

## **MINUTES OF THE CITY COUNCIL**

**SAN JOSE, CALIFORNIA**

**TUESDAY, JUNE 20, 1995**

The Council of the City of San Jose convened in regular session at 9:00 a.m.

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

Absent: Council Members - Diquisto (excused).

Upon motion unanimously adopted, Council recessed to a Closed Session at 9:05 a.m. in Room 600 to (I) confer with Legal Counsel regarding anticipated litigation pertaining to significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code, for discussion of two matters; and pertaining to initiation of litigation pursuant to subdivision (c) of Section 54956 of the Government Code, for discussion of three matters; and (II) to confer with Labor Negotiator, City Negotiator City Manager designee Nona Tobin, pursuant to Government Code Section 54957.6, regarding Municipal Employees Federation Employee Organization; and to confer with City Negotiator City Manager designee Debra Figone, regarding International Association of Firefighters Employee Organization.

By unanimous consent, Council reconvened from the Closed Session and recessed at 11:00 a.m. and reconvened at 1:40 p.m. in Council Chambers, City Hall.

Present: Council Members - Dando, Diaz, Diquisto (arrived at 2:00 p.m.), Fernandes Fiscalini, Johnson, Pandori, Powers, Shirakawa, Jr., Woody; Hammer.

Absent: Council Members - None.

### **INVOCATION**

Father John, St. Nicholas Greek Orthodox Church, delivered the invocation. (District 6)

### **PLEDGE OF ALLEGIANCE**

Mayor Hammer led the Pledge of Allegiance.

## ORDERS OF THE DAY

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

## CEREMONIAL ITEM

- 5b Presentation of commendation and award honoring Outstanding Employee – Special Team Award for June 1995 to the General Services Department’s Purchasing Team: Dennis Belville, Lygia Carter, Armando Gonzales, Robert Guerra, Buddy Grimm, Doris Hencken, Teresa Pacheco, Leonard Perez, Javier Ponce, and Charles Schulz. (City Manager’s Office)**

Documents Filed: None.

Discussion/Action: Joining Mayor Hammer at the Podium, City Manager Williams presented to each team member a monetary award in recognition of their participation in cataloguing and dispensing 42,000 library books during a recent book give-away program; Mayor Hammer presented the commendation and Director of General Services, Ellis Jones, thanked the employees for their service to the citizens of San Jose.

Council Member Diquisto entered the meeting at this time.

## CONSENT CALENDAR

Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, the Consent Calendar was approved and the below listed actions were taken as indicated. Vote: 11-0-0-0.

### Minutes for Approval

- 6a(1) Regular Meeting of May 16, 1995**

Documents Filed: Minutes of May 16, 1995.

Discussion/Action: The Minutes were approved. Vote: 11-0-0-0.

**6a(2) Adjourned Regular Meeting of May 18, 1995**

Documents Filed: Minutes of May 18, 1995.

Discussion/Action: The Minutes were approved. Vote: 11-0-0-0.

**Ordinances for Final Adoption**

**6b(1) ORD. NO. 24917 - Amends Section 6.54.140 of Chapter 6.54 of Title 6 of the San José Municipal Code to specify that peddler ID cards are those issued by the Chief of Police.**

Documents Filed: Proof of publication of the title of Ordinance No. 24917 submitted by the City Clerk.

Discussion/Action: William J. Garbett spoke against the proposed action. Ordinance No. 24917 was adopted. Vote: 11-0-0-0.

**6b(2) ORD. NO. 24918 - Amends Sections 6.39.030 and 6.39.040 of Chapter 6.39 of Title 6 of the San José Municipal Code to apply the provisions of Chapter 6.39 to trucks which sell soft-serve or hand-dipped ice cream.**

Documents Filed: Proof of publication of the title of Ordinance No. 24918 submitted by the City Clerk.

Discussion/Action: Ordinance No. 24918 was adopted. Vote 11-0-0-0.

**6b(3) ORD. NO. 24919 - Amends Chapter 6.66 of Title 6 of the San José Municipal Code to add a new Section 6.66.275 to authorize fees for police inspections of private property to determine compliance with the signage requirements for private towing.**

Documents Filed: Proof of publication of the title of Ordinance No. 24919 submitted by the City Clerk.

Discussion/Action: William J. Garbett spoke against the proposed action. Ordinance No. 24919 was adopted. Vote: 11-0-0-0.

- 6b (4) **ORD. NO. 24921 - Amends Chapter 3.28 of Title 3 of the San José Municipal Code by adding Section 3.28.270 regarding Board of Administration review of proposed amendments to the Federated City Employees Retirement System.**

Documents Filed: Proof of publication of the title of Ordinance No. 24921 submitted by the City Clerk.

Discussion/Action: Ordinance No. 24921 was adopted. Vote: 11-0-0-0.

- 6b(5) **ORD. NO. 24922 - Amends Chapter 3.36 of Title 3 of the San José Municipal Code by adding Section 3.36.480 regarding Board of Administration review of proposed amendments to the Police and Fire Department Retirement Plan.**

Documents Filed: Proof of publication of the title of Ordinance No. 24922 submitted by the City Clerk.

Discussion/Action: Ordinance No. 24922 was adopted. Vote: 11-0-0-0.

- 6b(6) **ORD. NO. 24925 - Rezones certain real property situated on the south side of Blossom Hill Road, approximately 220 feet westerly of Hillview Avenue. PDC 94-11-050**

Documents Filed: Proof of publication of the title of Ordinance No. 24925 submitted by the City Clerk.

Discussion/Action: Ordinance No. 24925 was adopted. Vote: 11-0-0-0.

- 6b(7) **ORD. NO. 24926 - Rezones certain real property situated on the north side of Phelan Avenue, 300 feet westerly of McLaughlin Avenue. PDC 95-02-007**

Documents Filed: Proof of publication of the title of Ordinance No. 24926 submitted by the City Clerk.

Discussion/Action: Ordinance No. 24926 was adopted. Vote: 11-0-0-0.

- 6b(8) **ORD. NO. 24927 - Rezones certain real property situated on the northwest corner of Almaden Expressway and Blossom Hill Road. PDCSH 95-03-013**

Documents Filed: Proof of publication of the title of Ordinance No. 24927 submitted by the City Clerk.

**6b(8) (Cont'd.)**

Discussion/Action: William J. Garbett spoke against the proposed action. Ordinance No. 24927 was adopted. Vote: 9-1-0-1. Noes: Pandori. Disqualified: Woody, due to her absence at the June 6, 1995 public hearing.

**Public Hearings Set by Council**

- 6c(1) Adoption of a resolution initiating proceedings to amend Section 20.08.240 and Section 20.08.315 of Chapter 20.08 of Title 20 of the San José Municipal Code by limiting issuance of Special Use Permits for the reinstatement of legal nonconforming uses to eighteen months from the discontinuance of the nonconforming use, setting a public hearing for September 5, 1995 at 7:00 p.m., and referring said ordinance to the Planning Commission for their review and recommendation. (Planning, Building and Code Enforcement)**

Documents Filed: None.

Discussion/Action: This item was deferred to June 27, 1995.

Plans and Specifications

- 6d(1) TRACT NO. 8435 - South side of Yerba Buena Road on both sides of Byington Drive - Greenbriar Partners, a California General Partnership (Developer) - 23 residential lots. Adoption of resolutions approving the plans, the final map, the contract, and the water main extension agreement for Tract No. 8435. CEQA: ND. District 8. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 13, 1995, recommending Council adopt said resolutions.

Discussion/Action: Resolution No. 65992, entitled: "A Resolution of the Council of the City of San Jose Fixing Official Curb Grades and Position of Curbs, and Adopting Plans for Tract No. 8435"; Resolution No. 65993, entitled: "A Resolution of the Council of the City of San Jose Approving and Accepting Final Map of Tract No. 8435"; Resolution No. 65994, entitled: "A Resolution of the Council of the City of San Jose Approving an Authorizing the Execution of Contract and Approving Bonds for the Improvement of Tract No. 8435"; and Resolution No. 65995, entitled: "A Resolution of the Council of the City of San Jose Approving and Authorizing the Execution of Agreement for the Water Main Extension, Tract No. 8435", were adopted. Vote: 11-0-0-0.

**6d(2) TRACT NO. 8436 - Hillstone Drive and Shadow Ridge Way - Greenbriar Partners, a California General Partnership (Developer) - 35 residential lots. Adoption of resolutions approving the plans, the final map, the contract, and the water main extension agreement for Tract No. 8436. CEQA: ND. District 8. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 13, 1995, recommending Council adopt said resolutions.

Discussion/Action: Resolution No. 65996, entitled: "A Resolution of the Council of the City of San Jose Fixing Official Curb Grades and Position of Curbs, and Adopting Plans for Tract No. 8436"; Resolution No. 65997, entitled: "A Resolution of the Council of the City of San Jose Approving and Accepting Final Map of Tract No. 8436"; Resolution No. 65998, entitled: "A Resolution of the Council of the City of San Jose Approving and Authorizing the Execution of Contract and Approving Bonds for the Improvement of Tract No. 8436"; and Resolution No. 65999, entitled: "A Resolution of the Council of the City of San Jose Approving and Authorizing the Execution of Agree-ment for the Water Main Extension, Tract No. 8436", were adopted. Vote: 11-0-0-0.

**6d(3) TRACT NO. 8509 - Bentley Ridge Drive and Hillstone Drive - Greenbriar Partners, a California General Partnership (Developer) - 33 residential lots. Adoption of resolutions approving the plans, the final map, the contract, and the water main extension agreement for Tract No. 8509. CEQA: ND. District 8. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 13, 1995, recommending Council adopt said resolutions.

Discussion/Action: Resolution No. 66000, entitled: "A Resolution of the Council of the City of San Jose Fixing Official Curb Grades and Position of Curbs, and Adopting Plans for Tract No. 8509"; Resolution No. 66001, entitled: "A Resolution of the Council of the City of San Jose Approving and Accepting Final Map of Tract No. 8509"; Resolution No. 66002, entitled: "A Resolution of the Council of the City of San Jose Approving and Authorizing the Execution of Contract and Approving Bonds for the Improvement of Tract No. 8509"; and Resolution No. 66003, entitled: "A Resolution of the Council of the City of San Jose Approving and Authorizing the Execution of Agree-ment for the Water Main Extension, Tract No. 8509", were adopted. Vote: 11-0-0-0.

- 6d(4) TRACT NO. 8659 - West side of Park Avenue and on both sides of Selborn Place - Summerhill Rosegarden LTD, a California Limited Partnership (Developer) - 30 single family detached units. Adoption of resolutions approving the plans, the final map, the contract for Tract No. 8659. CEQA: ND. District 6. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 13, 1995, recommending Council adopt said resolutions

Discussion/Action: Resolution No. 66004, entitled: "A Resolution of the Council of the City of San Jose Fixing Official Curb Grades and Position of Curbs, and Adopting Plans for Tract No. 8659"; Resolution No. 66005, entitled: "A Resolution of the Council of the City of San Jose Approving and Accepting Final Map of Tract No. 8659"; Resolution No. 66006, entitled: "A Resolution of the Council of the City of San Jose Approving and Authorizing the Execution of Contract and Approving Bonds for the Improvement of Tract No. 8659"; were adopted. Vote: 11-0-0-0.

#### **Contracts/Agreements**

- 6e(1) Report on bids and award of contract for the Hellyer Avenue Repair Phase II Project to the low bidder, Duran & Venables, Inc., in the amount of \$122,594.50. CEQA: Exempt. (Public Works) [Deferred from 4/25/95 et al., and 5/30/95 - Item 6e(1)]**

Documents Filed: None.

Discussion/Action: This item was deferred to June 27, 1995.

- 6e(2) Report on bids and award of contract for the Airport Tower Demolition Project to the low bidder, Cleveland Wrecking Company, in the amount of \$128,125 and approval of a 25 percent contingency in the amount of \$32,000. CEQA: Exempt. (Public Works) [Deferred from 6/6/95 - Item 6e(4)]**

Documents Filed: (1) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 16, 1995, recommending Council award said contract to the low bidder, Cleveland Wrecking Company. (2) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated May 19, 1995, recommending Council award said contract to the low bidder.

Discussion/Action: The award of contract to low bidder Cleveland Wrecking Company was approved and execution of the contract authorized. Vote: 11-0-0-0.

- 6e(3) Approval of a first amendment to the agreement with Gibson-Speno Richmond Associates and Testamentary Trust created by the Will of Edmund N. Richmond, deceased, to specify the possible uses of the funds raised under the agreement regarding Richmond Ranch. (Public Works)  
[Deferred from 6/6/95 - Item 6e(6)]**

Documents Filed: None.

Discussion/Action: This item was deferred to June 27, 1995.

- 6e(4) Approval of a fourth amendment to the remediation agreement with Chevron U.S.A., Inc., extending the term of the agreement by one (1) year from June 30, 1995 to June 30, 1996, at a cost not to exceed \$141,818. CEQA: Exempt. (Airport)**

Documents Filed: Memorandum from Director of Aviation, Ralph G. Tonseth, dated June 1, 1995, recommending Council approve said amendment to the remediation agreement.

Discussion/Action: The fourth amendment to the remediation agreement with Chevron U.S.A., Inc., was approved and its execution authorized. Vote: 11-0-0-0.

- 6e(5) Approval of an eighth amendment to the agreement with Chevron U.S.A. for the lease of Airport Lot 8, extending the term for up to four (4) additional one (1) year periods. CEQA: Exempt. (Airport)**

Documents Filed: Memorandum from Director of Aviation, Ralph G. Tonseth, dated June 1, 1995, recommending Council approve the amendment to said agreement.

Discussion/Action: The eighth amendment to the agreement with Chevron U.S.A. was approved and its execution authorized. Vote: 11-0-0-0.

- 6e(6) Approval of a continuation agreement and tenth amendment to the Terminal C Food and Beverage Concession Lease with Host International, Inc., to continue the lease term on a month-to-month basis, remodel and convert the Terminal C main lobby snack bar into a Burger King facility, and assess a 13 percent concession fee on Burger King product gross sales. CEQA: Exempt. (Airport)**

Documents Filed: Memorandum from Director of Aviation, Ralph G. Tonseth, dated June 1, 1995 recommending Council approve said continuation agreement and amendment.

**6e(6) (Cont'd.)**

Discussion/Action: The continuation agreement and the tenth amendment with Host International, Inc., were approved and their execution authorized. Vote: 11-0-0-0.

**6e(7) Approval of a first amendment to the agreement with Campbell Aviation Group, extending the term of agreement by six months, to expire December 31, 1995, and increasing the compensation by \$75,000 to a total amount of \$175,000. (Airport)**

Documents Filed: Memorandum from Director of Aviation, Ralph G. Tonseth, dated June 8, 1995, recommending Council approve said amendment to the agreement.

Discussion/Action: The first amendment to the agreement with Campbell Aviation Group was approved and its execution authorized. Vote: 11-0-0-0.

**6e(8) Adoption of a resolution authorizing the City Manager to negotiate and execute agreements with the following four (4) major industrial discharges in an effort to further reduce nickel loading at the Water Pollution Control Plant for a one (1) year period with a one (1) year renewal option:**

- (a) Komag.**
  - (b) International Business Machines (IBM).**
  - (c) Sigma.**
  - (d) Akashic Memories.**
- (Environmental Services)**

Documents Filed: (1) Memorandum from Director of Environmental Services, Louis N. Garcia, dated June 1, 1995, recommending Council adopt said resolution. (2) Letter from the Treatment Plant Advisory Committee, dated June 9, 1995, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 66007, entitled: "A Resolution of the Council of the City of San Jose Delegating to the City Manager the Authority to Negotiate and Execute Agreements With Komag, IBM, Sigma, and Akashic Memories Relating to the Nickel Initiative", was adopted. Vote: 11-0-0-0.

**6e(9) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 1994-95 #25, 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 June 1, 1995, recommending Council approve said open purchase orders list.

Discussion/Action: The award of open purchase orders List No. 25 for FY 1994-95 was approved and execution of the purchase orders authorized. Vote: 11-0-0-0.

**6e(10) Report on bids and award of purchase of one (1) mobile hydraulic crane for the Environmental Services Department/Water Pollution Control Plant to the sole bidder, Coast Crane Company, at a total cost of \$94,084.56 including tax and freight, and authorization for the Director of General Services to execute the purchase order. (General Services)**

Documents Filed: (1) Memorandum from Acting Director of General Services, Ellis M. Jones, Jr., dated June 1, 1995, recommending Council award said open purchase orders list, and authorize the Director of General Services to execute the purchase order.

(2) Letter from the Treatment Plant Advisory Committee, dated June 9, 1995, recommending Council approve said award to Coast Crane Company.

Discussion/Action: The award of purchase to Coast Crane Company was approved and execution of the purchase order authorized. Vote: 11-0-0-0.

