-Annual Update on Environmental Services Department Community Relations Workplan. Attachment: Memorandum from Director of Environmental Services, Louis N. Garcia, dated March 7, 1995, providing an update on the implementation of the ESD Community Relations workplan for the current fiscal year.

7e **Report of the Transportation, Development, and Environment Committee -
March 23, 1995 - (Cont'd.)**

- (2) Semi-Annual Update on Environmental Services Department Community Relations Workplan. (Cont'd.)

The Committee directed Staff (a) to review total cost and gauge the campaign results of the ULFT Rebate Program and to report back to Transportation, Development, and Environment Committee in the September Annual Report; (b) to update the Committee on the status of the Water Conservation Program; (c) to prepare a summary of the budget for the Oil Recycle Program; and (d) to report back to Committee on the performance objectives that are to be achieved for each of the programs discussed.

- (3) Status Report and Recommendations Regarding the City of San Jose's Position on California's Electric Service Industry. Attachment: Memorandum from Director of Environmental Services, Louis N. Garcia, dated March 9, 1995, recommending the Transportation, Development and Environment Committee accept the status report and direct the Administration to proceed with participation in the CPUC Electrical Restructuring Process hearings, and recommend the adoption of a resolution communicating concerns of the City of San Jose on CPUC Electricity De-Regulation.

The Committee forwarded to Council the resolution communicating concerns of the City of San Jose on CPUC Electricity Deregulation.

See Item 9m for Council action taken.

- (4) Status Report Regarding a Policy to Establish Guidelines for the Evaluation of All Non-Industrial Uses in Industrial Areas

The Committee deferred this item to April 13, 1995 TD&E meeting.

- (5) Oral petitions

None presented.

- (6) Committee schedule

The next meeting of the Transportation, Development and Environment Committee will be held April 13, 1995.

7e Report of the Transportation, Development, and Environment Committee - March 23, 1995 - (Cont'd.)

(7) Adjournment

The meeting adjourned at 4:10 p.m.

Upon motion by Council Member Fernandes, seconded by Council Member Powers and unanimously carried, Transportation, Development, and Environment Committee report and actions of March 23, 1995 were accepted with Item 7e(3) acted upon at Item 9m. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

GENERAL GOVERNMENT

9a Direction to the City Attorney to draft an ordinance relating to the negotiation of future employment by City officials and employees. (City Attorney's Office)

Documents Filed: None.

Discussion/Action: This item was deferred to April 11, 1995.

9b Adoption of a resolution terminating the state of local emergency, and designating the authorized public assistance representative and individual assistance representative of the City of San Jose. (City Manager's Office)

Documents Filed: Memorandum from City Manager, Regina V.K. Williams, dated March 31, 1995, recommending Council terminate the local disaster and appoint Staff as authorized representatives "for the purpose of receipt, processing and coordination of all inquiries and requirements necessary to obtain available State and Federal assistance".

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, Resolution No. 65819, entitled: "A Resolution of the Council of the City of San Jose Proclaiming the Termination of the Local Emergency", was adopted. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

- 9c Approval of an agreement with REVIEWCO to provide Workers' Compensation medical cost containment services for the City, at a total cost not to exceed \$300,000. (Finance)**

Documents Filed: None

Discussion/Action: This item was deferred to April 11, 1995.

- 9e Adoption of a resolution:**

- (1) Approving an increase of that portion of the City loan to the Suenos Townhouse Project located at 333 South King Road (along the south side of the Thunderbird Golf Course) which will be used for second mortgage assistance, from \$2,047,000 to \$2,205,640.**
 - (2) Approving modifications to second mortgage assistance loan terms to reduce the interest rate from five (5) percent to zero (0) percent.**
 - (3) Authorizing the Director of Housing to enter into agreements and execute all necessary documents evidencing such changes on behalf of the City.**
- (Housing)**

Documents Filed: Memorandum from Director of Housing, Alex Sanchez, dated March 17, 1995, recommending Council adopt said resolution.

Discussion/Action: Upon motion by Council Member Powers, seconded by Council Member Fiscalini and unanimously carried, Resolution No. 65820, entitled: "A Resolution of the Council of the City of San Jose (I) Approving An Increase of That Portion of the City Loan to the Suenos Townhouse Project Which Will Be Used for Second Mortgage Assistance From \$2,047,000 to \$2,205,640, (II) Approving Modifications to Second Mortgage Assistance Loan Terms to Reduce the Interest Rate From 5% to 0%, and (III) Authorizing the Director of Housing to Enter Into Agreements and Execute All Necessary Documents Evidencing Such Changes on Behalf of the City", was adopted. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

- 9g Review and discussion of the Library Benefit Assessment District Implementation Report. (Library)**

Documents Filed: Memorandum from City Librarian, James H. Fish, dated March 31, 1995, submitting a Draft of the Assessment Report for Council review prior to April 11, 1995.

