

## **MINUTES OF THE CITY COUNCIL**

**SAN JOSE, CALIFORNIA**

**TUESDAY, AUGUST 8, 1995**

The Council of the City of San Jose convened in regular session at 9:00 A.M. in City Council Chambers at City Hall.

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

Absent: Council Members -Johnson (excused).

Upon motion unanimously adopted, Council recessed at 9:05 A.M. to a Closed Session in Room 600 to confer with Legal Counsel pursuant to Government Code Section 54956.9; under Subsection (a) to discuss existing litigation in the cases of City of San José v. W.H. Ebert Company, and Piper, et al. v. City of San José, et al.; to discuss anticipated litigation pursuant to Subsection (b) of Government Code Section 54956.9, in one matter involving significant exposure to litigation and one matter regarding the initiation of litigation; to conduct public employee performance evaluation pursuant to Government Code Section 54957 for the Title of City Manager; and to confer with Labor Negotiator Pursuant to Government Code 54957.6: (1) City Negotiator: City Manager Designee Debra Figone/Employee Organization: International Association of Firefighters, and (2) City Negotiator: City Manager Regina Williams/Unrepresented Employees: Senior Staff (Department Heads, Assistant City Manager, Deputy City Managers and Assistants to the City Manager) and Unit 99.

By unanimous consent, Council reconvened from the Closed Session and recessed at 12:25 P.M. and reconvened at 1:38 P.M. in the Council Chambers.

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

Absent: Council Members -None.

### **INVOCATION**

Council Member Shirakawa, Jr., led in a moment of silence in memory of Duane Garrett, Guy Newgren II, Mary Lima, Janet Batchelder, Jesse Sanchez, and Angela Dimitra Poulos-Schnetzler. (District 7)

### **PLEDGE OF ALLEGIANCE**

Mayor Hammer led the Pledge of Allegiance.

## **ORDERS OF THE DAY**

Mayor Hammer announced that Council would recess to Closed Sessions after Ceremonials and again at the end of the meeting. Upon motion by Council Member Powers, seconded by Vice Mayor Johnson, and unanimously carried, the amended Orders of the Day and the Amended Agenda were approved. Vote: 11-0-0-0.

## **CEREMONIAL ITEMS**

### **5a All-America City competition presentation and presentation of commendations to the All-America City delegation. (City Manager's Office)**

Documents filed: None.

Discussion/Action: City Manager Regina V.K. Williams and Council Member Johnson joined the All-America City delegation comprised of Cynthia Palacio, Lindsay Wolf, Bob Allen, April Villalon, Eva Vasquez, Mary Ellen Dick, Ron Conn, Tom Armstrong, Andy Pham, Roger de la Cruz, Linda Kimball, H. G. Nguyen, Jennifer Lamb, Tom Saggau, and Elias Chamorro, for a segment of the presentation made at the All-America City competitions held in Cleveland. City Manager Williams presented Mayor Hammer with a certificate commemorating the City's participation, and Vice Mayor Johnson presented commendations to the participants. Mayor Hammer thanked team members, Coordinator Bob Allen, and Vice Mayor Johnson for their representation of the City of San José. Expressing appreciation to corporate sponsors, Mayor Hammer introduced Vera Haire of Samsung Corporation; Leonard Hoops, San José Convention and Visitors Bureau; Jose Rodrigues, GreenTeam; Sara Clisch, San José Mercury News; Mike Krey, Business Journal; Steve Tedesco and Jim Tucker, San José Chamber of Commerce; Michelle Bertolone and Paul Bihl, Tam Corporation, as well as the San José Development, HMH, Inc., San José Sharks, and Western Waste Industries; and expressed appreciation to Jim Trotter of the San José Mercury News for his coverage of the competition.

### **5b Presentation of plaques to Elma Martinez for 4 years service, and to Ann Nelson for 4 years service on the Airport Commission; to Julian Forster for 8 years 2 months service on the Arts Commission; to Patricia Wolfe for 7 years 11 months service on the Library Commission; and to Mark Bakalor for 2 years 9 months service on the Youth Commission. (Mayor)**

Documents filed: None.

Discussion/Action: Mayor Hammer presented plaques to Elma Martinez for four years of service on the Airport Commission, to Patricia Wolfe for 7 years 11 months of

service on the Library Commission, and to Mark Bakalor for 2 years 9 months service on the Youth Commission. Plaques will be sent to Ann Nelson and Julian Forster, who were unable to attend.

**5c Presentation of a commendation to Eric Guerrero, inducted into the first class of the San José Sports Hall of Fame as the high school male athlete of the year. (Woody)**

Documents filed: None.

Discussion/Action: Council Member Woody joined Mayor Hammer for presentation of a commendation to Eric Guerrero for his induction into the San José Sports Hall of Fame and congratulated him for his accomplishments in the sport of wrestling.

**RECESS/RECONVENE**

The Council of the City of San Jose recessed at 2:08 P.M to a continuation of the Closed Session in Room 600 to confer with Legal Counsel.

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

Absent: Council Members -None.

By unanimous consent, Council reconvened from the Closed Session at 2:14 P.M. and reconvened at 2:15 P.M. in the Council Chambers.

**CONSENT CALENDAR**

Upon motion by Council Member Fiscalini, seconded by Council Member Powers, and unanimously carried, Item 6c(3) was deferred to March 1996, Item 6e(2) was amended by the City Attorney, and the Consent Calendar was approved and the below listed items taken as indicated. Vote: 11-0-0-0.

**Minutes for Approval**

**6a(1) Regular Meeting of May 23, 1995**

Documents filed: Minutes of May 23, 1995.

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

**6a(2) Regular Meeting of May 30, 1995**

Documents filed: Minutes of May 30, 1995.

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

**6a(3) Joint Council/Redevelopment Agency Meeting of June 1, 1995**

Documents filed: Minutes of June 1, 1995.