**6e(11) Report on bids and award of purchase of three (3) pilot test filters for the Environmental Services Department/Water Pollution Control Plant to the sole bidder, National Technical Services, Inc., at a total cost of \$70,986 including tax, approval of a contingency for an additional amount of \$15,000 for supplemental work, and authorization for the Director of General Services to execute the purchase order. (General Services)**

Documents Filed: (1) Memorandum from Acting Director of General Services, Ellis M. Jones, Jr., dated June 1, 1995, recommending Council award said award of purchase, and authorize the Director of General Services to execute the purchase order. (2) Letter from the Treatment Plan Advisory Committee, dated June 9, 1995, recommending Council approve said award to National Technical Services, Inc.

Discussion/Action: William J. Garbett spoke against the proposed action. The award of purchase to the sole bidder, National Technical Services, Inc., was approved and execution of the purchase order authorized. Vote: 11-0-0-0.

- 6e(12) Adoption of a resolution authorizing the Director of General Services to:**
- (a) Award the following purchases for the Finance Department Utility Billing System:**
    - [1] The purchase of one (1) DEC Alpha Server minicomputer system including peripherals and system software to the low bidder, Staminet, Inc., at a total cost of \$130,597.50 including tax.**
    - [2] The purchase of Oracle database software to the low bidder, Pioneer Technical Products, Inc., at a total cost of \$97,543.92 including tax.**
  - (b) Execute all necessary documents to add the DEC Alpha Server and Oracle software to the Master Equipment Lease Agreement for an estimated annual cost of \$54,220 for five (5) years.**

**(General Services)**

Documents Filed: Memorandum from Acting Director of General Services, Ellis M. Jones, Jr., dated June 6, 1995, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 66008, entitled: "A Resolution of the Council of the City of San Jose Authorizing the Director of General Services to Award the Purchase of a DEC Alpha Server and Oracle Software, and to Add the Purchases to the Master Equipment Lease at an Estimated Annual Cost of \$54,220 for Five Years", was adopted. Vote: 11-0-0-0.

- 6e(13) Adoption of a resolution authorizing the Director of General Services to negotiate and execute:**
- (a) Two (2) space use agreements with Pacific Bell for various City locations and at the San Jose International Airport (SJC) for the period July 1, 1995 to June 30, 1997.**
  - (b) Commission agreement with AT&T for public pay telephone service for the period July 1, 1995 to June 30, 1997.**

**(General Services)**

Documents Filed: Memorandum from Acting Director of General Services, Ellis M. Jones, Jr., dated June 14, 1995, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 66009, entitled: "A Resolution of the Council of the City of San Jose Authorizing the Director of General Services to Negotiate and Execute Agreements With PacBell and AT&T for Public Pay Telephone Service for the Period July 1, 1995 to June 30, 1997", was adopted. Vote: 11-0-0-0.

- 6e(14) Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with the Stanford Center for Research and Disease Prevention for the Youth Advocacy Institute/Community Action Project (YAI/CAP) of San José in an amount not to exceed \$43,905.  
(Neighborhood Services)**

Documents Filed: Memorandum from Director of Neighborhood Services, George J. Penn, dated June 1, 1995, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 66010, entitled: "A Resolution of the Council of the City of San Jose Authorizing the City Manager to Negotiate and Execute a Grant Agreement With the Stanford Center for Research and Disease", was adopted.  
Vote: 11-0-0-0.

- 6e(15) Approval of an agreement with CS First Boston Investment Management Limited for investment management services for the Police and Fire Department Retirement Plan, for the period July 1, 1995 to June 30, 1998.  
(Police and Fire Retirement Plan)**

Documents Filed: Memorandum from Board of Administration, Police and Fire Department Retirement Plan, Secretary Edward F. Overton, dated June 1, 1995, recommending Council approve said agreement.

Discussion/Action: The agreement with CS First Boston Investment Management Limited was approved and execution of the agreement authorized. Vote: 11-0-0-0.

- 6e(16) Approval of agreements for consultant services for the Oakland Road Bridge Replacement Project at Coyote Creek with:**
- (a) David J. Powers & Associates for environmental clearance in an amount not to exceed \$80,000.**
  - (b) Biggs Cardosa Associates for preliminary engineering design in an amount not to exceed \$127,000.**
- (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 1, 1995, recommending Council approve said consultant services agreements.

Discussion/Action: The consultant services agreements with David J. Powers & Associates and Biggs Cardosa Associates were approved and execution of the agreements authorized. Vote: 11-0-0-0.

- 6e(17) Approval of a first amendment to the agreement with Caltrans and the Santa Clara County Traffic Authority for the Brokaw Road Undercrossing Project at Route 101, changing the methodology for sharing construction costs, having no impact to the City's maximum funding responsibility of \$9,000,000. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 1, 1995, recommending Council approve the amendment to said agreement.

Discussion/Action: The first amendment to the agreement with Caltrans and the Santa Clara County Traffic Authority was approved and execution of the amendment authorized. Vote: 11-0-0-0.

- 6e(18) Report on bids and award of contract for the construction of the Canoas Creek Improvements at Blossom Hill Road Project to the lowest responsive bidder, R.L. Chaides Construction Company, Inc., in the amount of \$78,370 and approval of a contingency in the amount of \$8,000. CEQA: Exempt. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 1, 1995, recommending Council approve said award.

Discussion/Action: William J. Garbett spoke against the proposed action. The award of contract to lowest responsive bidder R.L. Chaides Construction Company, Inc., was approved and execution of the contract authorized. Vote: 11-0-0-0.

- 6e(19) Report on bids and approval to reject all bids for the Downtown Supplement Phase IIB Storm Drain Project, and authorization for the Director of Public Works to rebid the project. CEQA: Exempt. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 1, 1995, recommending Council approve rejection of all bids and authorize the Administration to rebid the project.

Discussion/Action: The rejection of all bids for the Downtown Supplement Phase IIB Storm Drain Project was approved and rebidding of the project authorized. Vote: 11-0-0-0.

- 6e(20) Report on bids and award of contract for the Fire Station Privacy Improvements Phase III Project to the low bidder and approval of a 12 percent contingency. CEQA: Exempt. (Public Works)**

Documents Filed: None.

Discussion/Action: This item was deferred to June 27, 1995.

- 6e(21) Report on bids and award of contract for The Alameda Streetscape Neighborhood Business District Improvements - Phase II Project to the low bidder and approval of a ten (10) percent contingency. CEQA: Resolution No. 62612. (Public Works)**

Documents Filed: None.

Discussion/Action: This item was deferred to June 27, 1995.

- 6e(22) Approval of a continuation agreement with Debra Nichols Design for graphic design services, to extend the term of the original agreement from October 17, 1994 to July 30, 1995, at no additional cost to the City. (Streets and Parks)**

Documents Filed: Memorandum from Director of Streets and Parks, Wayne K. Tanda, dated June 1, 1995, recommending Council approve said agreement.

Discussion/Action: The continuation agreement with Debra Nichols Design was approved and its execution authorized. Vote: 11-0-0-0.

- 6e(23) Report on bids and award of contract for the construction project entitled, "San José/Santa Clara Water Pollution Control Plant, Electrical System Improvements, Power Factor Improvements in the P & E Building," to the low bidder, Graham Electrical Contractors, Inc., in the amount of \$257,200. CEQA: Exempt. (Environmental Services)**

**[Deferred from 6/13/95 - Item 6e(6)]**

Documents Filed: (1) Memorandum from Director of Environmental Services, Louis N. Garcia, dated May 25, 1995, recommending Council said award to the low bidder.

(2) Letter from the Treatment Plant Advisory Committee, dated June 9, 1995, recommending Council approve award of said contract to Graham Electrical Contractors, Inc.

Discussion/Action: The award of contract to low bidder Graham Electrical Contractors, Inc., was approved and execution of the contract authorized. Vote: 11-0-0-0.

- 6e(24) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Regents of the University of California to perform an evaluation of the nature and behavior of dissolved nickel in the wastestream for the period June 13, 1995 to June 30, 1996, in an amount not to exceed \$90,000. (Environmental Services)  
[Deferred from 6/13/95 - Item 6e(8)]**

Documents Filed: (1) Memorandum from Director of Environmental Services, Louis N. Garcia, dated May 25, 1995, recommending Council approve said agreement with the Regents of the University of California. (2) Letter from the Treatment Plant Advisory Committee, dated June 9, 1995, recommending Council approve said agreement.

Discussion/Action: Resolution No. 66011, entitled: "A Resolution of the Council of the City of San Jose Delegating to the City Manager the Authority to Negotiate and Execute an Agreement With the Regents of the University of California to Evaluate Dissolved Nickel in the Wastestream in an Amount not to Exceed \$90,000", was adopted. Vote: 11-0-0-0.

- 6e(25) Report on bids and award of contract for the Kirk Community Center Reroof Project to the lowest responsive bidder, Roofing Constructors, Inc., doing business as Western Roofing Service, in the amount of \$107,118 and approval of a contingency in the amount of \$21,000. CEQA: Exempt. (Public Works)  
[Deferred from 6/13/94 - Item 6e(19)]**

Documents Filed: None.

Discussion/Action: Hap Campbell, owner of California Roofing Co., Inc., spoke in support of the Company's qualifications to bid the contract. Gary Rice, Sales Manager of California Roofing Co., Inc., disagreed with the reasons given by the City in rejecting the firm's bid, thus prompting their Letter Of Protest. Director of Affirmative Action/Contract Compliance, Steven T. Wing, assured Council that the bid process for the project was scrutinized closely by his Office and executed in accordance with established procedures; consequently, the bids that failed to meet the required MBE/WBE goal and lacked adequate good faith documentation were declared non-responsive. Mayor Hammer requested that City Staff again meet with California Roofing Co., Inc. contractors regarding the rejection of the firm's bid and attempt to resolve the concerns expressed in the Letter of Protest from California Roofing. By unanimous consent, this item was deferred to June 27, 1995.

**6e(26) Approval of an employment agreement with Lisa Coto. (Diaz)  
(Rules Committee referral 6/14/95)**

Documents Filed: None.

Discussion/Action: The employment agreement with Lisa Coto was approved and its execution authorized. Vote: 11-0-0-0.

**Routine Legislation**

**6f(1) Approval of an ordinance amending Title 15 of the San José Municipal Code to add a new Chapter 15.40 with regard to Potable Water Franchises and granting a Potable Water Franchise to San José Water Company and Great Oaks Water Company.  
(City Attorney's Office)**

Documents Filed: Memorandum from City Attorney, Joan R. Gallo, dated June 16, 1995, recommending Council approve an ordinance creating potable water franchises and granting potable water franchises to San Jose Water Company and Great Oaks Water Company.

Discussion/Action: Dan Stockton, representing Great Oaks Water Company, supported the positive aspects derived by the City of San Jose from the franchise fee, but requested that the Ordinance be modified to require remittance of fees to the City to begin 60 days after the effective date of the proposed ordinance. He stated the additional time would provide Great Oaks the opportunity to petition the Public Utilities Commission for the necessary rate increases. City Attorney, Joan R. Gallo, stated the Department will meet with representatives of Great Oaks regarding their requests and that when the final adoption of the ordinance occurs on June 27, 1995, proposed language changes and accompanying legal implications will be clarified. Robert Loehr, representing San Jose Water Company, stated for the public record that the Company opposes the franchise fee. William J. Garbett spoke against the proposed action. Ordinance No. 24931, entitled: "An Ordinance of the City of San Jose Amending Title 15 of the San Jose Municipal Code to Add a New Chapter 15.40 With Regard to Potable Water Franchises and Granting a Potable Water Franchise to San Jose Water Company and Great Oaks Water Company", was passed for publication. Vote: 11-0-0-0.

**6f(2) Adoption of a resolution appointing two Deputy City Clerks and revoking the appointments of two others. (City Clerk)**

Documents Filed: Memorandum from City Clerk, Patricia L. O’Hearn, dated June 5, 1995, recommending Council adopt said resolution.

Discussion/Action: William J. Garbett spoke against the proposed action. Resolution No. 66012, entitled: “Resolution of the Council of the City of San Jose Appointing Deputy City Clerks and Revoking the Appointment of Deputy City Clerks Heretofore Made”, was adopted. Vote: 11-0-0-0.

**6f(3) Adoption of appropriation ordinance amendments in the General Fund to provide \$65,903 in funding for the special primary and runoff elections for the Council District 10 Seat. (City Manager's Office)**

Documents Filed: Memorandum from Budget Director, Larry D. Lisenbee, dated June 8, 1995, recommending Council approve said appropriation ordinance amendments in the General Fund.

Discussion/Action: William J. Garbett spoke against the proposed action. Ordinance No. 24932, 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 \$65,903, for the Special Primary and Runoff Elections for the Council District 10 Seat; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. Vote: 11-0-0-0.

**6f(4) Adoption of amendments to the annual appropriation ordinance and revenue resolution for various funds to reflect estimated Fiscal Year 1994-95 revenue receipts, expenses and encumbrances. (City Manager’s Office)**

Documents Filed: Memorandum from Budget Director, Larry D. Lisenbee, dated June 13, 1995, recommending Council approve said appropriation ordinance and revenue resolution amendments in various funds.

Discussion/Action: Ordinance No. 24933, entitled: “An Ordinance of the Council of the City of San Jose Amending Ordinance No. 24658 Which Appropriates Moneys in Various Funds to Reflect Estimated 1994-95 Revenue Receipts, Expenses and Encumbrances; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”; and Resolution No. 66013, 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 Various Funds to Reflect Estimated 1994-95 Revenue Receipts, Expenses and Encumbrances”, were adopted. Vote: 11-0-0-0.

**6f(5) Approval of appointments to the Library Master Plan Task Force: James Hicks, Stephanie Kong and Ed Foglia. (Library)**

Documents Filed: Memorandum from City Librarian, James H. Fish, dated June 13, 1995, recommending Council approve additions to Library Master Task Force.

Discussion/Action: The additional appointments to the Library Master Plan Task Force were approved. Vote: 11-0-0-0.

**6f(6) Adoption of appropriation ordinance and revenue resolution amendments to various capital funds. (City Manager's Office)  
[Deferred from 6/13/95 - Item 6f(1)]**

Documents Filed: Memorandum from Budget Director, Larry D. Lisenbee, dated June 12, 1995, recommending Council adopt said appropriation ordinance and revenue resolution amendments in various capital funds.

Discussion/Action: Ordinance No. 24934, entitled: "An Ordinance of the Council of the City of San Jose Amending Ordinance No. 24658 Which Appropriates Moneys in Various Capital Funds in Various Amounts, for Year-End Clean Up; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. 66014, 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 Various Capital Funds", were adopted. Vote: 11-0-0-0.

**6f(7) Adoption of appropriation ordinance and revenue resolution amendments in the City-side Redevelopment Project Area Fund for the Fountain Alley Parking Lot Project in the amount of \$10,900. (City Manager's Office)  
(Rules Committee referral 6/14/95)**

Documents Filed: Memorandum from Budget Director, Larry D. Lisenbee, dated June 14, 1995, recommending Council adopt said appropriation ordinance and revenue resolution amendments.

Discussion/Action: Ordinance No. 24935, entitled: "An Ordinance of the Council of the City of San Jose Amending Ordinance No. 24658 Which Appropriates Moneys in the Services for Redevelopment Capital Projects Fund in the Amount of \$10,900, for the Fountain Alley Parking Lot Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. 66015, 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 Services for Redevelopment Capital Projects Fund", were adopted. Vote: 11-0-0-0.

- 6f(8) Adoption of appropriation ordinance amendments in the Life Insurance Fund in the amount of \$100,000 to provide funding for additional claims payouts in Fiscal Year 1994-95. (City Manager's Office)  
[Deferred from 6/6/95 and 6/13/95 - Item 6f(9)]**

Documents Filed: None.

Discussion/Action: This item was deferred to June 27, 1995.

- 6f(9) Approval of an ordinance amending Chapter 4.58 of Title 4 of the San José Municipal Code to add Section 4.58.055 which provides for an exemption from real property conveyance tax for transfers of real property between family members made solely for the purpose of qualifying for certain loans or for releasing family members as loan co-signers. (Finance)  
(Rules Committee referral 6/14/95)**

Documents Filed: (1) Memorandum from Director of Finance, John V. Guthrie, dated June 8, 1995, recommending Council adopt said ordinance. (2) Memorandum from City Attorney, Joan R. Gallo, dated June 20, 1995, specifying the definition of *family member* contained in the ordinance.

Discussion/Action: Ordinance No. 24936, entitled: "An Ordinance of the City of San Jose Amending Chapter 4.58 of Title 4 of the San Jose Municipal Code to Add Section 4.58.055 Which Provides an Exemption From Real Property Conveyance Tax for Transfers of Real Property Between Family Members Made Solely for the Purpose of Qualifying for Certain Loans or for Releasing Family Members as Loan Cosigners", was passed for publication. Vote: 11-0-0-0.