9g (Cont'd.)

Discussion/Action: City Librarian, James H. Fish, stated today's presentation of the report will allow Council an opportunity to review the information and issues before taking action on April 11, 1995. He advised Council that formal action may not be taken on the Resolution of Intention to create the Library Benefit Assessment District until after the enabling ordinance to create the District becomes effective on April 7, 1995. With the use of transparencies, he stated the preliminary report includes the boundaries of the district, description of services to be supported, the methodology of apportioning benefit, and the assessment amount levied upon each parcel. He stated the spending plan will be integrated into the City budget process, once the expenditure parameters are established for the District by the Assessment Report; and for the first time in decades, the proposals will create adequate collections to restore some lost services, maintain and upgrade existing facilities, provide technological advancements for better service and employee productivity, and create special programming for targeted groups. As a point of emphasis, he stated the proposals will not build or expand library facilities, add public hours of operation, restore all lost services and quality, or create a funding level equivalent to the financial support given other area libraries. He stated the Resolution of Intention, prepared by the City Attorney's Office, will initiate the implementation process beginning with the mailing of the notifications to all property owners in the Assessment District, scheduling of the public hearing to be held the evening of May 16, 1995, and the scheduling of the protest hearing and procedures for the evening of June 6, 1995. By unanimous consent, the draft of the Library Benefit Assessment District Report was accepted. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

9k Adoption of a resolution establishing new delinquency and shut-off procedures to reflect San Jose Municipal Water System bimonthly meter reading and billing schedules.

[Finance Committee referral 3/22/95 - Item 7d(5)]

Documents Filed: See Finance Committee report of March 22, 1995, Item 7d(5).

Discussion/Action: Council Member Fiscalini requested that Staff provide Council with a progress report on the conversion from monthly to bimonthly billing of Muni Water System customers. Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, Resolution No. 65821, entitled: "A Resolution of the Council of the City of San Jose Establishing Rules and Regulations For Operation of the Municipal Water System and Establishing Rates for Water Services, and Repealing Resolution Nos. 48957, 58379, 49754, and 59214", was adopted and the Administration directed to prepare and submit to Council a six-month status report on the new procedure. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

9m Adoption of a resolution communicating concerns of the City of San Jose on California Public Utilities Commission (CPUC) rulemaking on proposed policies governing the restructuring of California's Electric Services Industry and reforming regulation.

[Transportation, Development and Environment Committee referral 3/23/95-Item 7e(3)]

Documents Filed: See Transportation, Development and Environment Committee report of March 23, 1995, Item 7e(3).

Discussion/Action: Upon motion by Council Member Fernandes, seconded by Council Member Diaz and unanimously carried, Resolution No. 65822, entitled: "A Resolution of the Council of the City of San Jose Communicating Concerns of the City of San Jose on California Public Utilities Commission Electricity De-Regulation", was adopted. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

9n Approval of the Mayor's FY 1995-96 Budget Direction Message. (Mayor) (Rules Committee referral 3/29/95)

Documents Filed: None.

Discussion/Action: The Mayor's FY 1995-96 Budget Direction Message was approved. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

9o Adoption of a resolution authorizing the City Manager to execute agreements between the City of San Jose and Evergreen Specific Plan developers in connection with the financing of infrastructure improvements and facilities in the Evergreen Specific Plan area. CEQA: Resolution Nos. 63179 and 65629. (Public Works) (Orders of the Day 4a)

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated March 31, 1995, recommending Council adopt said resolution.

Discussion/Action: Upon motion by Council Member Woody, seconded by Council Member Diaz and unanimously carried, Resolution No. 65823, entitled: "A Resolution of the Council of the City of San Jose Authorizing the City Manager to Execute Agreements Between the City of San Jose and Evergreen Specific Plan Developers in Connection With the Financing of Public Infrastructure Improvements and Facilities in the Evergreen Specific Plan Area", was adopted. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

RECESS/RECONVENE

Council recessed at 4:40 p.m. and reconvened at 7:10 p.m. in Council Chambers, City Hall.