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

**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 19, 1995 at 7:00 p.m., and referring said ordinance to the Planning Commission for their review and recommendation. (Planning, Building and Code Enforcement)  
[Deferred from 6/20/95 and 6/27/95 - Item 6c(3)]**

Documents filed: None.

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

- 6c(2) Adoption of a resolution setting a Special Assessment public hearing on August 22, 1995 at 1:30 p.m. for unpaid Recycle Plus garbage bills. (Finance)**

Documents filed: Memorandum from Director of Finance, John V. Guthrie, dated July 21, 1995, recommending adoption of said resolution.

Discussion/Action: Resolution No. 66122, entitled: "A Resolution of the Council of the City of San José Setting a Special Assessment Public Hearing for Unpaid Recycle Plus Bills", was adopted. Vote: 11-0-0-0.

**Public Hearings Set by Council**

- 6c(3) Adoption of a resolution initiating the Winchester House located at 525 S. Winchester Boulevard, for consideration as a landmark of special historic, architectural, cultural, aesthetic, or engineering interest or value of a historic nature and referring it to the Historic Landmarks Commission for its recommendation, and setting a City Council public hearing on October 3, 1995 at**

**1:30 p.m. CEQA: Exempt. (Historic Landmarks Commission)**

Documents filed: None.

Discussion/Action: This item was deferred to March 1996--with the appropriate Commission dates to be scheduled prior to the report back to the Council--at the request of Vice Mayor Johnson, who stated that she would like this issue to proceed in a less adversarial setting and, with the Board of Directors for the Winchester House meeting in the Fall, she thought the City could progress on this issue in an appropriate manner. Vote: 11-0-0-0.

- 6c(4) Adoption of a resolution of intention to form Benefit Assessment District No. 95-217SJ (San Carlos-Race), setting public hearings on September 12, 1995 at 1:30 p.m. and September 26, 1995 at 1:30 p.m., and direction to the City Clerk to provide notice thereof. CEQA: ND. (Public Works)**

Documents filed: (1) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated July 21, 1995 recommending adoption of said resolution. (2) Engineer's Report for Benefit Assessment District No. 95-217SJ, dated August 3, 1995.

Discussion/Action: Albert Drost addressed the Council on this issue. Resolution No. 66123, entitled: "A Resolution of Intention of the Council of the City of San José for Benefit Assessment District No. 95-217SJ (San Carlos-Race)", was adopted. Vote: 11-0-0-0.

**Plans and Specifications**

- 6d(1) TRACT NO. 8712 - southwest corner of Farnsworth Drive and San Felipe Road - Shea Homes Limited Partnership, a California Limited Partnership, DBA as Shea Homes (Developer) - 86 units. Adoption of resolutions approving the plans, final map, contract and water main extension for Tract No. 8712. CEQA: Resolution No. 61784. District 8. (Public Works)**

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated July 28, 1995, recommending adoption of said resolutions.

Discussion/Action: Resolution No. 66124, 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. 8712 Silver Creek Valley Country Club Neighborhood 15"; Resolution No. 66125, entitled: "A Resolution of the Council of the City of San Jose Approving and Accepting Final Map of Tract No. 8712"; Resolution No. 66126 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. 8712 Silver Creek Valley Country Club Neighborhood 15"; and Resolution No. 66127, 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. 8712 Silver Creek Valley Country Club Neighborhood 15", was adopted. Vote: 11-0-0-0.

## **Contracts/Agreements**

- 6e(1) Approval of a second amendment to the agreement with Higgins and Associates for additional services, technical assistance, and training on team building, process improvements and identification, and strategic planning increasing the amount by \$81,000, from \$49,000 to \$130,000, and extending the term of the agreement by one (1) year, from June 30, 1995 to June 30, 1996. (Environmental Services)**  
**[Deferred from 6/27/95 - Item 6e(14)]**

Documents filed: None.

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

- 6e(2) Report on bids and approval to reject all bids for the Hellyer Avenue Repair Phase II Project. CEQA: Exempt. (Public Works)**  
**[Deferred from 4/25/95 et al., and 6/27/95 - Item 6e(50)]**

Documents filed: (1) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated April 7, 1995, recommending award of contract to the low bidder, Duran & Venables, Inc. (2) Supplemental memorandum from Assistant to the City Manager, Nina S. Grayson, dated April 25, 1995, amending the Staff report to state that Duran & Venables, Inc., attained 83 percent MBE/WBE participation.

Discussion/Action: City Attorney Gallo advised that due to the City having settled a lawsuit with W. H. Ebert Company, as a result of which, the W.H. Ebert Company will do the work on the project for \$98,000; the recommendation by City Attorney Gallo for rejection of all bids was approved. 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 et al., and 6/27/95 - Item 6e(51)]**

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated May 19, 1995, recommending approval of a first amendment to said agreement.

Discussion/Action: The amendment to said agreement with Gibson-Speno Richmond

Associates and Testamentary Trust was approved and its execution authorized. Vote: 11-0-0-0.

- 6e(4) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with GSG Associates to provide medical case management services for the period September 1, 1995 to August 31, 1996, in an amount not to exceed \$110,000, and authorizing the City Manager to negotiate and execute two (2) one (1) year extensions at the City's option, in an amount not to exceed \$110,000 per year. (Finance)**

Documents filed: Memorandum from Director of Finance, John V. Guthrie, dated July 21, 1995, recommending adoption of said resolution.

Discussion/Action: Resolution No. 66128, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with GSG Associates to Provide Workers' Compensation Medical Case Management Services", was adopted. Vote: 11-0-0-0.

- 6e(5) Approval of a grant agreement with the Center for Software Development, in the amount of \$60,000, for services that will promote increased business development in San Jose related to software development. (Office of Economic Development)**

Documents filed: Memorandum from the Director of Economic Development, Leslie Parks, dated July 21, 1995, recommending approval of said grant agreement.

Discussion/Action: The grant agreement with the Center for Software Development was approved and its execution authorized. Vote: 11-0-0-0.