- 6f(10) (a) Approval of an ordinance amending Chapter 11.28 of Title 11 of the San José Municipal Code to repeal all previously established speed limits on various streets within the City of San José and provide that future changes to speed limits be made by resolution.**
- (b) Adoption of a resolution to re-establish all previously established speed limits on various streets within the City of San José as well as establish new speed limits for following four (4) roadways:**
- [1] Dry Creek Road, from Bascom Avenue to Hicks Avenue, 25 miles per hour.**
  - [2] North Bayshore West, from Hedding Street to 200 feet south of Mission Street, 30 miles per hour.**
  - [3] North 23rd Street, from 200 feet south of Mission Street to Taylor Street, 25 miles per hour.**

**6f(10) (Cont'd.)**

- (b) Adoption of a resolution to re-establish all previously established speed limits on various streets within the City of San José as well as establish new speed limits for following four (4) roadways: (Cont'd.)**

**[4] Silver Creek Valley Road, from Yerba Buena Road to South Valley Freeway, 45 miles per hour.**

**(Streets and Parks)**

**(Rules Committee referral 6/14/95)**

Documents Filed: Memorandum from Director of Streets and Traffic, Wayne K. Tanda, dated June 8, 1995, recommending Council approve said ordinance and adopt said resolution.

Discussion/Action: Ordinance No. 24937, entitled: "An Ordinance of the City of San Jose Amending Chapter 11.28 of Title 11 of the San Jose Municipal Code by Repealing the Provisions Setting Various Speed Limits on Various Streets and by Providing That Future Changes to Speed Limits Will be Adopted by Resolution of the City Council", was passed for publication and Resolution No. 66016, entitled: "A Resolution of the Council of the City of San Jose Establishing Speed Limits on Streets Within the City of San Jose", was adopted. Vote: 11-0-0-0.

- 6f(11) Approval for Mayor Susan Hammer to travel to Ireland on June 28-July 17, 1995, for the purpose of economic development with Sister City, Dublin, Ireland, as well as relationship building with other cities in Ireland. Funding: Mayor's Budget. (Mayor)  
(Rules Committee referral 6/14/95)**

Documents Filed: None.

Discussion/Action: The travel request for Mayor Hammer was approved.  
Vote: 11-0-0-0.

- 6f(12) Approval for Council Member Charlotte Powers to travel to Taipei, Taiwan, and Tainan City on July 8-July 16, 1995, as a member of the delegation for water conservation seminars for Department of Water Resource, Ministry of Economic Affairs, ROC, and protocol visit to Sister City, Tainan City. Funding: ABAG/District 2 funds. (Powers)  
(Rules Committee referral 6/14/95)**

**6f(12) (Cont'd.)**

Documents Filed: None.

Discussion/Action: The travel request for Council Member Powers was approved.  
Vote: 11-0-0-0.

**6f(13) Approval for Council Member Charlotte Powers to travel to Ireland on June 28-July 6, 1995, for the purpose of economic development with Sister City, Dublin, Ireland and personal. Funding: Personal. (Powers)  
(Rules Committee referral 6/14/95)**

Documents Filed: None.

Discussion/Action: The travel request for Council Member Powers was approved.  
Vote: 11-0-0-0.

**6f(14) Approval for Council Member Trixie Johnson to travel to Cleveland, Ohio on June 21-25, 1995, as one of the City's representatives to the All American City Competition. (Johnson)  
(Rules Committee referral 6/14/95)**

Documents Filed: None.

Discussion/Action: The travel request for Vice Mayor Johnson was approved.  
Vote: 11-0-0-0.

**6f(15) Approval of travel for City Manager Regina V.K. Williams to Cleveland, Ohio, June 21-25, 1995, for a presentation as part of the All-American City Award selection process and to Philadelphia, Pennsylvania, July 27-29, 1995, for the Quarterly Board meeting of National Forum for Black Public Administrators. (City Manager's Office)  
(Rules Committee referral 6/14/95)**

Documents Filed: Memorandum from City Manager, Regina V.K. Williams, dated June 7, 1995, requesting authorization to travel at City expense.

Discussion/Action: The travel request for City Manager Williams was approved.  
Vote: 11-0-0-0.

**6f(16) Approval of an ordinance to add Chapter 13.22 to Title 13 of the Municipal Code to regulate use of paseos and plazas in Downtown San José. CEQA: Exempt. (Convention, Cultural and Visitor Services)  
(Rules Committee referral 6/14/95)**

Documents Filed: Memorandum from Director of Convention, Cultural and Visitor Services, Ellen Oppenheim, dated June 19, 1995, recommending Council approve said ordinance.

Discussion/Action: Ordinance No. 24938, entitled: “An Ordinance of the City of San Jose Amending Title 13 of the San Jose Municipal Code to Add a New Chapter 13.22 to Regulate Use of the Paseos and Plazas in Downtown San Jose”, was passed for publication. Vote: 11-0-0-0.

**6f(17) Approval of an ordinance amending Part 10 of Chapter 22.01 of Title 22 of the San José Municipal Code to authorize the Director of the Department of Convention, Cultural and Visitor Services to adjust rates or refund fees for use of facilities.  
(Convention, Cultural and Visitor Services)  
(Orders of the Day 4a)**

Documents Filed: Memorandum from Director of Convention, Cultural and Visitor Services, Ellen Oppenheim, dated June 15, 1995, recommending Council approve said ordinance.

Discussion/Action: Ordinance No. 24939, entitled: “An Ordinance of the City of San Jose Amending Part 10 of Chapter 22.01 of Title 22 of the San Jose Municipal Code to Add Sections 22.01.070, 22.01.080, 22.01.090, 22.01.100, 22.01.110, 22.01.120 and 22.01.130 and Adding an Uncodified Section, to Authorize the Director of the Department of Conventions, Arts and Entertainment (Also Referred to as Convention, Cultural and Visitors Services) to Adjust Rates or Refund Fees for Use of the Facilities”, was passed for publication. Vote: 11-0-0-0.

**END OF CONSENT CALENDAR**

## GENERAL GOVERNMENT

Items 9w and 9y were heard together.

**9w Report and recommendations on disposition of River Street Historic Structures.  
(Public Works)  
(Deferred from 5/16/95 et al., and deferred from 6/13/95 - Item 9a)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 19, 1995, recommending Council (1) approve the report; (2) approve the project budget proposal; and (3) direct staff to implement said project.

Discussion/Action: Director of Public Works, Ralph A. Qualls, Jr., reviewed background information on the report and recommendations from staff regarding the proposed River Street Historic District Project, and requested Council approval of the report and the project budget with proposed direction to Staff. He stated City Staff and the proposers met at the direction of the City Council and discussed cost estimates associated with storage and moving of the structures, and refined the schedule to implement the project by moving the structures only once from their current location to their permanent site without the need for an interim storage site and attendant costs. He stated the Public/Private partnership has been developed further between the River Street Development Group (RSDG) and the City, with general responsibilities of both parties defined, whereby the City would develop the project and program documents, pursue the Guadalupe River Park Master Plan Amendment and Historical District Designation for Council/Agency consideration, and complete all work and award of necessary contracts for the soil remediation and cleanup of the site for the permanent location of the structures. He stated RSDG would take over the project after the City has completed soil remediation and cleanup of the site and would establish themselves as a formal entity and enter into a Disposition and Development Agreement (DDA) with the City to implement and complete the project as provided by the Amended Guadalupe River Park Master Plan. He stated the project schedule has been revised from a two-year completion period to approximately 14 months, culminating in the holiday season grand opening in December of 1996. He stated the cost estimate and accelerated program schedule for the most cost-effective approach are based on several conditions, the most important of which requires the contiguous Redevelopment Agency parcel to be provided to the City for the project at no cost to the City, the soil remediation scenario similar to that experienced by the Corps of Engineers and the Santa Clara Valley Water District on adjacent properties and primarily accomplished without additional time and extraordinary cost, and excludes provisions for off-street parking for the site. Among other activities necessary to the development of the project, he stated the City must obtain approval from the Army Corps of Engineers for additional time to relocate the structures, and that City Staff and the River Street Development Group must work cooperatively with the Corps and Santa Clara Valley Water District as they

9w (Cont'd.)

refine the actual dates for the construction contract award to ensure timely completion of the relocation with no impact in the Guadalupe River Park Flood Control project construction timetable. With the use of transparencies, he concluded with explanations of the two options provided for Council consideration, noting that the City's use of the funds in either Option would remain unchanged, and that Staff recommends that the City fund the entire \$450,000 responsibility in the FY 1995-96 Municipal Golf Course Fund. He stated the RSDG use of funds is proposed in two options totaling \$700,000 in grants funded from three sources as shown in Option 1--Municipal Golf Course, Corps of Engineers Section 106, and the County Park Trust Funds, now allocated to the Scheller House, or Option 2--\$500,000 funded from the Municipal Golf Course and the Corps of Engineers' \$200,000 funding. He stated the project is feasible, with conditions, and that Staff will report back to Council in August with appropriate recommendations for the Disposition and Development Agreement and its implementation and complete details on how the work to be implemented by the City and the RSDG within established timeframe and budget. William Ryan of Barry Swenson Builders, expressed concern that the River Street project not jeopardize the Scheller House proposal, and urged Council to approve the investment by the City and the grant to the nonprofit organization. Alrie Middlebrook, representing the River Street Development Group, and Karita Hummer, Co-Chair of the River Street Task Force for the Preservation Action Council of San Jose, spoke in support of the proposal. Mayor Hammer suggested approval of Option 1 whereby the City will utilize \$475,000 from the Municipal Golf Course, \$475,000 from County Park Trust Funds, with direction to City Staff to aggressively pursue the Army Corps of Engineers for \$200,000. For Council discussion, Council Member Fernandes moved and Council Member Powers seconded a motion to approve Option 1 of the Staff report with a request for a letter from the Mayor to Santa Clara County requesting funding in Historical Heritage Commission Funds for the River Street Historical District. Regarding Staff recommendation item #3 and the \$200,000 of Section 106 Mitigation Funds, Council Member Pandori stated the amount of money that may be available from the Army Corps of Engineers is undefined, as the level of funding will depend in part on mitigation with regard to Native American artifacts; therefore, Staff should seek approval for a greater amount. In addition to the funds identified by Staff, he suggested that Staff seek a contribution from Santa Clara Valley Water District for the River Street project, given costs the Water Company would incur if the City of San Jose failed to proceed with the preservation of the seven structures. Consistent with Vice Mayor Johnson's comments, he reiterated the request that City Staff and the River Street Development Group attempt to further reduce project costs and return to Council in August with appropriate recommendations. Council Member Dando expressed opposition to Option 1, but supported the creation of opportunities to strengthen relations between government entities and San Jose State University, as well as the development of additional public/private partnerships. She underscored the importance

**9w (Cont'd.)**

for an option that would allow the greatest flexibility in the use of the \$475,000, and stated the decision to divide funds between the Scheller House project and the River Street project is premature at this time, given unresolved funding issues. Council discussion was concentrated on various aspects of the funding proposal, with consensus to render a decision today on Staff recommendation as proposed, to pursue other funding options and flexibilities proposed by the speakers and the Council Members, and for the City to work cooperatively with all parties in securing funding to complete the Scheller House project. Upon motion by Council Member Fernandes, seconded by Council Member Powers and carried, Staff recommendation for Option I for appropriation of \$475,000 from the Municipal Golf Course Fund, \$475,000 from County Park Funds, and \$230,000 in Corps of Army Engineers Section 106 Mitigation Funds for River Street Development Group, with the request to the Army Corps of Engineers for immediate disbursement of \$200,000 and for any remaining funds to be applied against the project upon completion, was approved. Vote: 8-3-0-0. Noes: Dando, Johnson, Pandori. Upon motion by Council Member Fernandes, seconded by Council Member Powers and unanimously carried, the report was approved, the project budget of \$1,150,000 was approved with direction to Staff to (a) prepare an amendment to the Guadalupe River Park Master Plan and other land use actions necessary to implement the project; (b) negotiate a Disposition and Development Agreement (DDA); (c) seek approval of the Corps of Engineers for funds to be applied by the City to the grant for the River Street Development Group and extension of time to relocate the structures; (d) proceed with necessary actions to evaluate and remediate the soil conditions and clear the City and Agency-owned site as described; and (e) to return to Council with appropriate recommendations; in addition, Staff was directed to consult with Santa Clara Valley Water District and the Army Corps of Engineers regarding additional funding available to the project, with a letter from the Mayor to the County Board of Supervisors specifying the use for the funds and how that use corresponds to the "mission" of the Park Charter. Vote: 11-0-0-0.

**9y Discussion and direction on proposals from President Caret of San José State University on Scheller House. (Pandori)  
(Deferred from 6/13/95 - Item 9p)**

Documents Filed: Memorandum from Mayor Hammer and Council Member Fiscalini, dated June 20, 1995, recommending Council authorize Council Member Fiscalini to meet with San Jose State University President Caret and return to the Council in September of 1995 with a report and recommendation on areas of mutual cooperation.

**9y (Cont'd.)**

Discussion/Action: Robert Caret, newly appointed President of San Jose State University, spoke in support of the proposal and the leveraging of City and University funds to refurbish the Scheller House. Mayor Hammer reaffirmed the City's intent to continue working with San Jose State University to effect the relocation and rehabilitation of the Scheller House on the campus, and to pursue available funding opportunities. Upon motion by Council Member Fiscalini, seconded by Council Member Fernandes and unanimously carried, Council Member Fiscalini was authorized to meet with San Jose State University President Caret and return to the City Council in September with a report and recommendations on areas of mutual cooperation between the City of San Jose and San Jose State University, with direction to Staff to pursue all funding options available to assist in completing the project. Vote: 11-0-0-0.

**COMMISSION, COMMITTEE, AND STANDING REPORTS**

**7a(1) Report of the Committee of the Whole - Meeting of May 15, 1995**

Documents Filed: Committee of the Whole report of May 15, 1995.

- (a) FY 1995-96 Proposed Operating Budget. Attachments: (1) 1995-96 Proposed Operating Budget for the City of San Jose submitted by City Manager, Regina V.K. Williams, proposing the financial plan for the 1995-96 fiscal year. (2) Copy of the 1995-96 Proposed Budget Core Services for the City of San Jose. (3) Copy of transparencies of Staff presentation on the 1995-96 Proposed Budget.

The Committee accepted departmental and fund reviews of the 1995-96 Proposed Operating Budget proposals for the Mayor and City Council, City Manager, Affirmative Action/Contract Compliance, Economic Development, City Attorney, City Auditor, City Clerk, Finance, Human Resources, Information Systems, Redevelopment Agency, General Services, and interfund transfers and budget priorities with direction to the Administration to respond to concerns raised by Council Members.

Discussion/Action: Upon motion by Vice Mayor Johnson, seconded by Council Member Powers and unanimously carried, the Committee of the Whole report and actions of May 15, 1995 were accepted. Vote: 11-0-0-0.

**7a(2) Report of the Committee of the Whole - Meeting of May 17, 1995**

Documents Filed: Committee of the Whole report of May 17, 1995.

(a) FY 1995-96 Proposed Operating Budget

The Committee accepted an overview of the 1995-96 Operating Budget proposals for City Departments of Fire, Police, Streets and Parks, and Parking Operations.

Discussion/Action: Upon motion by Vice Mayor Johnson, seconded by Council Member Powers and unanimously carried, the Committee of the Whole report and actions of May 17, 1995 were accepted. Vote: 11-0-0-0.

**7b Report of the Rules Committee - June 7, 1995**

Documents Filed: Rules Committee report of June 7, 1995.

(1) Review of June 20 Council Agenda

The Committee approved the June 20, 1995 Council Agenda with four additions and one change.

(2) Add New Items to June 13 Amended Council Agenda

The Committee recommended ten additions to the June 13, 1995 Council Agenda.

(3) The Public Record

None filed.

(4) Approve Legislative Report 95-05

AB 230 (Tucker)	Emergency Medical Services
AB 414 (Sher)	Air Pollution: Vehicles
AB 563 (Harvey)	Waste Dischargers: City Liability
AB 686 (Tucker)	Tobacco: Vending Machines
AB 747 (V. Brown)	Fire Protection: Roofing
AB 771 (Aguiar)	Subdivisions: Maps
AB 1436 (Burton)	Health Coverage: First Responder
SB 488 (Leonard)	Employee Development: Information

This item heard by Council on June 13, 1995.

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

- (5) Approve use of Council General funds for expenses related to the Energy, Environmental, and Natural Resources Steering Committee of the National League of Cities, May 18-20, 1995. Attachments: (1) Memorandum from Vice Mayor Johnson, dated June 1, 1995, requesting authorization for the use of Council General funds. (2) Memorandum from City Clerk, Patricia L. O'Hearn, dated June 7, 1995, submitting additional information to Rules Committee in compliance with City Council Policy 9-5 regarding the use of Council General Funds.