Present: Council Members: Diaz, Diquisto, Fernandes, Fiscalini, Johnson, Pandori, Powers, Woody

Absent: Council Members: Shirakawa Jr. (excused); Mayor Hammer (excused)

Vacant: Council District 10

City Clerk, Patricia L. O'Hearn, read the requests for continuances of applications and other actions as recommended. Upon motion by Council Member, seconded by Council Member and unanimously carried, the below noted continuances and other actions were granted. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

CEREMONIAL ITEMS

Items 5d and 5e were considered together.

5d Presentation of proclamation declaring April 1995 as "Earthquake Preparedness Month." (Office of Emergency Services)

5e Presentation of commendations to Radio Amateur in Civil Emergency Services (RACES). (Office of Emergency Services)

Documents Filed: None.

Discussion/Action: Joining Vice Mayor Johnson at the Podium, Frannie Winslow, Director, Office of Emergency Services, accepted the proclamation declaring April 1995 as Earthquake Preparedness Month, and presented to the RACES organization the commendation which was accepted by Dr. Earl Stevens--Chief Radio Officer, Trish Gibbons--Chief Engineer, and Dan Sheldon--Training Officer, and introduced each member of the RACES team and acknowledged the public spirited attitude in which each member donates personal time, at no cost to the City, assisting emergency operations.

PUBLIC HEARINGS

- 15a PUBLIC HEARING and approval of an ordinance amending Title 20 of the San Jose Municipal Code by adding Section 20.04.164 to define Director, and amending Part 4 of Chapter 20.08 to revise the procedures for revoking the legal nonconforming status for uses which create an adverse public impact and expanding the application of such procedures to additional legal nonconforming uses. (Planning)
(Deferred from 2/21/95 and 3/7/95 - Item 15b)**

Documents Filed: None.

Discussion/Action: This item was continued to April 18, 1995.

- 15c PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the south side of Blossom Hill Road, 220 feet westerly of Hillview Avenue, to allow the demolition of an existing restaurant and the construction of a new restaurant, including a drive-through window on 0.80 gross acre (Hillview Associates/Sydran Food Services, Owner; Burger King Restaurants, Developer). CEQA: ND.
PDC 94-11-050 - District 10**

Documents Filed: None.

Discussion/Action: This item was continued to April 18, 1995.

- 15d PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the northwest corner of Berryessa Road and Lundy Avenue, from M-1 to A(PD), to allow the demolition of an existing gasoline service station with a carwash and the construction of a new gasoline service station and expansion of the carwash on 0.65 gross acre (Shell Oil Company, Owner/Developer). CEQA: ND.
PDC 95-01-003 - District 4**

Documents Filed: None.

Discussion/Action: This item was continued to April 18, 1995.

- 15e PUBLIC HEARING ON CONFORMING PREZONING for a project located on the north side of Hamilton Avenue, 60 feet west of Norman Avenue, from County to C Professional Office Zoning District, to allow office uses on .23 gross acres (Adelaide Roberts, Owner/Developer). CEQA: ND.
C 95-01-006 - District 6**

Documents Filed: None

Discussion/Action: This item was continued to May 2, 1995.

- 15b PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the east side of Monterey Road, 875 feet northerly of Blossom Hill Road, from A(PD) to A(PD), to allow up to 145 multi-family attached residential units on 10.16 gross acres (Eden Palms Associates, Owner/Developer). CEQA: ND. Director of Planning recommends approval. Planning Commission recommends approval (5-0-2).
PDCSH 94-12-054 - District 2
(Continued from 3/21/95 - Item 15d)**

Documents Filed: (1) Memorandum from the Planning Commission, dated March 9, 1995, recommending Council adopt an ordinance approving the subject rezoning. (2) Notice of Public Hearing to consider a change in Zoning on PDCSH 94-12-054, dated February 15, 1995. (3) Proof of publication of the Public Hearing Notice submitted by the City Clerk.

Discussion/Action: Vice Mayor Johnson opened the public hearing on the subject planned development rezoning. There was no discussion from the Floor. Upon motion by Council Member Powers, seconded by Council Member Fernandes and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Ordinance No. 24851, entitled: "Ordinance of the City of San Jose Rezoning Certain Real Property Situated on the East Side of Monterey Road, 875 Feet Northerly of Blossom Hill Road", was passed for publication. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

- 9d PUBLIC HEARING to review and comment on Administrative Draft of the Consolidated Plan for 1995-2000. (Housing)**

Documents Filed: (1) Memorandum from Director of Housing Alex Sanchez, and Director of Neighborhood Services George L. Penn, dated March 20, 1995, recommending Council accept the Draft Consolidated Plan for the years 1995-2000 for public review and comment. (2) Notice of Availability and Public Hearings to consider the 1995-2000 Consolidated Plan scheduled April 4, 1995 and May 2, 1995, and Proof of Publication submitted by the Director of Housing.