- 6e(6) Approval of an agreement with the Bay Area Small Business Development Corporation (BASBDC) to administer the Development Enhancement Fund (DEF) and the Revolving Loan Fund (RLF) for the period July 1, 1995 to June 30, 1996, in an amount not to exceed \$75,000. (Office of Economic Development)**

Documents filed: Memorandum from the Director of Economic Development, Leslie Parks, dated July 21, 1995, recommending approval of said agreement.

Discussion/Action: The agreement with the Bay Area Small Business Development Corporation, was approved and its execution authorized. Vote: 11-0-0-0.

- 6e(7) (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement for the City to pay Grace Baptist Church for use of specified premises for the operation of a therapeutic recreation program for the mentally ill, for the period July 1, 1995 to June 30, 1996, in an**

amount not to exceed \$80,000. (Parks, Recreation and Neighborhood Services)

- (b) **Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with three (3) selected contract employees to perform services in the Grace Baptist Community Center Program for the period July 1, 1995 to June 30, 1996, in an amount not to exceed \$167,872. (Parks, Recreation and Neighborhood Services)**

Documents filed: Memoranda from Sr. Deputy City Manager, Darrell Dearborn, dated July 21, 1995, recommending adoption of said resolutions.

Discussion/Action: Resolution No. 66129, entitled: "A Resolution of the Council of the City of San José Delegating to the City Manager the Authority to Negotiate and Execute an Agreement with Grace Baptist Church for Use of Premises for the Operation of a Therapeutic Recreation Program for the Mentally Ill for the Period of

July 1, 1995 Through June 30, 1996, in an Amount Not to Exceed \$80,000", and Resolution No. 66130, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute Agreements with Three Employees Assigned to the Recreation Program for Mentally Disabled Adults", was adopted. Vote: 11-0-0-0.

- 6e(8) Approval of a seventh amendment to the agreement with Local Law Enforcement Agencies providing access to the California Identification (CAL-ID) System and the CAL-ID program budget for Fiscal Year 1995-96. (Police)**

Documents filed: Memorandum from Police Chief Louis A. Cobarruviaz, dated June 21, 1995, recommending approval of the seventh amendment to said agreement.

Discussion/Action: William Garbett addressed the Council in opposition to this item. The seventh amendment to said agreement with Local Law Enforcement Agencies was approved and its execution authorized. Vote: 11-0-0-0.

- 6e(9) Approval of a consultant agreement with CH2M Hill, Incorporated, for design services for the San Jose International Airport Airfield Projects, in the amount of \$200,000. CEQA: ND. (Public Works)**

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated July 21, 1995, recommending approval of said agreement.

Discussion/Action: The agreement with CH2M Hill, Incorporated, was approved and its execution authorized. Vote: 11-0-0-0.

## **Routine Legislation**

- 6f(1) Adoption of a resolution to amend Resolution No. 51872, Exhibit 99, to create the class of Supervising Plan Check Engineer (3956) (F/T) at a salary range of 65G. (Human Resources)  
[Deferred from 6/13/95 and 6/27/95 - Item 6f(2)]**

Documents filed: See memorandum from Director of Human Resources, Nona Tobin, dated May 25, 1995, recommending adoption of said resolution filed in the minutes of June 15, 1995, under Item 6f(3).

Discussion/Action: Resolution No. 66131, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 51872, Exhibit 99, to Create the Class of Supervising Plan Check Engineer (3956) (F/T) at a Salary Range of 65G, Effective August 13, 1995", was adopted. Vote: 11-0-0-0.

- 6f(2) Adoption of appropriation ordinance and revenue resolution amendments in the City-Side Redevelopment Project Area Fund in the amount of \$724,000 for Story Road Median Island Landscape Improvements and the E. Santa Clara Street Installation Project. (City Manager's Office)**

Documents filed: Memorandum from Budget Director Larry D. Lisenbee, dated July 21, 1995, recommending adoption of said appropriation ordinance and related revenue resolution amendments.

Discussion/Action: Resolution No. 66132, entitled: "A Resolution of the Council of the City of San Jose Amending Revenue Resolution No. 66026 for the Fiscal Year 1995-96 to Adjust Revenues in the Services for Redevelopment Capital Projects Fund (Fund 450)", and Ordinance No. 24948, entitled: "An Ordinance of the Council of the City of San Jose Amending Ordinance No. 24945 which Appropriates Moneys in the Services for Redevelopment Capital Projects Fund (Fund 450) to Establish an Appropriation for the Story Road Median Island Landscape Improvement Phase II Project in the Amount of \$458,000 and to Establish an Appropriation for the East Santa Clara Street Installation Project in the Amount of \$266,000; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", were adopted. Vote: 11-0-0-0.

- 6f(3) Adoption of a resolution to amend:**
- (a) Resolution No. 51872, Exhibit 21, to revise the salary for the class of Laboratory Supervisor (5117) (F/T) to salary range of 64G with five (5) steps.**
  - (b) Resolution No. 51872, Exhibit 21, to revise and retitle the class of Child Care Coordinator (6104) (F/T) to Child Care and Youth Services Coordinator (6104) (F/T) at a salary range of 60G.**

- (c) **Resolution No. 66092, Exhibit 05, to revise and retitle the class of Mail Clerk (1119) (F/T) to Mail Processor (1119) F/T with no change in salary.**
- (d) **Resolution No. 66092, Exhibit 05, to create the class of Senior Departmental Systems Network Coordinator (1394) F/T and (1395) (P/T) at a salary range of 58B.**

**(Human Resources)**

Documents filed: Memorandum from Director of Human Resources, Nona Tobin, dated July 21, 1995, recommending adoption of said resolutions.