The Committee recommended approval for Vice Mayor Johnson to use Council General funds for expenses related to the Energy, Environmental and Natural Resources Steering Committee of the National League of Cities, May 18-20, 1995.

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

None.

- (7) City Council and Rules Committee meeting schedules

None.

- (8) Oral communications

William Chew requested that the City review its long-term need for sports facilities.

- (9) Adjournment

The meeting adjourned at 2:45 p.m.

Discussion/Action: Upon motion by Vice Mayor Johnson, seconded by Council Member Dando and unanimously carried, the Rules Committee report and actions of June 7, 1995 accepted. Vote: 11-0-0-0.

**Report of the Housing and Community Services Committee - June 5, 1995**

Documents Filed: Housing and Community Services Committee report of June 5, 1995.

- (1) Approval of Arts Commission Recommendation for General Fund Arts Allocations. Attachment: Memorandum from Director of Convention, Cultural and Visitor Services, Ellen Oppenheim, dated May 24, 1995, stating the Arts Commission recommends that City Council make 1995-96 General Fund Arts Program Budget allocations in the total amount, subject to approval of the 1995-96 City Operating Budget.

The Committee recommended that the Council make 1995-96 General Fund Arts Program budget allocations in the total amount of \$962,000, subject to approval of the 1995-96 Operating Budget.

- (2) Approval of Arts Commission Recommendations for Arts Grants. Attachment: Memorandum from Director of Convention, Cultural and Visitor Services, Ellen Oppenheim, dated May 24, 1995, stating the Arts Commission recommends that the City Council adopt a resolution authorizing the Director of the Department of Convention, Cultural and Visitor Services to execute specific agreements with sixty-six organizations, subject to approval of the 1995-96 City Operating Budget.

The Committee recommended that, subject to approval of the 1995-96 City Operating Budget, the City Council (a) adopt a resolution authorizing the Director of the Department of Convention, Cultural and Visitor Services to execute the 1995-96 Arts Grant agreements totaling \$2,035,910 with fifty-two organizations and Technical Assistance Grant agreements totaling \$48,500 with fourteen organizations; and (b) adopt a resolution authorizing the Director of the Department of Convention, Cultural and Visitor Services to execute three additional 1995-96 grant agreements totaling \$105,000 with the Arts Council, San Jose State University, and the Children's Discovery Museum.

See Item 9g for Council action taken.

- (3) Report on Multicultural Arts Incubation Program and Successor Programs to Vision 2000. Attachment: Memorandum from Director of Convention, Cultural and Visitor Services, Ellen Oppenheim, dated May 24, 1995, stating the Arts Commission recommends that the City Council allocate funds to specific Multicultural Arts Development Programs, subject to approval of the 1995-96 City Operating Budget.

**7c Report of the Housing and Community Services Committee - June 5, 1995 - (Cont'd.)**

- (3) Report on Multicultural Arts Incubation Program and Successor Programs to Vision 2000. (Cont'd.)

(1) The Committee recommended, subject to approval of the 1995-96 City Operating Budget, that the City Council allocate funds to Multicultural Arts Development Programs as follows: (a) Multicultural Arts Incubation Program, including the Arts Incubation Office Program, and a summer Multicultural Arts Showcase at a downtown festival, \$63,000; and (b) Performing Arts Summer Series at the Montgomery Theater, \$53,000; (2) the Committee recommended that the City Council, subject to the approval of the 1995-96 City Operating Budget, adopt a resolution authorizing the Director of the Department of Convention, Cultural and Visitor Services to execute 1995-96 Grant Agreements as follows: (a) San Jose Stage Company for a two-season, ten-week Downtown Arts Series of multicultural performing arts, in an amount not to exceed \$55,000; and (b) San Jose Institute of Contemporary Art for co-curating and providing exhibit space for two exhibits in the Multicultural Exhibit Program, in an amount not to exceed \$25,000. (3) the Committee recommended that the City Council, subject to approval of re-budget of 1994-95 Cultural Grants Funds in the Transient Occupancy Tax Fund, allocate \$19,000 for strategic planning consulting assistance to seven developing arts organizations; and (4) the Committee recommended that the City Council adopt a resolution authorizing the Director of the Department of Convention, Cultural and Visitor Services to submit a three-year Challenge Grant application to the National Endowment for the Arts in the amount of \$225,000, matched by City funding of \$675,000, to support incubation of developing arts organizations.

See Item 9h for Council action taken.

- (4) Approval of Festival, Parade and Celebrations Grants. Attachment: Memorandum from Director of Convention, Cultural and Visitor Services, Ellen Oppenheim, dated May 19, 1995, recommending Council adopt a resolution authorizing the Director of the Department of Convention, Cultural and Visitor Services to execute specific grant agreements with 23 organizations for 29 events, contingent on approval of the 1995-96 Proposed Operating Budget.

**7c Report of the Housing and Community Services Committee - June 5, 1995 - (Cont'd.)**

(4) Approval of Festival, Parade and Celebrations Grants (Cont'd.)

The Committee recommended that the City Council, contingent upon the approval of the 1995-96 Proposed Operating Budget, adopt a resolution to authorize the Director of the Department of Convention, Cultural and Visitor Services to execute 1995-96 Festival, Parade and Celebration Grant Agreements with 23 organizations for 29 events in a total amount not to exceed \$170,500.

See Item 9I for Council action taken.

(5) Convention & Visitors Bureau 1995-96 Marketing Plan. Attachment: Attachment: Memorandum from Director of Convention, Cultural and Visitor Services, Ellen Oppenheim, dated May 30, 1995, submitting to Housing and Community Services Committee the 1995-96 San Jose Convention & Visitors Bureau Marketing Plan/Budget Considerations

The Committee recommended acceptance of the report.

(6) Verbal discussion on Housing Policies

The Committee deferred discussion on housing policies to the August, 1995 Housing and Community Services Committee prior to the scheduled Committee of the Whole on housing.

(7) Discussion of Draft Workplan for August - December 1995. Attachment: Memorandum from Assistant City Manager, Debra Figone, dated May 30, 1995, submitting to the Housing and Community Services Committee the draft workplan for August through December 1995.

The Committee approved the workplan for August-December 1995.

(8) Oral petitions

None presented.

(9) Adjournment

The meeting was adjourned at 3:26 p.m.

**7c Report of the Housing and Community Services Committee - June 5, 1995 - (Cont'd.)**

Discussion/Action: Upon motion by Council Member Powers, seconded by Council Member Shirakawa, Jr. and unanimously carried, the Housing and Community Services Committee report and actions of June 5, 1995 were accepted with Council actions on Item 7c(2) taken at Item 9g and Item 7c(3) acted upon at Item 9h. Vote: 11-0-0.

**7e Report of the Transportation, Development and Environment Committee - June 8, 1995**

Documents Filed: Transportation, Development and Environment Committee Report of June 8, 1995.

- (1) Consent Calendar

No Consent Calendar items.

- (2) Discussion Regarding Approval of a Resolution for the City of San José to Participate in the Cities for Climate Protection Campaign

This item heard by Council on June 13, 1995.

- (3) Report Regarding an Amendment to the Agency Agreement for the Countywide Household Hazardous Waste Collection Program for FY 95-96 and Agreement for Grant Money Transfer. Attachments: Memorandum from Director of Environmental Services, Louis N. Garcia, dated May 23, 1995, recommending Council approve the entitled amendment and agreement.

The Committee forwarded to the City Council the staff report with discussions continuing in Committee on the alternative site locations and with recommendations for approval to be forwarded at a future date.

See Item 9v for Council action taken.

- (4) Report on Reconstruction of Hedding Street Bridge Over Guadalupe River. Attachment: Memorandum from Director of Public Works, Ralph A. Qualls Jr., dated May 23, 1995, reporting on the replacement and extension of the Hedding Street Bridge over Guadalupe River

The Committee accepted the report with staff directed to assess the impacts of both scenarios and report back to the Transportation, Development and

7e **Report of the Transportation, Development and Environment Committee -  
June 8, 1995 - (Cont'd.)**

- (4) Report on Reconstruction of Hedding Street Bridge Over Guadalupe River  
(Cont'd.)

Environment Committee on August 10, 1995, and to study the possibility of opening a road through the Guadalupe Gardens area between Taylor and Hedding.

- (5) 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 June 22, 1995 Transportation, Development and Environment Committee meeting.

- (6) Report and Recommendations on the Approval of the Downtown San José Transit Alternatives Study. Attachments: (1) Memorandum from Director of Public Works, Ralph A. Qualls Jr., dated May 26, 1995, recommending approval of the Downtown San Jose Transit Alternatives Study Report and authorization for Staff to transmit the Report to the Metropolitan Transportation Commission as specified in the Interagency Agreement. (2) Executive Summary of the Downtown San Jose Transit Alternatives Study, prepared by the Department of Public Works, City of San Jose, with assistance from Rajappan & Meyer Consulting Engineers, Inc., and Nelson/Nygaard Consulting Associates, dated May 1995. (3) Final Review Copy of the Study Report of the Downtown San Jose Transit Alternatives Study, prepared by the Department of Public Works, City of San Jose, with assistance from Rajappan & Meyer Consulting Engineers, Inc., and Nelson/Nygaard Consulting Associates, dated May 1995

The Committee accepted the report, recommended approval of Staff recommendations, and directed Staff to study the Fare-Free Zone and to follow up on the implementation of the recommendations with quarterly status report.

Council action on this item was deferred to June 27, 1995.

- (7) Approval of Candidate Projects for 1995 Clean Air Grants. Attachment: Memorandum from Director of Public Works Ralph A. Qualls Jr., and from Director of Environmental Services Louis N. Garcia, dated June 1, 1995, recommending the TD&E Committee recommend Council adopt a resolution approving the list of proposed projects and related items for submittal for 1995 Clean Air Grants.

7e **Report of the Transportation, Development and Environment Committee -  
June 8, 1995 - (Cont'd.)**

- (7) Approval of Candidate Projects for 1995 Clean Air Grants. (Cont'd.)

The Committee (a) recommended approval of the Staff report with direction that Staff review the alternative proposal for the \$250,000 and to provide specific direction in next year's grant application that Staff has addressed the shuttle recommendation; (b) directed Staff to identify and provide, prior to the June 20 City Council meeting, the Transportation, Development and Environment Committee specific locations for the Transportation Bicycle Network; (c) directed the Administration to provide information on options for the use of funds when this item is reported to the City Council on June 20, 1995; and (d) forwarded the recommendations to the June 20, 1995 City Council meeting.

See Item 9bb for Council action taken.

- (8) Status Report on Caltrans Proposed Pullman Way Maintenance Facility. Attachment: Memorandum from Director of Public Works Ralph A. Qualls, Jr., and from Director of Planning Gary J. Schoennauer, dated May 26, 1995, submitting a status report on the Pullman Way Maintenance Facility.

The Committee accepted the status report with Caltrans to report back with additional information on the construction of future Pullman Way overcrossing.

- (9) Update Report Regarding the North San José Deficiency Plan Developer Fee Proposal. Attachment: Memorandum from Director of Planning Gary J. Schoennauer, and from Director of Public Works Ralph A. Qualls Jr., dated May 31, 1995, responding to requests from the development community regarding specific examples of application of different fee methods to actual *typical* development in different categories useful in understanding the potential impacts of the proposed fee.

The Committee (a) accepted the status report with Staff to develop schedule for regular reporting to the Committee and to the New Realities Task Force, (b) directed that Staff prepare a plan reflecting the process for evaluating the effectiveness of the implementation of the Deficiency Plan; and (c) to follow up on (1) consideration of installment payment and the implications; (2) proposal from Staff on how to evaluate the deficiency improvements and their effectiveness; and (3) to return to the Transportation, Development and Environment Committee following the Council July recess with the dialog on the funding potentials and implementation ordinances.

7e **Report of the Transportation, Development and Environment Committee -  
June 8, 1995 - (Cont'd.)**

- (10) Report and Recommendation Regarding City Priorities for Open Space Acquisition

This item was heard by Council on June 13, 1995.

- (11) Report and Review of Liquor Licenses in Impacted Areas. Attachment: Memorandum from Chief of Police Louis Cobarruviaz, and from Director of Planning Gary J. Schoennauer, dated May 24, 1995, recommending Council direct Staff to (a) develop a process and criteria for Exceptions to implement Business and Professions Code Section 23958 regarding undue concentration of liquor licenses and determination of public convenience and necessity; (b) delegate the interim authority for an exception from ABC denials to the Director of Planning, unless the exception is associated with Conditional Use Permit application, then delegate the authority to the Planning Commission; and (c) propose associated Municipal Code amendments.

The Committee accepted the report, recommended approval of Staff recommendations, and directed Staff to develop a process and criteria to include proposing an exemption for the Downtown and to include criteria for no exception to Project Crackdown areas.

- (12) Report Regarding Trash Receptacles at Bus Stops

The Committee deferred this item to June 22, 1995 Transportation, Development and Environment Committee meeting.

- (13) Report on the Federal Department of Transportation Reorganization Issues and Recommendations on Intermodal Surface Transportation Enhancement Act (ISTEA). Attachment: Memorandum from Director of Public Works, Ralph A. Qualls Jr., dated June 7, 1995, recommending Council accept the staff report and direct staff to convey the City's position on these issues to the local congressional delegation.

The Committee accepted the report and recommended approval of Staff recommendation.

- (14) Committee Draft Workplan - August through December 1995. Attachment: Memorandum from Director of Public Works, Ralph A. Qualls Jr., dated May 31, 1995, submitting the draft workplan for August through December 1995 for Committee input as well as input that will be received at a Citywide workplan development session schedule with Senior Staff on June 2, 1995.

**7e Report of the Transportation, Development and Environment Committee - June 8, 1995 - (Cont'd.)**

- (14) Committee Draft Workplan - August through December 1995. (Cont'd.)

The Committee accepted the informational report for Staff review and final adoption on June 22, 1995 at the Transportation, Development and Environment Committee meeting.

- (15) Oral petitions

None presented.

- (16) Adjournment

The meeting was adjourned at 4:10 p.m.

Discussion/Action: Upon motion by Council Member Fernandes, seconded by Council Member Powers and unanimously carried, the Transportation, Development and Environment Committee Report and actions of June 8, 1995 accepted with Council action on Item 7e(3) taken at Item 9v and Item 7e(7) acted upon at Item 9bb.

Vote: 11-0-0-0.

**LAND USE AND DEVELOPMENT**

- 8a Referral to the 1995 General Plan Annual Review consideration of changing the General Plan designation of those properties currently designated medium density and medium high density residential and fronting on Branham, Snell, Chynoweth, Barron Park, and Highway 85 to public park/open space. (Dando)**

Documents Filed: Memorandum from Council Member Dando, dated June 5, 1995, recommending a referral to the 1995 General Plan Annual Review consideration of changing the General Plan designation of those properties currently designated medium density and medium high density residential and fronting on Branham, Snell, Chynoweth, Barron Park, and Highway 85 to public park/open space.

Discussion/Action: Council Member Dando stated the current General Plan designation is inconsistent with the desire of property owners Walter and Edith Lester to leave their property, known as "Cottle Ranch", to the County upon the death of the survivor. She stated the June 5, 1995 memorandum requests consideration to change the General Plan designation "to public park/open space"; due to the absence of public ownership at this time, the City would be open to claims of inverse condemnation; therefore, the

**8a (Cont'd.)**

designation should be changed to read "... changing the General Plan designation ... to private open space". Upon motion by Council Member Dando, seconded by Council Member Powers and unanimously carried, the recommendation to refer to the 1995 General Plan Annual Review consideration to change the General Plan designations of those properties currently designated medium density and medium high density residential and fronting on Branham, Snell, Chynoweth, Barron Park, and Highway 85 to private open space, was approved. Vote: 11-0-0-0.

**8b Direction to staff to initiate a General Plan amendment that would vacate a portion of Phelan Avenue that runs through Kelley Park from Senter Road to Roberts Road and vacate the portion of Phelan Avenue from Los Cruceros to Highway 101 (Shirakawa, Jr.)**

Documents Filed: Memorandum from Council Member Shirakawa, Jr., dated June 19, 1995, recommending the referral to the General Plan Review process the amendment vacating a portion of Phelan Avenue from Senter Road to Roberts Road via Kelly Park.

Discussion/Action: Council Member Shirakawa stated the amendment to vacate portions of Phelan Avenue that extend from Senter Road to Roberts Road through Kelly Park was first placed on the May 28, 1991 Council Agenda, and that during the General Plan process the issue was deferred for three years and subsequently dropped. He requested that the issue be revisited and that the Council direct Staff to initiate the process which would also vacate the portion of Phelan Avenue from Los Cruceros to Highway 101. Upon motion by Council Member Shirakawa, Jr., seconded by Council Member Diaz and unanimously carried, Staff was directed to initiate General Plan amendment that would vacate a portion of Phelan Avenue that runs through Kelley Park from Senter Road to Roberts Road and vacate the portion of Phelan Avenue from Los Cruceros to Highway 101. Vote: 11-0-0-0.