Discussion/Action: Vice Mayor Johnson opened the public hearing to review the Administrative Draft of the Consolidated Plan. With the use of transparencies, Director of Housing Alex Sanchez, stated the Consolidated Plan (ConPlan) replaces the Comprehensive Housing Affordability Strategy (CHAS) that the City has prepared for the past three years, and serves as an eligibility requirement for the City to receive federal housing and community development funding, including CDBG and HOME funds. He stated the Federal government, in an effort to streamline federal applications and procedures, is requiring that cities annually combine specified federal documents into one submission called the Consolidated Plan or ConPlan. Regarding citizen participation, he stated the Consolidated Plan regulations require only two public hearings for the entire ConPlan--one hearing before the Plan is prepared in order to gain public comments on the community's needs, and one after the Plan is published for citizen review. He pointed out that the federal government also requires a 30-day review period during which to receive public comments on the Plan; however, in response to San Jose community concerns expressed in previous years that more input is needed than what is required by statute, San Jose's ConPlan and its related parts, by the time it is submitted to HUD on May 15, 1995, will have had twelve public hearings, each with its own noticing in English, Spanish, and Vietnamese. He stated the 36-day public comment period will end on May 2, 1995 with the Council's final action on the document. He stated the preparation of the ConPlan is guided by three major commitments and priorities as expressed by HUD--Affordable Housing, Neighborhoods, and Economic Development--and to meet these objectives, the ConPlan must include six components, which are (1) a housing and homeless needs assessment, (2) a housing market analysis, (3) an analysis of strategies and objectives to meet both housing needs and non-housing community development needs, (4) an action plan, (5) certifications, and (6) a monitoring plan. He stated the Council action recommended during this meeting is to accept public testimony on San Jose housing, community and economic development needs, and priorities and strategies, and to provide Staff with Council comments. He stated the Staff is recommending Council approval of the ConPlan document on May 2, 1995 to enable submission to HUD by May 15, 1995 deadline. Council accepted testimony from approximately 35 citizens, including the following: Mary Helen Doherty, Chair, Housing Advisory Commission; David Benjamin, Housing Advisory Commission; Muriel Dickinson, Older Women's League; Jim Stauffer, Green Party; Candy Capogrossi, Deputy Director of Housing Authority; Ellen Schwartz, San Jose Branch Chair of the Women's International League for Peace & Freedom; Fr. Bill Lenninger, Transfiguration Church Diocese; Priscilla Duff, Voice of the Homeless; Donna DiMinico, Long Term Care Ombudsman Program; Linda Henker, Timpany Center; Mitchell Phillips; Douglas Galligher; Richard E. Green, Voice of the Homeless; Bernard Kitchens, Voice of the Homeless; Roy Stevens; Ernest Sampayan, Voice of the

9d (Cont'd.)

Homeless; Sandy Perry; Gertrude Welch, Affordable Housing Network; Miriam Ayllon, Affordable Housing Network; Bill Bryant, Affordable Housing Network; Billie Wachter, Affordable Housing Network; Ron Johnson, Affordable Housing Network; Phyllis A. Ward, Affordable Housing Network; Forrest Crumpley, Federation of Retired Union Members (FORUM); Nina McCrory, Acting Director, Council of Churches of Santa Clara County; Susan Worth, San Jose Low Income Support Network; Michael Gaibriel, Neighborhood Reinvestment; Chris Block, Catholic Charities; Roxana Rivera, SEIU Local 1877; Jan E. Tranbarger; Don Rain, U.S. United Souls; Tom Lewis; and Mike Garcia, SEIU, Local 1877. By unanimous consent, Council accepted the Draft Consolidated Plan for the years 1995-2000 for public review and comment and advised the citizens that all comments must be submitted in writing to the Housing Department prior to May 2, 1995. Vote: 8-0-2-0-1. Absent: Shirakawa Jr.; Hammer. Vacant: District 10.

ADJOURNMENT

The Council of the City of San Jose adjourned at 8:55 p.m. in memory of H. Robert Romero, Recreation Program Specialist in the Department of Neighborhood Services.

SUSAN HAMMER, MAYOR

ATTEST:

PATRICIA L. O'HEARN, CITY CLERK

RT: 04/04/95 CNCL MIN