Discussion/Action: David Wall spoke in opposition to Part A of the recommendation. Resolution No. 66133, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 51872, Exhibit 21 to: (a) Revise the Salary for the Class of Laboratory Supervisor (5117)(F/T) Retroactive to April 9, 1995, and (2) Revise and Retitle the Class of Child Care Coordinator to Child Care and Youth Services Coordinator (6104) (F/T), Effective August 13, 1995", and Resolution No. 66134, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 66092 Amending Exhibit I of the Memorandum of Agreement Between the City of San José and Municipal Employees Federation (AFSCME) Local 101, Unit 5 (Administrative, Technical, Clerical and Custodial Employees) to: (1) Revise and Retitle the Class of Mail Clerk to Mail Processor (1119)(F/T) and (2) Create the Class of Senior Departmental Systems Network Coordinator (1394)/1395) (FT/PT), Effective August 13, 1995", were adopted. Vote: 11-0-0-0.

- 6f(4) Approval of travel for Council Member Charlotte Powers to Memphis, Tennessee, August 31-September 1, 1995, to tour the Federal Express facilities at Memphis Airport and meet with Federal Express officials. Funding: Airport. (Powers)**

Documents filed: None.

Discussion/Action: William Garbett addressed the Council on this issue. The travel for Council Member Powers to Memphis, Tennessee was approved. Vote: 11-0-0-0.

- 6f(5) Adoption of a resolution of support for the Santa Clara County Trails Master Plan Update. (Public Works)**

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated July 21, 1995, recommending adoption of said resolution.

Discussion/Action: Resolution No. 66135, entitled: "A Resolution of the Council of the City of San José In Support of the Concepts of the Santa Clara County Trails Master Plan Update", was adopted. Vote: 11-0-0-0.

- 6f(6) Adoption of a resolution declaring a parcel of City-owned land, which is a portion of vacated San Felipe Road northwesterly of Meadowlands Lane, surplus to the needs of the City, approving the agreement for sale of surplus City-owned real property to Valley Title Company in the amount of \$500 and directing the City Clerk to execute the necessary documents. CEQA: Exempt. (Public Works)**

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated July 21, 1995, recommending adoption of said resolution.

Discussion/Action: Council Member Pandori inquired about the economics of spending \$1,500 to process the sale of property for \$500. Director Qualls advised that the cost included Staff time and the advantage to the City is in removing the property from the public rolls and thereby relinquishing any future responsibility for the property. Council Member Pandori requested the Staff reduce the processing costs if possible. Resolution No. 66136, entitled: "A Resolution of the Council of the City of San José Declaring Certain City-Owned Property Surplus to the Needs of the City, Approving an Agreement for the Sale of Surplus City-Owned Real Property to Valley Title Company, and Directing the City Clerk to Execute All Necessary Documents for the Sale of Such Property", was adopted. Vote: 11-0-0-0.

#### **END OF CONSENT CALENDAR**

### **COMMISSION, COMMITTEE, AND STANDING REPORTS**

#### **7a(1) Report of the Committee of the Whole - May 18, 1995**

Documents filed: Committee of the Whole Report of May 18, 1995.

- (1) Proposed FY 1995-96 Operating Budget. Attachment: (1) See Report of the Committee of the Whole (COW), May 15, 1995, for the Proposed FY 1995-96 Operating Budget and the Proposed FY 1995-96 Core Services Budget.

The Committee accepted the reports and directed Staff to review issues related to parks, youth employment, graffiti, the Nickel Partnership Program, Library, North First Street area, Code Enforcement, the Ultra Low Flush Toilet Incentive Program, and the Co-Generation Facility.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Vice Mayor Johnson, and unanimously carried, the Committee actions and report of May 18, 1995, were accepted. Vote: 11-0-0-0.

#### **7a(2) Report of the Committee of the Whole - May 25, 1995**

Documents filed: Committee of the Whole Report of May 25, 1995.

- (1) Proposed FY 1995-96 Capital Budget, 1996-2000 Capital Improvement Program and 1995-96 Fees and Charges. Attachments: (1) Mayor Hammer's FY 1995-96 Capital Budget Message. (2) See City Council Minutes of May 18, 1995, for the Proposed FY 1995-96 Capital Budget, FY 1996-2000 Capital Improvement Program (CIP) and FY 1995-96 Proposed Fees and Charges. (3) Correspondence from the Parks and Recreation Commission, dated May 16, 1995. (4) Hard copies of transparencies used in Staff presentations on Auditor Recommendations and the Proposed 1995-96 Capital Budget, 1996-2000 CIP and 1995-96 Fees and Charges.

The Committee accepted the reports and recommended approval of Mayor Hammer's FY 1995-96 Capital Budget Message and the Staff recommendation in MBA No. 19 on Fire Station No. 1, and directed Staff to respond to issues pertaining to realignment of San Pedro Street, Fire Station No. 1, the Central Service Yard Project, Community and Senior Centers, funding and street and traffic improvements, and referred issues of In-lieu Developer fees and Unfunded State Mandates to the Transportation, Development and Environment Committee.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Vice Mayor Johnson, and unanimously carried, the Committee actions and report of May 25, 1995, were accepted. Vote: 11-0-0-0.

**7a(3) Report of the Committee of the Whole - May 30, 1995**

Documents filed: Committee of the Whole Report of May 30, 1995.

- (1) Proposed FY 1995-96 Operating Budget. Attachments: (1) Memorandum from City Manager Williams, dated May 26, 1995, presenting the Agenda. (2) See COW Minutes of May 15, 1995, for the Proposed FY 1995-96 Operating Budget. (3) See City Council Minutes of June 20, 1995, for Manager's Budget Addendums (MBA) documents filed.

The Committee accepted the reports.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Vice Mayor Johnson, and unanimously carried, the Committee actions and report of May 30, 1995, were accepted. Vote: 11-0-0-0.

**7a(4) Report of the Committee of the Whole - June 13, 1995**

Documents filed: Committee of the Whole Report of June 13, 1995.

- (1) Proposed FY 1995-96 Operating Budget. Attachment: (1) Hard copies of overhead transparencies entitled: *Housing Department FY 1995-96 Revisions to*

*Proposed Operating Budget*, used in the Staff presentation by Housing Director Sanchez. (2) Memorandum from Housing Advisory Commission Chair, Mary Helen Doherty, dated June 9, 1995. (3) Letter from the San José Police Officers' Association, dated June 13, 1995, responding to MBA #19. (4) COW Agenda for June 13, 1995. (5) MBA #25 filed in City Council minutes of June 20, 1995.