**GENERAL GOVERNMENT**

**9a PUBLIC HEARING on the Mixed Recyclables Collection Franchise application of Diversified Recycling Services, Inc., dba San Jose Recycling II, adoption of an urgency ordinance granting the franchise, and approval of Mixed Recyclables Collection Franchise agreement with Diversified Recycling Services, Inc., dba San Jose Recycling II. (Environmental Services)  
(Continued from 5/9/95 and 5/23/95 - Item 9b)**

**9a (Cont'd.)**

Documents Filed: Supplemental memorandum from Director of Environmental Services, Louis N. Garcia, dated June 13, 1995, recommending Council approve the subject agreement and adopt an urgency ordinance granting the franchise.

Discussion/Action: Mayor Hammer opened the public hearing on the subject franchise application. Virginia Fanelli, representing Diversified Recycling Services, spoke in support of the proposed action. William J. Garbett spoke against the proposed action. Upon motion by Council Member Fernandes, seconded by Vice Mayor Johnson and unanimously carried, the public hearing was closed and Ordinance No. 24940, entitled: "An Urgency Ordinance of the City of San Jose Granting a Mixed Recyclables Collection Franchise to Diversified Recycling Services, Inc., dba San Jose Recycling II and Setting Forth the Facts Constituting Such Urgency", was adopted. Vote: 11-0-0-0.

**9b Adoption of a resolution authorizing the City Manager to submit a grant application and execute a grant agreement, upon receipt, with the Federal Aviation Administration (FAA) for the reconstruction of Taxiway Z, in an amount not to exceed \$1,473,859. CEQA: ND. (Airport)**

Documents Filed: Memorandum from Director of Aviation, Ralph G. Tonseth, dated June 1, 1995, recommending Council adopt said resolution.

Discussion/Action: William J. Garbett spoke against the proposed action. Upon motion by Council Member Fernandes, seconded by Vice Mayor Johnson and unanimously carried, Resolution No. 66017, entitled: "A Resolution of the Council of the City of San Jose Authorizing the Director of Aviation to Submit a Grant Application With the Federal Aviation Administration for the Reconstruction of Taxiway Z, and to Execute the Grant on Behalf of City Upon Receipt", was adopted. Vote: 11-0-0-0.

**9c Report on bids and award of contract for the construction project entitled, "San José/Santa Clara Water Pollution Control Plant, West Primary MCC Rehabilitation, Control Console and MCC-D Upgrade," to the low bidder, Control Systems Specialists Division of Marelich Mechanical Co., Inc., in the amount of \$305,452. CEQA: Exempt. (Environmental Services)**

Documents Filed: (1) Memorandum from Director of Environmental Services, Louis N. Garcia, dated June 1, 1995, recommending Council approve said award to the low bidder. (2) Letter from the Treatment Plant Advisory Committee, dated June 9, 1995, recommending approval of said award.

**9c (Cont'd.)**

Discussion/Action: Upon motion by Council Member Fernandes, seconded by Vice Mayor Johnson and unanimously carried, the award of contract to low bidder Control Systems Specialists Division of Marelich Mechanical Co., Inc., was approved and execution of the contract authorized. Vote: 11-0-0-0.

**9d Report on bids and award of contract for the construction project entitled, "San José/Santa Clara Water Pollution Control Plant, Plant Infrastructure Improvements, Influent Structures Rehabilitation," to the low bidder, Monterey Mechanical Co., in the amount of \$492,200. CEQA: Exempt. (Environmental Services)**

Documents Filed: (1) Memorandum from Director of Environmental Services, Louis N. Garcia, dated June 1, 1995, recommending Council award said contract to low bidder. (2) Letter from the Treatment Plant Advisory Committee, dated June 9, 1995, recommending Council approve said award to Monterey Mechanical Company.

Discussion/Action: Upon motion by Council Member Fernandes, seconded by Vice Mayor Johnson and unanimously carried, the award of contract to low bidder Monterey Mechanical Co., was approved and execution of the contract authorized. Vote: 11-0-0-0.

**9e Report on bids and:**

- (1) Approval of the purchase of one (1) 75-foot aerial ladder truck from Simon Ladder Towers in the amount of \$449,974.78.**
  - (2) Approval of the purchase of one (1) 100-foot aerial ladder truck from Simon Ladder Towers in the amount of \$495,970.02.**
- (General Services)**

Documents Filed: Memorandum from Acting Director of General Services, Ellis M. Jones, Jr., dated June 6, 1995, recommending Council approve said purchases.

Discussion/Action: Upon motion by Council Member Powers, seconded by Council Member Fernandes and unanimously carried, the purchases from Simon Ladder Towers were approved. Vote: 11-0-0-0.

- 9f
- (1) **Approval of award for a sole source purchase and installation of four (4) engine control panels for four (4) Cooper engines for Environmental Services Department/Water Pollution Control Plant to Telstar Instruments, Inc., at a total cost not to exceed \$247,571, including tax, and authorization for the Director of General Services to execute the purchase order.**
  - (2) **Authorization for the Director of General Services to exercise the option to purchase two (2) additional engine panels at a total cost not to exceed \$260,881, including tax, and Council approval of the necessary funds.**
- (General Services)**

Documents Filed: (1) Memorandum from Acting Director of General Services, Ellis M. Jones, Jr., dated June 1, 1995, recommending Council approve award for said purchase, pursuant to subsection 4.12.020 of the San Jose Municipal Code, and authorize the Director of General Services to execute the purchase order and exercise the option to purchase additional engine panels not to exceed the specified amount. (2) Letter from the Treatment Plant Advisory Committee, dated June 9, 1995, recommending Council approve award of contract to Telstar Instruments, Inc., contingent upon Council approval of the necessary funds.

Discussion/Action: William J. Garbett spoke against the proposed action. Upon motion by Council Member Powers, seconded by Council Member Fernandes and unanimously carried, the purchase was approved and execution of the purchase order authorized and the Director of General Services authorized to exercise the option to purchase additional engine panels at the specified cost. Vote: 11-0-0-0.

- 9g
- Adoption of a resolution authorizing the Director of Convention, Cultural and Visitor Services to negotiate and execute the Fiscal Year 1995-96 Arts Grants agreement with fifty-three (53) organizations, in a total amount of \$2,189,410. [Housing and Community Services Committee referral 6/5/95 - Item 7c(2)]**

Documents Filed: None.

Discussion/Action: This item was deferred to June 27, 1995.

- 9h
- (1) **Adoption of a resolution authorizing the Director of Convention, Cultural and Visitor Services to execute Multicultural Arts Incubation Program grant agreements with:**
    - (a) **San Jose Stage Company for a two (2) season ten (10) week Downtown Arts Series of multicultural performing arts in an amount not to exceed \$55,000.**

- 9h**
- (1) Adoption of a resolution authorizing the Director of Convention, Cultural and Visitor Services to execute Multicultural Arts Incubation Program grant agreements with: (Cont'd.)**
    - (b) San Jose Institute of Contemporary Art for co-curating and providing office space for two (2) exhibits in the Multicultural Exhibit Program in an amount not to exceed \$25,000.**
  - (2) Adoption of a resolution authorizing the Director of Convention, Cultural and Visitor Services to submit a three (3) year Challenge Grant application to support incubation of developing arts organizations to the National Endowment for The Arts (NEA) in the amount of \$225,000.**
- [Housing and Community Services Committee referral 6/5/95 - Item 7c(3)]**

Documents Filed: None.

Discussion/Action: This item was deferred to June 27, 1995.

- 9i**
- Adoption of a resolution authorizing the Director of Convention, Cultural and Visitor Services to negotiate and execute the Fiscal Year 1995-96 Festival, Parade and Celebration Grant agreements with twenty-three (23) organizations for twenty-nine (29) events in a total amount not to exceed \$170,500.**
- [Housing and Community Services Committee referral 6/5/95 - Item 7c(4)]**

Documents Filed: None.

Discussion/Action: This item was deferred to June 27, 1995.

- 9j**
- Approval of the following health insurance, dental insurance, psychological services and life insurance for qualified City employees and retirees for Fiscal Year 1995-96:**
- (1) Health Insurance**
    - (a) Self-Insured Health Care Program**
      - [1] Foundation Health Preferred Administrators for claim administration in the amount of \$350,000.**
      - [2] PPO Alliance for physician and hospital panel administration in the amount of \$65,000.**
    - (b) Health Maintenance Organization (HMO) health insurance.**
      - [1] Kaiser Foundation Health Plan in the amount of \$10,803,516.**
      - [2] Lifeguard in the amount of \$3,227,000.**

- 9j **Approval of the following health insurance, dental insurance, psychological services and life insurance for qualified City employees and retirees for Fiscal Year 1995-96: (Cont'd.)**
- (2) **Dental Insurance**
    - (a) **Prepaid Dental Care Program**
      - [1] **Dental Benefit Providers in an amount not to exceed \$419,000.**
    - (b) **Indemnity Dental Care Program**
      - [1] **Delta Dental Plan of California in an amount not to exceed \$360,000.**
  - (3) **Psychological Services**
    - (a) **Occupational Health Services (OHS) for Employee Assistance Program in an amount not to exceed \$256,265.**
    - (b) **Occupational Health Services (OHS) for Critical Incident Stress Debriefing in an amount not to exceed \$15,000.**
  - (4) **Life Insurance**
    - (a) **West Coast Life Insurance Company in an amount not to exceed \$60,000.**
    - (b) **West Coast Life Insurance Company for Supplemental Accidental Death/Dismemberment in an amount not to exceed \$150,000.**
- (Human Resources)**

Documents Filed: None.

Discussion/Action: This item was deferred to June 27, 1995.

- 9k **Report on bids and award of contract for the North Relief Trunk Sanitary Sewer Rehabilitation Phase I Project to the low bidder, S & W/RBC, a Joint Venture, in the amount of \$2,599,005.30, and approval of a ten (10) percent contingency in the amount of \$260,000. CEQA: Exempt. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 1, 1995, recommending Council approve said award.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, the award of contract to low bidder S & W/RBC, including the contingency, was approved and execution of the contract authorized. Vote: 11-0-0-0.

- 9l Report on bids and award of contract for the Croyley-Morrill Sanitary Sewer Supplement Project to the low bidder, McNamara & Smallman, in the amount of \$1,117,590, and approval of a contingency in the amount of \$170,000. CEQA: ND. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 1, 1995, recommending Council approve said award.

Discussion/Action: Upon motion by Council Member Fernandes, seconded by Vice Mayor Johnson and unanimously carried, the award of contract to low bidder McNamara & Smallman, including the contingency, was approved and execution of the contract authorized. Vote: 11-0-0-0.

- 9m Report on bids and award of contract for the Forest-Rosa Sanitary Sewer Rehabilitation Phase I Project to the low bidder, Spiniello Construction Company, in the amount of \$1,787,260, and approval of a contingency in the amount of \$175,000. CEQA: Exempt. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 1, 1995, recommending Council approve said award.

Discussion/Action: Upon motion by Vice Mayor Johnson, seconded by Council Member Fernandes and unanimously carried, the award of contract to low bidder Spiniello Construction Company, including the contingency, was approved and execution of the contract authorized. Vote: 11-0-0-0.

- 9n Report on bids and award of contract for the San Jose International Airport Runway 30 L Reconstruction B to C Project to the low bidder, Granite Construction, in the amount of \$679,082, and approval of a ten (10) percent contingency in the amount of \$68,000. CEQA: Exempt. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 1, 1995, recommending Council approve said award.

Discussion/Action: William J. Garbett spoke against the proposed action. Upon motion by Council Member Fiscalini, seconded by Vice Mayor Johnson and unanimously carried, the award of contract to low bidder Granite Construction, including the contingency, was approved and execution of the contract authorized. Vote: 11-0-0-0.

- 9o Report on bids and award of contract for the Tenth Street Sanitary Sewer Rehabilitation Project to the low bidder, D.W. Young Construction, in the amount of \$908,945, and approval of a contingency in the amount of \$135,000. CEQA: Exempt.  
(Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 1, 1995, recommending Council approve said award.

Discussion/Action: Upon motion by Council Member Powers, seconded by Vice Mayor Johnson and unanimously carried, the award of contract to low bidder D.W. Young Construction, including the contingency, was approved and execution of the contract authorized. Vote: 11-0-0-0.

- 9p (1) Report on bids and award of contract for the Installation of Traffic Signal Unit 94A Project to the lowest responsive bidder, San José Signal Electric Construction, Inc., in the amount of \$397,327. CEQA: Exempt.  
(2) Report on bids and award of contract for the Installation of Traffic Signal Unit 94B Project to the low bidder, Rosendin Electric, Inc., in the amount of \$266,202. CEQA: Exempt.  
(Public Works)**

Documents Filed: Memoranda from Director of Public Works, Ralph A. Qualls, Jr., both dated June 1, 1995, recommending Council approve said award of contracts to the lowest responsive bidder and to the low bidder.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Vice Mayor Johnson and unanimously carried, the award of contracts to the lowest responsive bidder, San Jose Signal Electric Construction, Inc., and to the low bidder, Rosendin Electric., Inc., were approved and execution of the contracts authorized. Vote: 11-0-0-0.

- 9q Report on bids and award of contract for the construction of the Albany-Kiely Storm System Project Phase I to the low bidder, D.W. Young Construction Company, Inc., to include the base bid and Add Alternate No. 1 in the amount of \$1,671,683, and approval of a contingency in the amount of \$167,000. CEQA: Exempt.  
(Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 1, 1995, recommending Council approve said award.

**9q (Cont'd.)**

Discussion/Action: Upon motion by Council Member Powers, seconded Vice Mayor Johnson and unanimously carried, the award of contract to low bidder D.W. Young Construction Company, Inc., including the contingency, was approved and execution of the contract authorized. Vote: 11-0-0-0.

**9r Report on bids and award of contract for the First Street and Montague Expressway Drainage Mitigation Project to the low bidder, D.W. Young Construction Company, Inc., in the amount of \$375,240, and approval of a contingency in the amount of \$38,000. CEQA: Exempt. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 1, 1995, recommending Council approve said award.

Discussion/Action: Upon motion by Council Member Fernandes, seconded by Vice Mayor Johnson and unanimously carried, the award of contract to the lowest responsive bidder, D.W. Young Construction Company, Inc., including the contingency, was approved and execution of the contract authorized. Vote: 11-0-0-0.

**9s Report on bids and award of contract for the San Jose International Airport Employee Parking Lot Project to the low bidder and approval of a ten (10) percent contingency. (Public Works)**

Documents Filed: None.

Discussion/Action: This item was deferred to June 27, 1995.

**9t Report on bids and award of contract for the Guadalupe Gardens Naturalization Project to the low bidder, Wattis Construction Co., Inc., in the amount of \$97,200 and approval of a contingency in the amount of \$10,000. CEQA: Exempt. (Public Works)**

Documents Filed: (1) Supplemental memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 15, 1995, recommending Council approve said award. (2) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 1, 1995, recommending Council approve award of contract to the low bidder.

**9t (Cont'd.)**

Discussion/Action: Council Member Pandori pointed out that asphalt demolition and grading costs in four of the bid proposals are substantially less than the Engineer's Estimate; however, Staff's review of the bids with the contractors has revealed that the plans were interpreted correctly and the bid valid as submitted but that the asphalt will be reused for other asphalt surfacing projects in the City. He agreed that the process will result in cost savings to the City, but expressed concern that the excess funds will be unavailable to the City, if unencumbered by fiscal year end. He asked that the issue be referred to the City Attorney's Office for development of a methodology to address the issue, with a report and recommendation back to Council on June 27, 1995. Upon motion by Council Member Pandori, seconded by Council Member Diaz and unanimously carried, the award of contract to low bidder Wattis Construction Co., Inc., was approved, including the contingency, and execution of the contract authorized with referral to the City Attorney to investigate legal implications and to develop methodology associated with the use of unencumbered funds, prior to fiscal year end, in the demolition and reuse of asphalt for other street resurfacing projects. Vote: 11-0-0.

**9u Report on bids and award of contract for the construction of the Wheelchair Ramps 1994-95 Project to the low bidder, Valley Concrete and Redwood, Inc., in the amount of \$300,015. CEQA: Exempt. (Public Works)**

Documents Filed: (1) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 1, 1995, recommending Council approve said award to low bidder Valley Concrete, Inc. (2) Memorandum from Council Members Diaz, Diquisto, and Shirakawa, Jr., dated June 14, 1995, recommending Council reject all bids and that the project be rebid.

Discussion/Action: Bill Nack, representing Santa Clara-San Benito County Building Trades Council, referenced his June 14, 1995 Letter of Protest which was forwarded to the City Council from the Building Trades Council, appealing the Director of Public Works' decision to award the contract to Valley Concrete, Inc., and upholding the one-year debarment of Valley Concrete. He stated the fair and expedient course of action to take on award of the contract for the construction of the Project should be to award the contract to the next lowest responsible bidder. In response to Bill Nack's reference to Chapter 14.04 of Title 14 of the San Jose Municipal Code regarding debarment of contractors and the appeals process, City Attorney, Joan R. Gallo, stated the sections were drafted to provide due process for the contractor and that provisions enabling other parties to appeal have not been drafted; therefore, the appropriate definition of the appellant will be included in any revisions to the Ordinance and that Council could refer the issue to the appropriate Council Committee. She advised Council that proceedings to consider the debarment of Valley Concrete have been completed by the

**9u (Cont'd.)**

Director of Public Works and that Council cannot rehear the matter; however, any allegations against the contractor that were not considered during the debarment hearings can be reviewed under the Debarment Ordinance; should other violations come to the attention of the Director, then penalties can be imposed for those violations, in addition to lifting the suspension. Nick Salameda, President of Valley Concrete and Redwood, Inc., spoke in support of the proposal. George Ramirez, Jr., Vice President, Laborers Union Local #270 spoke against the proposal. Ray Doran, Jr., Secretary-Treasurer of Laborers' Union Local #270 addressed Council on the issue. Council Member Diaz reviewed the recommendation as contained in the memorandum co-authored by Council Members Diquisto and Shirakawa, Jr. and queried the City Attorney on the Debarment Ordinance and the process. In his support of the recommendation to reject all bids, Council Member Pandori noted construction of 266 wheelchair ramps and suggested that the City's best interest would be served if the bidding could be structured in a manner, short of bid-splitting, which would encourage greater competition and involvement by contractors for the work. Vice Mayor Johnson stated the majority of the ramp projects are located in District 1 and that a large number of those at the requests of constituents. Should rebidding of the projects occur, she requested that Staff do so expeditiously, since some of the projects have been deferred since December of 1994. Upon motion by Council Member Shirakawa, Jr., seconded by Council Member Diquisto and unanimously carried, all bids for the construction of the Wheelchair Ramps 1994-95 Project were rejected and Staff authorized to rebid the project.

Vote: 11-0-0-0. In response to Council Member Diaz' question relating to the Debarment Ordinance and its process, City Attorney Gallo stated the City has not extensively used the Ordinance, therefore, timely evaluations of its effectiveness have not occurred. She stated the public hearing process could be extensive and given the magnitude of the appeals process which would involve the City Council, additional changes may need to be considered; therefore, Council could refer the question and evaluation of the Ordinance to the appropriate Council Committee with direction to the City Attorney's Office to work with Public Works. Council Member Diaz requested that the report be presented to the Transportation, Development and Environment Committee after completion of the the evaluation. Upon motion by Council Member Diaz, seconded by Vice Mayor Johnson and unaimously carried, the review of the Contractor Debarment Ordinance was referred to the City Attorney's Office with direction to Public Works to work with the City Attorney's Office on an evaluation and analysis and to report to the Transportation, Development and Environment Committee for a report to Council for consideration of the options. Vote: 11-0-0-0.

- 9v
- (1) **Approval of a first amendment to the agreement with the County of Santa Clara extending the term of the agreement for mobile and hazardous waste collection by one (1) year, from July 1, 1995 to June 30, 1996, and including provisions for the siting and operations of a permanent recyclable household hazardous waste facility.**
  - (2) **Approval of an agreement with the County of Santa Clara to allow the transfer of City of San Jose grant funds in the amount of \$148,758 for the establishment of a permanent recyclable household hazardous waste facility prior to June 30, 1995.**

**[Transportation, Development and Environment Committee referral 6/8/95 - Item 7e(3)]**

Documents Filed: See Transportation, Development and Environment Committee report of June 8, 1995, Item 7e(3).

Discussion/Action: Upon motion by Council Member Shirakawa, Jr., seconded by Council Member Diaz and unanimously carried, Item 9v(1) was deferred to June 27, 1995, and Item 9v(2), the agreement with the County of Santa Clara to allow for the transfer of City of San Jose grant funds for the establishment of a permanent recyclable household hazardous waste facility, was approved and execution of the agreement authorized. Vote: 11-0-0-0.

9x **Adoption of a resolution authorizing the Director of General Services to:**

- (1) **Execute a one (1) year agreement for solid waste collection for City facilities with GreenTeam of San Jose, at a total cost not to exceed \$400,000, for the period July 1, 1995 to June 30, 1996.**
- (2) **Exercise two (2) one (1) year options for renewal based on the Consumer Price Index (CPI), not to exceed seven (7) percent per year, and contingent upon Council approval of the funds each year.**

**(General Services)**

**(Deferred from 6/13/95 - Item 9f)**

Documents Filed: None.

Discussion/Action: This item was deferred to June 27, 1995.

9z

**Discussion of:**

- (1) San José BEST Cycle V Allocation Plan for Fiscal Year 1995-96.**
- (2) List of Qualified Providers.**
- (3) Independent Evaluation of San José BEST Cycle IVa.**
- (4) Authorizing the City Manager to negotiate and execute the Cycle V San José BEST grant agreements in accordance with the approved Allocation Plan.**

**(Neighborhood Services)**

**(Rules Committee referral 6/14/95)**

Documents Filed: Memorandum from Director of Neighborhood Services, George J. Penn, dated June 7, 1995, recommending Council (a) adopt a resolution approving the San Jose BEST Cycle V Allocation Plan for FY 1995-96; (b) approve the List of Qualified Providers; (c) accept the Independent Evaluation of San Jose BEST Cycle IVa; and (d) authorize the City Manager to negotiate and execute the Cycle V San Jose BEST grant agreements in accordance with the approved Allocation Plan.

Discussion/Action: With the use of overhead transparencies, Director of Neighborhood Services, George J. Penn, presented a comprehensive summary of the San Jose BEST Program Cycle V Report and Overview; reviewed significant program innovations, and identified the critical elements of the Program--Gang Task Force Work Plan, Needs Assessments, and the Allocation Plan Preparation. He concluded his presentation with a request for Council approval of Staff recommendation and with thanks to the BEST Evaluation Team for their hard work. Dr. Peter T. Ellis, Lead Evaluator, provided the conclusion and recommendation of the Independent Evaluation of San José BEST Cycle IVa funding project and responded to Council questions. The following citizens spoke in support of the Program: Akemi Flynn, representing YES Program, Catholic Charities of Santa Clara County; Joseph Nguyen, Chau Vu, Hien Do, and Hoa Bui, representing Vietnamese Community. Upon motion by Council Member Diaz, seconded by Council Member Fernandes and unanimously carried, the report of the San José BEST Cycle V Allocation Plan for Fiscal Year 1995-96, the List of Qualified Providers, and the Independent Evaluation of San José BEST Cycle IVa, were approved with the overall evaluation referred to the Housing and Community Services Committee for review; Housing and Community Services Committee to include discussion of concerns related to outreach programs and allocations for Vietnamese youth; and Item 9z(4), Authorizing the City Manager to negotiate and execute the Cycle V San José BEST grant agreements in accordance with the approved Allocation Plan, was deferred to June 27, 1995. Vote: 11-0-0-0.

**9aa Approval to amend Council Policy 9-5, Item G, “Travel by Elected and Appointed Officials.” (Fiscalini)  
(Rules Committee referral 6/14/95)**

Documents Filed: Memorandum from Council Member Fiscalini, dated June 14, 1995, recommending Council amend Council Travel Policy to reflect new language pertaining to elected and appointed officials.

Discussion/Action: Council Member Shirakawa, Jr., objected to a requirement to submit written reports on the results of his travels. Upon motion by Council Member Fiscalini, seconded by Council Member Powers and carried, the amendment to Council Policy 9-5 regarding travel by elected and appointed officials was approved. Vote: 9-2-0-0.

Noes: Shirakawa; Hammer.

**9bb Adoption of a resolution authorizing the City Manager to submit project applications to the Bay Area Air Quality Management District (BAAQMD) and the Santa Clara County Transportation Agency (SCCTA) for the 1995 Clean Air Grants (Assembly Bill 434).  
[Transportation, Development and Environment Committee referral 6/8/95 - Item 7e(7)]**

Documents Filed: See Transportation, Development and Environment Committee Report of June 8, 1995, Item 7e(7).

Discussion/Action: Upon motion by Vice Mayor Johnson, seconded by Council Member Fiscalini and unanimously carried, Resolution No. 66018, entitled: “A Resolution of the Council of the City of San Jose Approving a Proposed List of Projects for Submittal to the Bay Area Quality Management District (BAAQMD) and Santa Clara County Transportation Agency (SCCTA) for Clean Air Grant Funds; Certifying the City Intends to Provide Local Matching Funds for Those Proposed Projects Selected for Funding; and Authorizing the City Manager to Forward Project Applications”, was adopted. Vote: 11-0-0-0.

## **FISCAL AFFAIRS**

**10a Adoption of a resolution approving the rates for Fiscal Year 1995-96 Sewer Service and Use Charge/Storm Drainage Service Use Charge.  
(City Manager's Office)**

Documents Filed: Memorandum from Budget Director, Larry D. Lisenbee, dated June 13, 1995, recommending Council accept the report and adopt said resolution.

**10a (Cont'd.)**

Discussion/Action: Resolution No. 66019, entitled: "A Resolution of the Council of the City of San Jose Setting a Schedule of Sewer Service and Use Charges for Fiscal Year 1995-96 and Setting a Schedule of Storm Drainage Service Charges for Fiscal Year 1995-96", was adopted. Vote: 11-0-0-0.

**10b Final PUBLIC HEARING and adoption of a resolution approving, confirming, and adopting the Engineer's Report and setting the amount of assessment for Benefit Assessment District No. 91-209SJ (Aborn-Murillo). CEQA: Resolution No. 63179. (Public Works)**

Documents Filed: None.

Discussion/Action: This item was continued to June 27, 1995.

**10c Budget actions, including adoption of resolutions approving:**

- (1) Operating Budget for Fiscal Year 1995-96.**
  - (2) Capital Budget for Fiscal Year 1995-96.**
  - (3) Five Year Capital Improvement Program for Fiscal Year 1996-2000.**
  - (4) Police Staffing Program.**
- (City Manager's Office)**

Documents Filed: (1) Memorandum from Mayor Hammer, dated June 20, 1995, submitting additional changes to the budget modification proposals contained in the June 12 memorandum, as well as providing specific directions to the City Manager as recommended by Council Members. (2) Memorandum from City Attorney, Joan R. Gallo, dated June 19, 1995, providing Council with a copy of the resolution adopting the Police Staffing Program. **(A) MANAGER'S BUDGET ADDENDA:** (1) Memorandum from City Manager, Regina V.K. Williams, dated May 15, 1995, recommending that the San Jose Police Department be allowed to accelerate hiring through the use of overstrength sworn positions to mitigate the impact of long-term sworn vacancies on Police services at no additional General Fund cost. (2) Memorandum from Director of Streets and Parks, Wayne K. Tanda, dated May 15, 1995 recommending that the Disabled Parking Enforcement Program be continued on a permanent basis.

(3) Memorandum from Director of Public Works, Ralph A. Qualls Jr., dated May 12, 1995, reiterating staff recommendation that the local funding needs of \$2.5 million in FY 1994-95 and \$4.8 million in FY 1995-96 for the Route 87 Freeway Project be referred to the City and Redevelopment Agency Budget processes to ensure local sponsorship and funding commitment for the project. (4) Memorandum from Director of Human Resources, Nona Tobin, dated May 13, 1995, recommending that, because of the

**10c (Cont'd.)**

purpose of reclassification and the relatively small costs, the Administration continue to monitor reclassifications to ensure that the results and the additional costs incurred are appropriate. (5) Memorandum from Director of Environmental Services, Louis N. Garcia, dated May 4, 1995, recommending that Council approve a survey of residents to determine the percent likely to subscribe to Super Recycler, in order to accurately set cost recovery rates if the Super Recycler element is approved. (6) Memorandum from Director of Public Works, Ralph A. Qualls Jr., dated April 27, 1995, recommending approval of a scope of improvements to be focused on North Third and North Fourth Streets as a possible first phase of Districtwide enhancements when funding is available to include pedestrian lighting, street trees and historical markers, with an estimated total cost of \$700,000. (7) Memorandum from Director of Streets & Parks, Wayne K. Tanda, dated May 4, 1995, recommending Council approve (a) the Final Report on Cinderella Lane Road Bump Pilot Program; (b) defer the consideration of a final Council Policy on Road Bumps and implementation of road bump installations until August 1996; and (c) direct Streets and Parks to develop and implement a Neighborhood Automated Speed Compliance Pilot Program. (8) Memorandum from Fire Chief, Raymond Brooks, dated May 11, 1995, recommending that no fee be established for the inspection of small businesses that are not required by the Fire Code to obtain fire permits.

(9) Memorandum from Budget Director, Larry D. Lisenbee, dated May 22, 1995, responding to Council Member Pandori's request for information on the cost of 25 new police officer positions and restoration of three defunded sworn positions.

(10) Memorandum from Budget Director, Larry D. Lisenbee, dated May 22, 1995, responding to Council Member Pandori's request for a listing of additional proposals included under the subcategory of "Other Recommended Additions" in Table IV of the 1995-96 Proposed Budget Balancing Requirements, found on page 8 of the Proposed Budget Message. (11) Memorandum from Assistant City Manager, Debra J. Figone, dated May 22, 1995, recommending that the FY 1995-96 Proposed Budget be modified to reflect the adjustments necessary to implement the Administrative Citations Ordinance. (12) Memorandum from Fire Chief, Raymond Brooks, dated May 17, 1995, recommending that, because of the economic impact on fee payers and uncertainty regarding state regulation of HAZMAT fees, the Administration does not recommend implementation of HIT team cost recovery fees at this time; however, the Administration will continue to evaluate the feasibility of recovery of some level of HIT team expenditures and report back to Council when additional information is available. (13) Memorandum from Director of Public Works, Ralph A. Qualls Jr., dated May 11, 1995, responding to Council Members' concerns regarding the issue of senior center participation and the impact of any changes on Construction and Conveyance Tax allocation methodology. (14) Memorandum from Acting Director of General Services, Ellis M. Jones, Jr., dated May 19, 1995, recommending (a) that Council refer this report to the Housing and Community Services Committee and request the Committee to solicit public input regarding the proposed development of a central tow yard by the

**10c (Cont'd.)**

City; (b) that the Administration report back to the Housing and Community Services committee and the City Council before September, 1995, with recommendations on the Police generated tow program; and (c) that the Administration proceed with planning a central tow yard facility, including submittal of an Application for Environmental Clearance and Site Development Permit to the Department of Planning, Building and Code Enforcement. (15) Memorandum from Acting Director of General Services, Ellis M. Jones, Jr., dated May 23, 1995, reporting the status of the 1995-96 Service Yard CIP-Central Service Yard project. (16) Memorandum from Acting Director of General Services, Ellis M. Jones, Jr., dated May 23, 1995, responding to Council's request for a listing of all buildings, facilities, and other infrastructure which have been added to General Services maintenance responsibilities. (17) Memorandum from Budget Director, Larry D. Lisenbee, dated May 23, 1995, recommending Council approve specified revisions to the 1995-96 Proposed Budget for the Community Development Block Grant Fund (CDBG). (18) Memorandum from Assistant to the City Manager, Cynthia Bojorquez-Serda, dated May 23, 1995, stating a Manager's Budget Addendum on the Jail Booking Fee Reimbursement Through AB 2286 will not be presented at this time; instead, as directed by the Finance Committee, the Administration will present in June of 1995 a proposal to the Council via the Finance Committee. (19) Memorandum from Director of Public Works Ralph A. Qualls Jr., and Fire Chief Raymond Brooks, dated May 22, 1995, recommending Council (a) approve the construction of a new Fire Station No. 1; and (b) approve Alternatives 2, 3, and 4 for further consideration and direct staff to complete the analysis of the identified three options for the new locations for Fire Station No. 1 and report back to Council with appropriate recommendations after the legislative recess. (20) Memorandum from City Manager, Regina V.K. Williams, dated May 31, 1995, recommending Council continue the current practice of budgeting overtime as an expenditure line item within the Personal Services appropriations of departments, but that the Administration display a separate overtime line as part of the department summary section for each department in all future budget documents. (21) Memorandum from Acting Director of General Services Ellis M. Jones, Jr., and Fire Chief Raymond Brooks, dated May 31, 1995, responding to Council Member Pandori's request for a report on the needs for reserve Fire apparatus in the Fire Department. (22) Memorandum from Director of Convention, Cultural and Visitors Services, Ellen Oppenheim, dated May 19, 1995, responding to Council Member Diaz' request for information on the planned improvements to Prusch Park. (23) Memorandum from Director of Environmental Services, Louis N. Garcia, dated May 25, 1995, providing Council with background information and cost implications on the City's effort to further reduce nickel loading to the treatment plant. (24) Memorandum from Director of Environmental Services, Louis N. Garcia, dated May 30, 1995, responding to questions raised in a Budget Review Committee of the Whole meeting regarding the use of Citywide funds, within the Sewer Services and Use Charge Fund, appropriated as "Ultra-Low Flush Toilet Incentives". (25) Memorandum