The Committee accepted the reports and recommended approval of MBA No. 19 dated June 20, 1995 on police staffing, and referred review of the vacancy period for patrol positions to the first study committee established by MBA No. 19.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Vice Mayor Johnson, and unanimously carried, the Committee actions and report of June 13, 1995, were accepted. Vote: 11-0-0-0.

**7a(5) Report of the Committee of the Whole - June 19, 1995**

Documents filed: Committee of the Whole Report of June 19, 1995.

- (1) Mayor's Final Budget Modifications for FY 1995-96 Capital and Operating Budget

The Committee accepted the reports and recommended approval of Mayor Hammer's proposed FY 1995-96 Budget Modifications and referred to the Administration the Council Members' comments and recommendations relative to street improvements, Budget Document No. 32 and Manager's Budget Addendum Nos. 5, 8, 11, 14, 19, 20, 32, 34, 36, 38, 42, 53, 55 and 57.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Vice Mayor Johnson, and unanimously carried, the Committee actions and report of June 19, 1995, were accepted. Vote: 11-0-0-0.

**7d Report of the Finance Committee - June 28, 1995**

Documents filed: Finance Committee Report of June 28, 1995.

**7d Report of the Finance Committee - June 28, 1995**

- (1) Oral Petitions

Albert Drost, San Jose resident, spoke on behalf of PURGE (People United for Responsible Government Eventually); William Garbett, San Jose resident, spoke regarding personal privacy and civil rights issues.

- (2) Update on Sobering Station Program. Attachment: Memorandum from Assistant to the City Manager, Cynthia Bojorquez-Serda, dated June 22, 1995, recommending that (1) the City express its intent to proceed with an agreement with the County of Santa Clara to establish a local sobering station contingent upon the selection of a qualified service provider and finalized costs; and (2) The Administration submit a final agreement for approval to the Finance Committee at its September 13, 1995, meeting.

The Committee accepted the report.

- (3) Monthly Auditor's Report for May 1995. Attachment: May 1995 Auditor's Report.

The Committee accepted the report.

- (4) Quarterly Follow-up Report for Period Ending April 30, 1995. Attachment: Quarterly Follow-up Report on Priority 1 and Priority 2 Audit Recommendations for the three months ended April 30, 1995.

The Committee accepted the report.

- (5) Audit on Police Department Communications Division's Staffing and Scheduling. Attachment: Report entitled, *An Audit of the San Jose Police Department - Communication Division's Staffing and Scheduling*, dated May 1995, submitted by City Auditor Silva.

The Committee recommended acceptance of the Auditor's recommendation, with particular emphasis on Recommendation No. 4, that there be continued dialogue between the Department and the Auditor's Office and if there is the need for further recommendations to the Committee, it be done with no time constraint.

#### **7d Report of the Finance Committee - June 28, 1995**

- (6) Audit on Police Office of Criminal Justice Planning Grant Award Project. Attachment: *Auditor's Report on Supplementary Schedule of Federal Financial Assistance and Opinion on Compliance with Specific Requirements Applicable to a Federal Financial Assistance Program Awarded to the San José Police Department for Live Scan Terminal Project for the year ended June 30, 1994*, submitted in accordance with City Charter Section 805.

The Committee accepted the report.

- (7) Proposed Committee Workplan for August-December 1995. Attachment: Proposed Workplan for August-December 1995.

The Committee accepted the Workplan.

- (8) Update on Auditor's Workplan

The Committee accepted the Update on Auditor's Workplan adding City's Procurement, Bids, Request for Proposal Procedures and Contract Compliance to the 1995-96 Audit Workplan.

- (9) Committee schedule

The next meeting will be a joint San Jose/Santa Clara Clean Water Financing Authority and Finance Committee meeting on August 9, 1995.

Discussion/Action: Upon motion by Council Member Woody, seconded by Council Member Shirakawa, Jr., and unanimously carried, the Finance Committee actions and report of June 28, 1995, were accepted. Vote: 11-0-0-0.

## LAND USE AND DEVELOPMENT

- 8a PUBLIC HEARING and adoption of a resolution designating the Karl H. Plate house, building and site, located 607 North First Street, as a landmark of special historic, architectural, cultural, aesthetic, or engineering interest or value of a historic nature. CEQA: Exempt. (Planning, Building and Code Enforcement)**

Documents filed: (1) Memorandum from the Historic Landmarks Commission, dated July 21, 1995, recommending adoption of said resolution. (2) Proof of publication of notice of public hearings, submitted by the City Clerk.

**8a**

Discussion/Action: The public hearing was opened. Council Member Pandori expressed an interest in having the City provide a plaque to be attached to the exterior of buildings with Historic Landmark designation to inform the public of said status. Upon motion by Council Member Pandori, seconded by Council Member Fiscalini, and unanimously carried, the public hearing was closed, the issue of providing placards denoting San José Historic Landmark designation for display on structures so designated was referred to the Historic Landmarks Commission and Resolution No. 66137, entitled: "A Resolution of the Council of the City of San José Designating, Pursuant to the Provisions of Chapter 13.48 of Title 13 of the San José Municipal Code, the Karl H. Plate Residence and Site as a Landmark of Special Historical,

Architectural, Cultural, Aesthetic or Engineering Interest or Value of a Historic Nature”, was adopted Vote: 11-0-0-0.

**8b PUBLIC HEARING and adoption of a resolution designating the Municipal Rose Garden site located at the northwesterly corner of Naglee and Dana Avenues as a landmark of special historic, architectural, cultural, aesthetic, or engineering interest or value of a historic nature. CEQA: Exempt. (Planning, Building and Code Enforcement)**

Documents filed: (1) Memorandum from the Historic Landmarks Commission, dated July 21, 1995, recommending adoption of said resolution. (2) Proof of publication of notice of public hearings, submitted by the City Clerk.

Discussion/Action: The public hearing was opened. Terry Reilly, Director of the Rose Garden Neighborhood Preservation Association, addressed the Council in support of the proposed designation. Upon motion by Council Member Fiscalini, seconded by Council Member Pandori, and unanimously carried, the public hearing was closed, and Resolution No. 66138, entitled: “A Resolution of the Council of the City of San José Designating, Pursuant to the Provisions of Chapter 13.48 of Title 13 of the San José Municipal Code, the Municipal Rose Garden Site as a Landmark of Special Historical, Architectural, Cultural, Aesthetic or Engineering Interest or Value of a Historic Nature”, was adopted. Vote: 11-0-0-0.

**8c PUBLIC HEARING and adoption of a resolution approving the vacation of several utility easements and portions of Poco Way between McCreery Avenue and Sunset Avenue, reserving a public service easement over the entire portion of Poco Way, reserving an overland drainage easement. CEQA: ND. (Public Works)**

**8c**

Documents filed: (1) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated July 21, 1995, recommending adoption of said resolution. (2) Proof of publication of notice of public hearings, submitted by the City Clerk.

Discussion/Action: The public hearing was opened and there was no testimony from the floor. Upon motion by Council Member Diaz, seconded by Council Member Fiscalini and unanimously carried, the public hearing was closed and Resolution No. 66139, entitled: “Resolution of the Council of the City of San José Vacating Portions of Poco Way Between McCreery and Sunset Avenues and Reserving a Public Service Easement and an Overland Storm Water Release Easement”, was adopted. Vote: 11-0-0-0.

## GENERAL GOVERNMENT

- 9a Adoption of a resolution authorizing the write-off of uncollectible accounts listed in the Bad Debt Write Off Report as provided for in Section 4.24.030 of the San José Municipal Code totaling \$1,355,093.86. (Finance)  
(Deferred from 6/27/95 - Item 9g)**

Documents filed: Memorandum from Director of Finance, John V. Guthrie, dated June 8, 1995, recommending adoption of said resolution.

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

- 9b Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with 777 Associates for approximately 12,386 square feet of office space located at 777 North First Street, Suite 500, for the Department of Parks, Recreation and Neighborhood Services (PRNS) for a five (5) year term, with lease payments in an approximate amount of \$16,720 per month for the first year of the agreement. (City Manager's Office)  
[Deferred from 6/27/95 - Item 9n(1)]**

Documents filed: (1) Supplemental memorandum from Sr. Deputy City Manager, Darrell Dearborn, dated August 4, 1995, recommending authorization for the City Manager to negotiate and execute an agreement with 777 Associates for office space located at 777 North First Street, Suite 500, for the Department of Parks, Recreation and Neighborhood Services.

**9b**

Discussion/Action: Senior Deputy City Manager, Darrell Dearborn, in summarizing the recommendation and conclusions of the City Manager's Office, stated that moving Parks, Recreation and Neighborhood Services (PRNS) to the North First Street location would facilitate better communication between the PRNS and the City Council, the Staff, and the City Manager's Office, and provide easier access to meeting rooms at the Civic Center Complex. The following citizens addressed the Council regarding this issue: Scott Knies, San José Downtown Association, and Nancy Hazard, Parking Advisory Commission, spoke in support of keeping the PRNS employees downtown. Lil Silverstein, Executive Director, National Conference of Christians and Jews, as the tenant who would have to vacate in favor of the City which has priority tenant status, spoke in support of leasing the 2 North Second Street location, which would enable her organization, which runs the Victim Witness Program, to remain at 777 N. First Street. Council Member Pandori stated that the City has a long standing policy of supporting the downtown and that moving the department to the North First Street location would

send an ambivalent message not only to the private sector but to the Administration as well. He moved to direct the Administration to proceed with a lease at the 4 North Second Street location and find other office space for the Office on Aging. Council Member Fiscalini seconded the motion. Council Member Woody stated that she would not support the motion and, as liaison to the Senior Commission, expressed concern about an appropriate location for the Office of Aging, which she thought should not be separated from the department. Responding to Council questions about accessibility, Deputy Director Dearborn advised while signing has been improved and will be improved to a greater degree, the Administration believes the building is not as convenient and easily accessible for persons who are aged or who have mobility impairment, and of the three options of the North First location, or finding another ground floor location, the 4 North Second Street location is the least advantageous for that particular function. Mayor Hammer reported that she is a long time Board Member of the National Council of Christians and Jews, but because no compensation is involved, the City Attorney had advised that no conflict of interest exists. She stated she will support the motion on the floor based on her commitment to downtown development, and noted that if improvements are made to the garage, the facility might be suitable for the Office on Aging as well. Council Member Fiscalini stated he also is a Board Member of the National Council of Christians and Jews, and clarified that his support for the motion is based solely on his interest in keeping employees in the downtown. Council Member Woody stressed that she was also concerned about removing employees from the downtown, but stated that since there are 450 employees at the 4 North Second Street location, if the seventy employees were removed, there would still be a public presence in the downtown. City Manager Williams stated that this issue points out the need to complete the Office Space Study since this is an incremental decision. She advised that the Administration will make the 4 North Second

**9b**

Street location work if that is the Council's decision, and stressed that the Administration's interest in having this function in the Civic Center was an operational decision and not reflective of lack of support for employees in the downtown, and stated the Administration will move forward with the Office Space Study. On a call for the question, the motion by Council Member Pandori was carried, Council directed Staff to negotiate and execute an office space lease with owners of 4 North Second Street for the Department of Parks, Recreation and Neighborhood Services; and Resolution No. 66140, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Office Space Lease for 4 North Second Street", was adopted. Vote: 10-1-0-0. Noes: Woody.