**10c (Cont'd.)**

from Director of Housing, Alex Sanchez, dated June 2, 1995, recommending Council approve revisions to the proposed Fiscal Year 1995-96 Operating budget as required to implement the Housing Program and related staffing changes as recommended therein and detailed on the Source and Use of Funds Statement. (26) Memorandum from Assistant to the City Manager, Nina S. Grayson, dated May 26, 1995, providing status reports on Project Innovation to the Finance Committee twice a year; and at the second Finance Committee meeting in October and April of each year. (27) Memorandum from Director of Neighborhood Services, George J. Penn, dated June 1, 1995, responding to a request at the Committee of the Whole meeting to provide a breakdown of the rental dispute staff with their duties and a summary of the calculation of the rental Dispute Mediation Fee. (28) Memorandum from Budget Director, Larry D. Lisenbee, dated June 1, 1995, recommending Council not change the policy of charging overhead for Parks capital project services. (29) Memorandum from Director of Neighborhood Services, George J. Penn, dated May 31, 1995, responding to a request at the Committee of the Whole meeting on the level of senior participation according to performance measures shown on page 393 of the Proposed Operating Budget, and the difference between Community Action and Pride (CAP) grants and Community Minigrants. (30) Memorandum from Director of Environmental Services, Louis N. Garcia, dated May 30, 1995, recommending Council approve the appropriation of \$1,702,900 in AB 434 Funds. (31) Memorandum from Director of Environmental Services, Louis N. Garcia, dated May 26, 1995, responding to Council Members' requests related to the history of expenditures for the Department outreach and promotion activities, the Community Relations Work Plan for 1995-96, the budget for outreach and promotion projects, and which projects are discretionary and which are non-discretionary. (32) Memorandum from Director of Planning, Gary J. Schoennauer, dated June 1, 1995, providing Council with a status report on administrative fees and civil penalties billed and collected since the Administrative Remedies Ordinance went into effect. (33) Memorandum from Director of Environmental Services, Louis N. Garcia, dated May 31, 1995, responding to Council concerns regarding the Community Relations portion of the Environmental Services Department proposed FY 1995-96 Operating Budget. (34) Memorandum from Fire Chief, Raymond Brooks, dated June 5, 1995, submitting to Council an information only status report and workplan for the Multi-Cultural Fire Prevention and Safety Public Education Program. (35) Memorandum from Assistant Director of Economic Development, Pamela Stone, dated June 2, 1995, responding to Vice Mayor Johnson's referral regarding the proposed FY 1995-96 funding for the ethnic Chambers of Commerce. (36) Memorandum from Director of Information Systems, Ellis M. Jones, Jr., dated June 1, 1995, submitting to Council a status report on computer reserve allocation and Computer Systems Masterplan implementation. (37) Memorandum from Director of Convention, Cultural and Visitor Services, Ellen Oppenheim, dated June 5, 1995, responding to issues raised during the budget hearings regarding the San Jose McEnery Convention Center's co-generation

**10c (Cont'd.)**

system and the original utilization goals of the system and the financial performance to date. (38) Memorandum from Director of Streets and Parks, Wayne K. Tanda, dated May 24, 1995, recommending Council refer to the FY 1995-96 Mid-year budget process a more extensive review of the existing Council policy of utilizing Parking Funds for parking enforcement activities, and that Staff continue to monitor existing and projected occupancy levels in parking facilities operated by the Parking Program report to Council with a recommended plan of action, if employee parking is anticipated to have a negative impact on the demands for public parking downtown. (39) Memo-randum from Director of Streets and Parks, Wayne K. Tanda, dated May 23, 1995, responding to issues raised during the Committee of the Whole meeting related to the Adopt-A-Park Program, fire hydrant work performance measure, low sodium street lights, and street sweeping signs. (40) Memorandum from City Librarian, James H. Fish, dated June 1, 1995, responding to a request at the Committee of the Whole meeting to provide information on the cost to expand library system hours. (41) Memo-randum from Director of Aviation, Ralph G. Tonseth, dated May 24, 1995, recommending Council approve, as part of the Airport budget approval, the retention of the current funding level of \$9.2 million in the Airport Safety Net Account. (42) Memo-randum from Director of Parks, Recreation and Neighborhood Services, George J. Penn, dated June 8, 1995, providing Council with information on the Youth Employment Program, in response to a request at the Committee of the Whole meeting. (43) Memo-randum from Director of Streets and Parks, Wayne K. Tanda, dated June 5, 1995, responding to Council Member Pandori's request for a list of unfunded traffic signals. (44) Memorandum from Director of Planning, Gary J. Schoennauer, dated June 8, 1995, recommending that the 1995-96 Proposed Fees and Charges report and the fee resolution be amended to include two new fees for the removal and storage of illegal signs. (45) Memorandum from Budget Director, Larry D. Lisenbee, dated June 8, 1995, advising Council of the amendments to the Fire Department's Personal Services and Non-Personal Appropriations in the 1995-96 Proposed Operating Budget to reflect the approved addition of an ALS First Responder Program (Option D) in the Fire Department. (46) Memorandum from Budget Director, Larry D. Lisenbee, dated June 8, 1995, responding to the Finance Committee referral to the 1995-96 budget process regarding the establishment of a cost-sharing program for the repair of sidewalks. (47) Memorandum from Budget Director, Larry D. Lisenbee, dated June 5, 1995, recommending Council approval of amendments to the 1995-96 Proposed Operating Budget incorporating adjustments recommended for a number of City Operating Funds. (48) Memorandum from Budget Director, Larry D. Lisenbee, dated June 8, 1995, recommending that Council approve revisions to the 1995-96 Proposed Budget which reduce by \$1,014,000 the estimate for Redevelopment Agency payments, reduce the Redevelopment Agency Revenue Loss Reserve by \$172,000, and reduce various departmental expenditures by \$558,000. (49) Memorandum from Director of Planning, Gary J. Schoennauer, dated June 9, 1995, responding to Council's inquiry regarding the

**10c (Cont'd.)**

possibility of funding the Zoning Code Update Work Plan through a private contribution or a fee increase, and the potential for “phasing” the project over several years. (50) Memorandum from City Manager, Regina V.K. Williams, dated June 7, 1995, recommending that an ongoing Supervising Public Safety Dispatcher position be added to the 1995-96 Operating Budget for the Fire Department, at a General Fund cost of \$70,250. (51) Memorandum from City Manager, Regina V.K. Williams, dated June 7, 1995, recommending that the 1995-96 Proposed Operating Budget be revised to enhance the City’s telecommunications efforts and to reassign this function to the City Manager’s Office, which would (a) eliminate the position of Analyst II in the Office of Economic Development dedicated to telecommunications and reduce the Office of Economic Development in personal services and in non-personal expenses, and (b) would establish the position of Telecommunications Administrator in the City Manager’s Office and increase the budget by a total of \$112,360. (52) Memorandum from Budget Director, Larry D. Lisenbee, dated June 7, 1995, stating that since the release of the Proposed 1995-96 Operating Budget, additional information has become available regarding the status of General Fund revenues and expenditures projected for 1995-96, which results in the net availability of \$3.15 million in additional funding for City Council allocation in 1995-96. (53) Memorandum from City Manager, Regina V.K. Williams, dated June 9, 1995, providing an analysis of the proposals made in Budget Document #12 as well as other recently discussed proposals. (54) Memorandum from Director of Planning, Gary J. Schoennauer, dated June 9, 1995, recommending Council (a) conceptually approve proceeding with the reduced cost alternative, (b) direct Planning and Redevelopment Agency staff to develop joint City/Agency funding sources; (c) direct staff to determine if costs can be recovered from private property owners; and (d) direct staff to report back in August with a recommended implementation plan, including funding sources, schedule, and staffing adjustments required. (55) Memorandum from Budget Director, Larry D. Lisenbee, dated June 8, 1995, recommending Council approve the amendments to the 1995-96 Proposed Capital Budget described therein for inclusion in the Adopted 1995-96 Capital Budget and related ordinances and resolutions. (56) Memorandum from Director of Public Works, Ralph A. Qualls Jr., dated June 12, 1995, recommending Council affirm the City’s commitment to meet local matching obligations of \$2.9 million in 1995-96 and \$4.4 million in 1996-97 for Route 87 and Guadalupe River Park project activities, and direct staff to return to the City Council in September with final recommendations on funding sources. (57) Memorandum from Director of Neighborhood Services, George J. Penn, dated June 13, 1995, providing a status report and timeline on the implementation of Senate Bills 302 and 1770, which became law effective January 1, 1995. (58) Memo-randum from Budget Director, Larry D. Lisenbee, dated June 14, 1995, recommending Council approve the amendments to the 1995-96 Proposed Capital Budget described therein for inclusion in the Adopted 1995-96 Capital Budget and related ordinances and resolutions. (59) Memorandum from Director of Finance, John V. Guthrie, dated

10c (Cont'd.)

June 20, 1995, recommending that \$100,000 be added to the FY 1995-96 Safety Program Budget in the Workers' Compensation Fund and funded from the Workers' Compensation Fund Reserve, and that staff monitor performance results and prepare a performance report as part of the Mid-Year Budget Review and make a final recommendation on the program's inclusion in the FY 1996-97 Budget during Spring's budget deliberations. (60) Memorandum from Budget Director, Larry D. Lisenbee, dated June 23, 1995, submitting to Council a set of revised Source and Use Statements which have been prepared for all funds where revisions to the published 1995-96 Proposed Operating and Capital Budgets have been recommended. **(B) BUDGET DOCUMENTS:** (1) Memorandum from Mayor's Budget and Public Policy Director, Bob Brownstein, dated May 10, 1995, describing the procedure of the Budget Document Log System used to track budget-related memoranda issued after the release of the Proposed Operating and Capital Budgets. (2) Memorandum from Council Member Shirakwa, Jr., dated May 19, 1995, recommending that the Mayor and City Council approve in Fiscal Year 1995-96 the \$100,000 funding for the Road Bump Program. (3) Memorandum from Council Member Fernandes, dated May 25, 1995, requesting that the \$40,000 1994-95 District 4 Homework Center allocation be rebudgeted to Fiscal Year 1995-96 Operating Budget. (4) Memorandum from Vice Mayor Johnson, dated May 24, 1995, requesting that the Office of Economic Development provide during budget deliberations information on (a) the total amount from all sources available for funding of minority Chambers and the intended allocation for each Chamber for FY 1995-96, (b) a comparison to FY 1994-95 allocations, and (c) the rationale for any proposed changes to the distribution of these funds among the various Chambers. (5) Confidential memorandum distributed directly to Council Members only by the City Attorney's Office. (6) Memorandum from Council Member Shirakawa, Jr., dated May 26, 1995, recommending the Mayor and City Council approve funding for the Mexican American Community Services Agency, Inc. (MACSA), for Fiscal Year 1995-96, in the amount of \$138,665. (7) Memorandum from Council Member Diquisto, dated May 30, 1995, documenting his opposition to the Super Recycler proposal. (8) Memorandum from Council Member Diquisto, dated May 31, 1995, requesting answers to questions related to FY 1995-96 Proposed Operating Budget pertaining to specific City departments. (9) Memorandum from Council Member Diquisto, dated May 31, 1995, recommending that the business community be consulted and included in discussions regarding the proposed Transient Occupancy Tax (TOT). (10) Memorandum from Council Member Diquisto, dated June 1, 1995, requesting answers to questions regarding the FY 1995-96 and 1996-2000 Proposed Capital Improvement Program pertaining to specific City departments. (11) Memorandum from Council Member Diquisto, dated June 1, 1995, requesting answers to questions related to the FY 1995-96 Proposed Operating Budget pertaining to Airport Operations. (12) Memorandum from Council Members Dando, Diquisto, Fiscalini, and Pandori, dated June 6, 1995, submitting a proposal on staffing levels

**10c (Cont'd.)**

within the Police Department and suggesting that the Administration be directed to implement the recommendations contained therein. (13) Memorandum from Council Member Fernandes, dated June 6, 1995, requesting that \$16,600 from Council District 4 Personal Services Office Budget and \$16,500 from Council District 4 Non-Personal Budget be rebudgeted to the District 4 1995-96 Non-Personal Budget. (14) Memorandum from Council Member Dando, dated June 6, 1995, requesting \$42,400 from District 10 Personal Services and \$2,200 from Non-Personal Services to be rebudgeted to FY 1995-96 District 10 Non-Personal Services Budget; \$25,000 from FY 1994-95 District 10 Homework Center allocations to be transferred to a new Citywide appropriation to allow for one-time grants and projects in FY 1995-96 for Council District 10; and establish an appropriation of \$2,500 from FY 1994-95 Council District 10 Non-Personal Services in the form of Gift Trust Funds for the annual Almaden Valley Art & Wine Festival. (15) Memorandum from Mayor's Budget and Public Policy Director, Bob Brownstein, dated June 19, 1995, requesting certain unexpended equipment funds and savings from FY 1994-95 Personal Services Budget be reappropriated to FY 1995-96 as specified. (16) Memorandum from Council Member Powers, dated June 16, 1995, requesting that \$10,730 from Council District 2 Personal Services Office Budget and \$6,000 from Non-Personal be rebudgeted to Council District 2 FY 1995-96 Non-Personal Budget. (17) Memorandum from Council Member Diquisto, dated June 7, 1995, requesting the rebudgeting of \$3,000 from Council District 9 FY 1994-95 Non-Personal Services Budget to FY 1995-96 Non-Personal Services, and \$7,000 from Council District 9 FY 1994-95 Personal Services to FY 1995-96 Personal Services Budget. (18) Memorandum from Council Members Diquisto, Johnson, Pandori, Powers, dated June 9, 1995, recommending that the Mayor and City Council approve \$50,000 in funding for the Kids Voting Project. (19) Memorandum from Mayor Hammer, dated June 9, 1995, submitting elements of a Police Staffing proposal to improve police services and create a process to generate effective augmentations to all public safety programs in the future. (20) Memorandum from Council Member Woody, dated June 12, 1995, requesting \$15,500 from Council District 8 Personal Services and \$7,000 from Non-Personal Services to be rebudgeted to FY 1995-96 Council District 8 Non-Personal Services Budget; and requesting \$10,000 from FY 1994-95 Council District 8 Homework Center allocations be transferred to a new Citywide appropriations to allow for one-time grants and projects in FY 1995-96. (21) Memorandum from Council Members Johnson and Shirakawa, Jr., dated June 12, 1995, recommending that the Mayor and City Council approve \$100,000 funding amount for the San Jose Sports Authority in FY 1995-96. (22) Memorandum from Council Member Diaz, dated June 14, 1995, requesting rebudgeting of certain Council District 5 FY 1994-95 Office Budget funds. (23) Memorandum from Council Members Powers and Shirakawa, Jr., dated June 12, 1995, recommending the Neighborhood Housing Services (NHS) operating expenses be funded \$100,000 from the Department of Housing Budget, and rebudgeting of \$150,000 of CDBG funds currently allocated to

10c (Cont'd.)

the NHS Capital & Revolving Loan Fund. (24) Memorandum from Vice Mayor Johnson, dated June 14, 1995, requesting that \$3,200 from Council District 1 FY 1994-95 Non-Personal Budget be rebudgeted to Council District 1 FY 1995-96 Budget. (25) Memorandum from Council Members Dando, Diquisto, Fiscalini, and Pandori, dated June 14, 1995, recommending that consideration be given to the consolidation of funds set aside for departments related to the Education, Development and Training Programs of the work force within each City department. (26) Memorandum from Council Member Fiscalini, dated June 12, 1995, requesting that \$4,500 from Council District 6 Personal Services and \$900 from Non-Personal Services Budget be rebudgeted to the Distinct 6 FY 1995-96 Non-Personal Services Budget. (27) Memorandum from Council Member Dando, dated June 15, 1995, requesting that Graystone and Randol Elementary Schools be added to the list of schools considered for matching grants in Council District 10. (28) Memorandum from Council Member Shirakawa, Jr., dated June 15, 1995, requesting \$10,000 from Council District 7 Personal Services Budget and \$1,200 from Non-Personal Services Budget to be rebudgeted to FY 1995-96 Council District 7 Non-Personal Services Budget. (29) Memorandum from Council Member Woody, dated June 6, 1995, recommending that Council approve funding in the amount of \$50,000 to cover pilot year costs for the proposed *San Jose Prepared!* Program. (30) Memorandum from Council Member Pandori, dated June 15, 1995, requesting that \$5,900 from District 3 FY 1994-95 Non-Personal Services be rebudgeted to District 3 FY 1995-96 Non-Personal Services Budget. (31) Memorandum from Council Member Diquisto, dated June 14, 1995, recommending a 50% reduction in Environmental Services Department (ESD) Community Relations Work Plan for FY 1995-96. (32) Memorandum from Council Member Pandori, dated June 16, 1995, recommending the Administration be directed to work with the South Bay Zoological Society to develop a membership recruitment drive and budget for consideration during the Mid-Year Budget Review. (33) Memorandum from Council Members Diaz, Fiscalini, Shirakawa, Jr., and Woody, dated June 19, 1995, recommending that Staff and the Minority, Women and Disadvantaged Business Development Committee be directed to evaluate the recommendations contained in the Disparity Study and to report back to the City Council during the Mid-Year Budget Review process with a program that will help address the disparity between utilization and availability of Minority and Women Owned Business Enterprises (MBE/WBE) for professional services and procurement contracts, and that the City Council consider during the Mid-Year Budget Review Process appropriating funds necessary to implement any MBE/WBE program additions. (34) Memorandum from Mayor Hammer, dated June 19, 1995, recommending that the City Council approve the rebudget actions proposed in Budget Document Nos. 3, 13-17, 20, 22, 24, 26, 28, and 30, which were issued by the Mayor and Council Members.