**9c**

**(1) Adoption of appropriation ordinance and revenue resolution amendments in the Airport Capital Improvement Fund to provide an additional**

**\$2,000,000 for the Noise Attenuation Project.  
(City Manager's Office)**

- (2) Approval of a second amendment to the agreement with Acentech, Inc., for consultant services related to the Acoustical Treatment Program (ACT), increasing the compensation by \$174,000, from \$485,000 to \$659,000, and extending the agreement by six (6) months, from July 1, 1996 to December 31, 1996. CEQA: Exempt. (Airport)**

Documents filed: (1) Memorandum from Budget Director Larry D. Lisenbee, dated July 21, 1995, recommending adoption of said appropriation ordinance and related revenue resolution amendments. (2) Memorandum from Airport Director Ralph G. Tonseth, dated July 21, 1995, recommending approval of a second amendment to the agreement with Acentech, Inc.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Council Member Powers, and unanimously carried, the second amendment to the agreement with Acentech, Inc., was approved, Ordinance No. 24949, entitled: "An Ordinance of the Council of the City of San Jose Amending Ordinance No. 24945 which Appropriates Moneys in the Airport Capital Improvement Fund in the Amount of \$2,000,000, for the Noise Attenuation Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. 66141, entitled: "A Resolution of the Council of the City of San Jose Amending Revenue Resolution No. 66026 for the Fiscal Year 1995-96 to Adjust Revenues in the Airport Capital Improvement Fund", were adopted. Vote: 10-0-1-0. Absent: Pandori.

- 9d Adoption of appropriation ordinance and revenue resolution amendments in the Home Investment Partnership Program (HOME) Fund to establish a Housing Opportunities for People with Aids (HOPWA) Grants appropriation in the amount of \$583,000 and to increase the Non-Personal Services appropriation by \$18,000 to provide funds for administrative purposes. (City Manager's Office/Housing)**

Documents filed: Memorandum from Director of Housing, Alex Sanchez, and Budget Director Larry D. Lisenbee, dated July 21, 1995, recommending adoption of said appropriation ordinance and related revenue resolution amendments.

Discussion/Action: Upon motion by Council Member Powers, Council Member Fiscalini, and unanimously carried, Ordinance No. 24950, entitled: "An Ordinance of the Council of the City of San Jose Amending Ordinance No. 24945 which Appropriates Moneys in the Home Investment Partnership Program (HOME) Fund in the Amount of \$601,000, to Establish a Housing Opportunities for People with AIDS (HOPWA) Grants Appropriation in the Amount of \$583,000 and to Increase the Non-Personal Services Appropriation by \$18,000 to Provide Funds for Administrative Purposes; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", and Resolution No. 66142, entitled: "A Resolution of the Council of

the City of San Jose Amending Revenue Resolution No. 66026 for the Fiscal Year 1995-96 to Adjust Revenues in the Home Investment Partnership Program Fund”, were adopted. Vote: 10-0-1-0. Absent: Pandori.

**9e PUBLIC HEARING on the Mixed Recyclables Collection Franchise application of GreenWaste Recovery, dba 99 Dollar Debris Box Service, approval of ordinance granting the franchise, and approval of Mixed Recyclables Collection Franchise agreement with GreenWaste Recovery, dba 99 Dollar Debris Box Service. (Environmental Services)**

Documents filed: (1) Memorandum from Director of Environmental Services, Louis N. Garcia, dated July 21, 1995, recommending approval of said ordinance and franchise agreement. (2) Notice of Public Hearing and Proof of Publication, submitted by the City Clerk.

Discussion/Action: The public hearing was opened and there was no testimony from the floor. Upon motion by Vice Mayor Johnson, seconded by Council Member Fiscalini, and unanimously carried, the public hearing was closed and Ordinance No. 24951, entitled: “An Ordinance of the City of San José Granting a Mixed Recyclables Collection Franchise to GreenWaste Recovery, Inc., DBA 99 Dollar Debris Box Service”, was passed for publication. Vote: 10-0-1-0. Absent: Pandori.

**9f Discussion of salary increases for Council Appointees and the Executive Director of the Redevelopment Agency and adoption of a salary resolution. (Mayor) Renumbered to Item 11b.**

Documents filed: See Item 11b.

Discussion/Action: See Item 11b for Council Action taken.

**9g Report on bids and award of contract for Silver Creek Linear Park Phase I Project to the low bidder, Collishaw Construction, Inc., to include the base bid and Add Alternate Nos. 1, 2, and 3 in the amount of \$897,000. CEQA: ND. (Public Works)**

Documents filed: (1) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated July 21, 1995, recommending award of contract to the low bidder, Collishaw Construction, Inc. (2) Supplemental memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated August 2, 1995, providing information and recommendation regarding a protest of the recommended award to the low bidder.

Discussion/Action: Jerry Norve inquired about the protest letter and was advised by the City Attorney that when a protest letter is filed, the issue is often resolved through

discussions with the Administration, and noted that the protester was not present. Upon motion by Council Member Woody, seconded by Vice Mayor Johnson, and unanimously carried, the award of contract to the low bidder, Collishaw Construction, Inc., was approved. Vote: 11-0-0-0. Council Member Diaz commented at a later point in the meeting that he would like to have more information on how specific costs are determined on similar projects, and the Administration was directed to provide a report on the basis for determining Design and Construction Management costs on such projects in general.

**9h Report on bids and award of contract for the Installation of Traffic Signal Unit 94C Project to the low bidder, Rosendin Electric, Inc., in the amount of \$315,705. CEQA: Exempt. (Public Works)**

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated July 21, 1995, recommending award of contract to the low bidder, Rosendin Electronic, Inc.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Council Member Powers, and unanimously carried, the award of contract to the low bidder, Rosendin Electric, Inc., was approved. Vote: 11-0-0-0.

**FISCAL AFFAIRS**

**10a PUBLIC HEARING on the annual Sewer Service and Use Charge/Storm Drainage Service Charge Report of the Director of Finance, filed with the City Clerk, containing a description of each and every parcel of real property receiving sewer services and facilities pursuant to Chapter 15.12.550 and 15.16.1340 of the San José Municipal Code, and the amount of the sewer service and use charge for each parcel to be collected on the 1995-96 County Tax Roll. (Finance)  
(Continued from 8/1/95 - Item 15a)**

Documents filed: (1) Memorandum from Director of Finance, John V. Guthrie, dated July 21, 1995, recommending said hearing and approval of the report. (2) Proof of Publication of Corrected Notice of Public Hearing, submitted by the City Clerk.

Discussion/Action: The public hearing was opened. David S. Wall expressed concern that single family homeowners are paying an inordinate portion as opposed to multi-family residents and requested a study on this matter. Upon motion by Council Member Fiscalini, seconded by Vice Mayor Johnson, and unanimously carried, the public hearing was closed, and the annual Sewer Service and Use Charge/Storm Drainage Service Charge Report, was approved and placement of the charges on the 1995-96 County Tax Roll authorized. Vote: 11-0-0-0.

**10b PUBLIC HEARING on and adoption of a resolution confirming the Weed**

## **Abatement Cost Report. (Planning, Building and Code Enforcement)**

Documents filed: (1) Memorandum from Director of Planning, Gary J. Schoennauer, dated July 21, 1995, recommending adoption of said resolution. (2) Proof of Publication of Notice of Public Hearing, submitted by the City Clerk.

Discussion/Action: The public hearing was opened and there was no testimony from the floor. Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, the public hearing was closed and Resolution No. 66143, entitled: "A Resolution of the Council of the City of San José Confirming the 1995 Cost Report for Weed Abatement Upon Private Property", was adopted. Vote: 11-0-0-0.

## **JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ITEMS**

The Redevelopment Agency Board convened at 3:12 P.M. to consider Items 11a and 11b in a Joint Session.

### **11a Adoption of a resolution authorizing the:**

- (1) Acceptance of an Economic Development Initiative (EDI) grant from the United States Department of Housing and Urban Development (HUD) in the amount of \$475,000.**
- (2) Application for an acceptance of Section 108 loan funds in the amount of \$5,200,000.**
- (3) Amendment to the Community Development Block Grant (CDBG) Statement of Objectives to allow the expenditure of HUD grant and loan funds.**
- (4) City Manager and Redevelopment Agency Executive Director to negotiate an inter-agency agreement between the City of San Jose and the San Jose Redevelopment Agency.**

**(Redevelopment Agency)**

**(Rules-in-Lieu referral 8/2/95)**

Documents filed: Memorandum from City Manager Regina V.K. Williams and Redevelopment Agency Executive Director, Frank M. Taylor, dated August 1, 1995, recommending adoption of said resolution.

Discussion/Action: Budget Director Larry D. Lisenbee clarified that Part 4 of the recommendation should include authorization for both negotiation and execution of said agreement. Upon motion by Council Member Fiscalini, seconded by Council Member Powers, and unanimously carried, said amendment was approved, and Resolution No. 66144, entitled: "Resolution of the Council of the City of San José Authorizing the City Manager to Accept a Department of Housing and Urban Development - Economic Development Initiative Grant in the Amount of \$475,000.00; and the City Manager to Apply For and Accept Section 108 Loan Funds in the Amount

of \$5,200,000.00; an Amendment of Objectives; and for the City Manager to Negotiate and Execute an Agreement with the Redevelopment Agency of the City of San José to Provide for the Transfer of Said Economic Development Initiative Grant Funds and Section 108 Loan Funds for the Renovation of Certain Historic Buildings”, was adopted. Vote: 11-0-0-0.

Redevelopment Agency Resolution No. 4006 was adopted. Vote: 11-0-0-0.

**11b Discussion of salary increases for Council Appointees and the Executive Director of the Redevelopment Agency and adoption of a salary resolution. (Mayor) Renumbered from 9f**

Documents filed: Memorandum from Mayor Susan Hammer, dated June 26, 1995, recommending that the City Attorney, the City Auditor, the City Clerk, and the Redevelopment Agency Executive Director receive a three percent salary increase retroactive to July 1, 1995.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Vice Mayor Johnson, and unanimously carried, Mayor Hammer’s recommendation dated June 26, 1995 was approved, and Resolution No. 66145, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 51872 to Amend Exhibit 99 to Increase the Annual Salary of the City Attorney (2135) (U) to a Flat Biweekly Rate of \$5,128.00 (80G), to Increase the Annual Salary of the City Auditor (1256) (U) to a Flat Biweekly Rate of \$4,411.20 (77F), to Increase the Annual Salary of the Redevelopment Manager Classification to a Flat Biweekly Rate of \$5,277.60 (81C), and to Increase the Annual Salary of the City Clerk to a Flat Biweekly Rate of \$2,984.80 (69F), Effective July 1, 1995”, was adopted. Vote: 11-0-0-0.

The Redevelopment Agency Board portion of the meeting was adjourned at 3:13 P.M.

**RECESS/RECONVENE/ADJOURNMENT**

The Council of the City of San Jose recessed at 3:15 P.M to a Closed Session in Room 600.

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

Absent: Council Members -None.

By unanimous consent, the Council of the City of San José reconvened from the Closed Session at 5:30 P.M. and adjourned at 5:31 P.M. to August 9, 1995, 9:00 A.M., Room 204, for a joint Finance Committee/Clean Water Financing Authority meeting.

**RECESS/RECONVENE/ADJOURNMENT**

The Council of the City of San José adjourned in memory of Duane Garrett, KGO radio talk show host and Democratic political advisor; in memory of Guy Newgren II, son of Battalion Chief Guy Newgren of the San José Fire Department; and in memory of Mary Lima, who along with her late husband, was the founder of San José's annual "Christmas in the Park" display; in memory of Janet Batchelder, mother of Chuck Batchelder, Event Coordinator of the San José Sports Authority; in memory of Jesse Sanchez, brother of George Sanchez, a Board Member of the Franklin-McKinley School District; and in memory of Angela Dimitra Poulos-Schnetzler, sister of Tena Johnson.

**SUSAN HAMMER, MAYOR**

**ATTEST:**

**PATRICIA L. O'HEARN  
CITY CLERK**

**DC/8-8-95**