**10c (Cont'd.)**

Discussion/Action: Council Member Fernandes stated the Portuguese Community has expressed interest in being included in the MBE/WBE Program. City Manager Williams stated the consultant has completed Phases I and II of the Disparity Study; therefore, Staff will work with the MBE/WBE Committee to develop a program to improve the utilization of the information and to provide better contracting opportunities for MBE/WBEs in San Jose's market area, with a report to Council separate from the Budget review process. She stated consideration of the Portuguese community will be incorporated in the program review. Council Member Pandori and Vice Mayor Johnson shared similar concerns regarding modification of the budget review process, changes in departmental presentations, and the scheduling of public hearings for public participation. Upon motion by Council Member Diquisto, seconded by Council Member Fiscalini and unanimously carried, Resolution No. 66020, entitled: "A Resolution of the Council of the City of San Jose Adopting and Approving the Operating Budget for Fiscal Year 1995-96"; Resolution No. 66021, entitled: "A Resolution of the Council of the City of San Jose Adopting and Approving the Capital Budget for Fiscal Year 1995-96"; Resolution No. 66022, entitled: "A Resolution of the Council of the City of San Jose Adopting and Approving the Five Year Capital Improvement Program for Fiscal Years 1996-2000"; and Resolution No. 66023, entitled: "A Resolution of the Council of the City of San Jose Adopting a Police Staffing Program", were adopted with additional actions approved to include (1) addendum to the Disparity Study to incorporate the Portuguese community in the program review by the MBE/WBE Committee; (2) Mayor's Budget Staff to consider changes in public participation in the budget process by scheduling the public hearing prior to the tentative approval of the budget; and (3) MBA #11, regarding direction to the City Attorney to look at performance targets for revenue collections, the terminology should be changed to read "Administrative Remedies Ordinance". Vote: 11-0-0-0.

**10d Final PUBLIC HEARING and adoption of resolution approving, confirming, and adopting the Engineer's Report and setting the amount of assessments for Maintenance District 15. (Public Works)  
(Continued from 6/13/95 - Item 10b)**

Documents Filed: (1) Supplemental memorandum from Director of Public Works, Ralph A. Qualls Jr., dated June 16, 1995, recommending Council conduct the final public hearing and adopt said resolution. (2) Consent And Waiver Of Notice of the right to 45-day notice of the proposed amendment and consent to the provision of additional benefits to the subject property, Maintenance District Number 15 (Silver Creek), bearing the signature of T.C. Wang, General Partner of Silver Creek Estates Association, dated June 19, 1995.

**10d (Cont'd.)**

Discussion/Action: Mayor Hammer opened the final public hearing on the Engineer's report for Maintenance District 15. There was no discussion from the Floor. Upon motion by Council Member Woody, seconded by Council Member Fiscalini and unanimously carried, the public hearing was closed and Resolution No. 66024, entitled: "Resolution Approving, Confirming and Adopting the Engineer's Report for Maintenance District 15 (Silver Creek Valley) for Fiscal Year 1995-96", was adopted. Vote: 11-0-0-0.

**ORAL COMMUNICATIONS**

- (1) Mr. M. Shakeri addressed Council on the City's response to his allegations of verbal abuse by the Department of Finance. City Manager to submit written response to Council and complainant.
- (2) William Chew addressed Council on the availability of equipment to broadcast meetings of Standing Council Committees and the City Council. Mayor's Office to continue working on the issue.

**RECESS/RECONVENE**

Following Oral Communications, Council recessed at 5:35 p.m. and reconvened at 7:05 p.m., Council Chambers, City Hall.

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

Absent: Council Members - None.

City Clerk, Patricia L. O'Hearn, read the requests for continuances of applications and other actions as recommended. Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, the below noted continuances were granted. Vote: 11-0-0-0.

- 15b PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the south side of Blossom Hill Road, 1,000 feet west of Winfield Boulevard, from A(PD) to A(PD), to allow up to 66,000 square feet of new self storage buildings on 2.4 gross acres (Herbert P. McLaughlin, Owner/Developer). CEQA: ND. Director of Planning recommends denial. Planning Commission recommends denial (5-0-2).  
PDC 94-09-037 - District 10  
(Continued from 2/7/95 et al., and 5/16/95 - Item 15h)**

Documents Filed: Letter from William F. Kenney, dated June 17, 1995, requesting that the hearing set on this matter for June 20, 1995 be continued to the next available Council meeting.

Discussion/Action: This item was continued to August 15, 1995.

- 15e PUBLIC HEARING ON PLANNED DEVELOPMENT PREZONING of the property located on the northwest corner of Capitol Avenue and Old Post Way, from County to A(PD) Planned Development, to allow up to 68 single-family detached residential units on 10.0 gross acres (Frank M. Nola, Owner; Braddock & Logan Group, Developer). CEQA: ND.  
PDC 95-03-018 - District 4**

Documents Filed: None.

Discussion/Action: This item was continued to August 15, 1995.

- 15f PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the north side of Madeline Drive, opposite El Campo Drive, from C-1 Commercial to A(PD) Planned Development, to allow up to 69 single-family detached residential units on 5.75 gross acres (F & M Sorci Land Co., Inc., Owner; Stellar Homes, Developer). CEQA: ND.  
PDC 95-04-019 - District 5**

Documents Filed: None.

Discussion/Action: This item was continued to August 15, 1995.

## CEREMONIAL ITEM

- 5a Presentation of posthumous commendation to Sergeant Richard Reyes, San José Police Department; co-founder of the Latino Peace Officers Association; for his community involvement and outstanding efforts in the recruitment of minorities in law enforcement. (Diaz)  
(Deferred from 6/6/95 - Item 5a)**

Documents Filed: None.

Discussion/Action: Joining Mayor Hammer at the Podium, Council Member Diaz introduced the family of Police Sergeant Reyes--Maria Reyes, wife; David Reyes, son; Ralph and Sylvia Reyes, parents; Renee Mendez, sister; Ralph Reyes, brother; and Regina Rodriguez, sister--and presented to Mrs. Reyes the commendation and a floral bouquet. Police Chief Cobarruvias acknowledged the Officer's dedication to the San Jose Police Department, the Latino Police Officers Association, and lauded Officer Reyes' for his outstanding contributions to equal employment opportunities for minorities in law enforcement.

## PUBLIC HEARINGS

- 15a PUBLIC HEARING ON DEVELOPMENT AGREEMENT between the City of San Jose and Cisco Systems, Inc., for a project located at the southeast corner of Tasman Drive and Vista Montana to allow construction of a 576,000 square-foot industrial site on 25.5 gross acres (Mozart Development and Crocker Properties, Owner; Cisco Systems, Inc., Developer). CEQA: Resolution No. 60197. Director of Planning recommends approval. Planning Commission recommends approval (7-0-0).  
District 4  
(Continued from 5/2/95 and 5/16/95 - Item 15g)**

Documents Filed: (1) Memorandum from the Planning Commission, dated June 1, 1995, recommending Council approve the subject Amended Development Agreement. (2) Notice of Public Hearing to consider a Development Agreement between the City of San Jose and Cisco Systems, Inc., dated March 21, 1995, and proof of publication submitted by the City Clerk.

Discussion/Action: Mayor Hammer opened the public hearing on the development agreement between the City of San Jose and Cisco Systems, Inc., for the subject project. There was no discussion from the Floor. Upon motion by Council Member Fernandes, seconded by Vice Mayor Johnson and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Ordinance

**15a (Cont'd.)**

No. 24941, entitled: "An Ordinance of the City of San Jose Approving the First Amendment to Development Agreement With Cisco Systems, Inc., Relative to the Development of Property in North San Jose", was passed for publication.  
Vote: 11-0-0-0.

**15c PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the north side of Murphy Avenue, 400 feet west of Lundy Avenue, from A(PD) Planned Development to A(PD) Planned Development, to allow up to 84 single-family attached residential units on 3.2 gross acres (Pacific Rim Garden Villa, Inc., Owner/Developer). CEQA: ND. Director of Planning recommends approval. Planning Commission recommends approval (5-2-0).  
PDC 95-04-023 - District 4  
(Continued from 6/6/95 - Item 15h)**

Documents Filed: (1) Memorandum from the Planning Commission, dated June 15, 1995, recommending Council adopt an ordinance approving the subject rezoning. (2) Declaration of Mailing of the Notice of Public Hearing to consider a change in Zoning PDC 95-04-023, dated May 12, 1995. (3) Notice of Public Hearing on PDC 95-04-023, dated May 1, 1995, and Proof of Publication submitted by the City Clerk.

Discussion/Action: Mayor Hammer opened the public hearing on the planned development rezoning of the subject property. There was no discussion from the Floor. Upon motion by Council Member Fernandes, seconded by Council Member Fiscalini and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Ordinance No. 24942, entitled: "Ordinance of the City of San Jose Rezoning Certain Real Property Situated on the North Side of Murphy Avenue, 400 Feet West of Lundy Avenue", was passed for publication. Vote: 11-0-0-0.

**15d PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the north side of Massida Court, 100 feet west of Carter Avenue, from A(PD) Planned Development to A(PD) Planned Development, to allow up to 20 single-family detached residential units on 1.58 gross acres. (K-Homes, Inc., Owner/Developer). CEQA: ND. Director of Planning recommends approval. Planning Commission recommends approval (7-0-0).  
PDC 95-02-012 - District 9**

Documents Filed: (1) Memorandum from the Planning Commission, dated June 1, 1995, recommending Council adopt an ordinance approving the subject rezoning. (2) Notice of Public Hearing to consider a change in Zoning PDC 95-02-012, dated May 1, 1995, and Proof of Publication submitted by the City Clerk.

**15d (Cont'd.)**

Discussion/Action: Mayor Hammer opened the public hearing on the planned development rezoning of the subject property. There was no discussion from the Floor. Upon motion by Council Member Diquisto, seconded by Council Member Fiscalini and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Ordinance No. 24943, entitled: "Ordinance of the City of San Jose Rezoning Certain Real Property Situated on the North Side of Massida Court, 100 Feet West of Carter Avenue", was passed for publication. Vote: 11-0-0-0.

**15g PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the southwest corner of Saratoga Avenue and Tanbark Street, from R-1 Residence to A(PD) Planned Development, to allow the conversion of a single-family residence to a medical office on 0.19 gross acres (Chong Pak and Scott Yoo, Owner/Developer). CEQA: Exempt. Director of Planning recommends approval. Planning Commission recommends approval (5-2-0) with the condition that the project developer add additional six-foot fence along the side of the garage, up to the face of the garage as part of the Planned Development Permit.**

**PDC 95-04-022 - District 1**

Documents Filed: (1) Memorandum from the Planning Commission, dated June 15, 1995, recommending Council adopt an ordinance approving the subject rezoning with conditions proposed in the staff report. (2) Declaration of Mailing of the Notice of Public Hearing to consider a change in Zoning for PDC 95-04-022.

Discussion/Action: Mayor Hammer opened the public hearing on the planned development rezoning of the subject property. The following citizens spoke in opposition to the proposed development rezoning: Dave Blockhus, Janets Chan, Melanie Snell, Sammy Sy, Victoria McBride Blockhus, and Paul Cowling. Director of Planning, Building and Code Enforcement, Gary J. Schoennauer, explained the protest requirements, clarified the intent of the land use designation which is to retain the residential character of the area while allowing limited commercial uses, and modified the conditions of approval to include one additional parking space on the site. Council Member Pandori expressed a preference for another kind of commercial use on the property with less intensity. Upon motion by Vice Mayor Johnson, seconded by Council Member Fiscalini and carried, the public hearing was closed, the Planning Commission recommendation approved with condition that the project developer add additional six-foot fence along the side of the garage, up to the face of the garage as part of the Planned Development Permit, and to include at the Planned Development Permit stage the requirement for one (1) additional on-site parking space, and Ordinance No. 24944, entitled: "Ordinance of the City of San Jose Rezoning Certain Real Property Situated on the Southwest Corner of Saratoga Avenue and Tanbark Street", was passed for publication. Vote: 10-1-0-0. Noes: Pandori.

**CLOSED SESSION REPORT**

The following Disclosure of Closed Session Action of June 20, 1995 was reported by City Attorney, Joan R. Gallo:

A. Authority to Enter A Litigation Case As Amicus Curiae:

- 1. Case Name: Northwest Environmental Advocates v. City of Portland

Adverse party or parties: Northwest Environmental Advocates

Substance of Litigation: Citizens' suit under Federal Clean Water Act for violation of State water quality standards.

Council Vote: Ayes: Dando, Diaz, Fernandes, Fiscalini, Johnson, Pandori, Powers, Shirakawa, Jr., Woody; Hammer.  
Noes: None.  
Absent: Diquisto  
Disqualified: None.

**ADJOURNMENT**

The Council of the City of San Jose adjourned at 8:10 p.m. in memory of Johnny Earl Burnett, husband of Valerie Burnett, City of San Jose Clerical Pool.

SUSAN HAMMER, MAYOR

**ATTEST:**

PATRICIA L. O'HEARN, CITY CLERK

RT

Item 9t - comments by Council member Pandori, for the minutes.

If we don't encumber some of the excess funds prior to the end of the fiscal year, the City may lose them; referred to the City Attorney to see if there is some way we can proceed with further demolition of streets in the area

Scheller House and River Street District Projects

Council discussed approval of the balance of the

approval of the balance of the Staff recommendations, with VMJ's remarks to consult with the Water District in an effort to have funds from the project available to be applied, from the Corps \$200,000, and if there's more, to encourage the Corps to give the City that as well.

\$200,000 immediately and petition the county for any remainders when the project is completed to be applied against the project, and the Water District

The letter should be specific as possible and it is for

but stated she would not support the motion on the Floor.  
Vice Mayor Johnson

Regarding the funding sources, Council Member spoke in support of Option I with Staff to communicate with Santa Clara County to reserve the settlement amount of \$475,000 for an historical project in the City, with the understanding that those funds will be used for the River Street District project

Re County Historic dollars available,

Council Members speaking in opposition to the proposal expressed concern that project funding is incomplete, that the recommended options lack flexibility

of Supervisors regarding funding from County Historic Heritage Commission funds to assist San Jose University with the Scheller House project

refined the agreed upon greater participation by the implementing the project under a "one-move" scenario without utilizing an interim site

agreed upon greater participation by the private sector

Council approved the remaining recommendations as contained in the 06/19/95 memorandum from the Director of Public Works, with direction to Staff to consult with the Water District and the Army Corps of Engineers regarding additional funds available to the project; and with a letter from the Mayor to the County Board of Supervisors specifying the use for the funds and how that use corresponds to the "mission" of the Park Charter.

in a spirit of cooperation and for the City's best interest, that

has not been used very much and reviews of the effectiveness of the Ordinance have not been conducted.

given the magnitude of the appeals process which would involve the City Council, she stated Council could refer the question to the appropriate Committee with direction to the City Attorney's Office to work with Public Works in

There may be some other changes; you may or may not want to consider having appeals from non-parties to the action to the Council, you may want to refer the question of the Ordinance to the appropriate committee, then the City Attorney's Office can work with Public Works.

. City Attorney Gallo stated the Debarment Ordinance has not been used very much, therefore no review has been conducted as to how the Ordinance works. She stated the Ordinance is not as much of a public hearing as many of the administrative hearings we have; one of the things we don't do is maintain a list of interested parties who could be notified about a hearing, so that they can bring in evidence and testify.