

MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

TUESDAY, AUGUST 15, 1995

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

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

Absent: Council Members: Fernandes (excused).

Upon motion unanimously adopted, Council recessed to a Closed Session at 9:35 a.m. in Room 600 to confer with Legal Counsel regarding existing litigation pursuant to Government Code Section 54956.9 Subsection (a) to discuss the case of Piper, et al. v. City of San Jose, et al.

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, Fiscalini, Johnson, Pandori, Powers, Shirakawa, Jr., Woody; Hammer.

Absent: Council Members: Fernandes (excused).

INVOCATION

Father Kevin Joyce, Saint Maria Goretti Church, delivered the invocation. (District 7)

PLEDGE OF ALLEGIANCE

Mayor Hammer led in the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, the Orders of the Day and the Amended Agenda, dropping from the Agenda Item 6f(2) and deferring to August 22, 1995 Item 9e(2), were approved.

Vote: 10-0-1-0. Absent: Fernandes.

CEREMONIAL ITEMS

5a Presentation of plaque to Art T. Mendoza for 3 years 10 months service on the MBE/WBE/DBE Committee. (Mayor)

Documents Filed: None.

Discussion/Action: Mayor Hammer presented to Art Mendoza the plaque in recognition of his service on the MBE/WBE/DBE Committee and thanked him for his contributions to the citizens of San José.

GENERAL GOVERNMENT

- 9a Interview applicants and make appointment to fill one unexpired term ending February 29, 1996 on the Campaign Finance Review and Ethics Board.
(City Clerk)
(Continued from 6/27/95 - Item 9c)**

Documents Filed: See Item 9c of the June 27, 1995 minutes of the City Council.

Discussion/Action: City Clerk, Patricia L. O'Hearn, stated Haresh Panchal and Pamela Hawley were interviewed during the June 27, 1995 City Council meeting, and because Karen Parsons was unable to attend that meeting, the interview was rescheduled to August 15, 1995. She stated the applicant is unable to attend today's meeting, and that Council may elect to appoint one of the qualified applicants already interviewed to fill such vacancy for the remainder of the unexpired term, which would require a two-thirds affirmative vote by the City Council. Mayor Hammer noted the absence of Mr. Panchal and requested the Council defer this item to later in the meeting. (See later entry for Council action.)

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: 10-0-1-0. Absent: Fernandes.

Minutes for Approval

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

Documents Filed: Minutes of June 6, 1995

Discussion/Action: The Minutes were approved. Vote: 10-0-1-0. Absent: Fernandes.

- 6a(2) Regular Meeting of June 13, 1995**

Documents Filed: Minutes of June 13, 1995.

Discussion/Action: The Minutes were approved. Vote: 10-0-1-0. Absent: Fernandes.

6a(3) Joint City Council/Redevelopment Agency Meeting of June 15, 1995

Documents Filed: Minutes of June 15, 1995

Discussion/Action: The Minutes were approved. Vote: 10-0-1-0. Absent: Fernandes.

6a(4) Adjourned Regular Meeting of June 19, 1995

Documents Filed: Minutes of June 19, 1995.

Discussion/Action: The Minutes were approved. Vote: 10-0-1-0. Absent: Fernandes.

Public Hearings Set by Council

**6c(1) Adoption of a resolution initiating the conforming rezoning of approximately 40 gross acres of State Route 680 right-of-way located between Old Post Way and Capitol Avenue, from County Zoning District to A-Agricultural Zoning District, and setting a public hearing on September 5, 1995 at 7:00 p.m. CEQA: ND. (Planning, Building and Code Enforcement)
CC 95-07-037 - District 4**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement, Gary J. Schoennauer, dated July 28, 1995, recommending the item be placed on the Consent Calendar for the August 15, 1995 City Council Agenda and that Council adopt said resolution.

Discussion/Action: Resolution No. 66146, entitled: "Resolution of the Council of the City of San José Initiating Proceedings On Its Own Motion to Prezone Certain Real Property Situated on a Segment of State Route 680 Right of Way Between Old Post Way and Capital Avenue From County to A-Agricultural Zoning District", was adopted. Vote: 10-0-1-0. Absent: Fernandes.

6c(2) 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 draft ordinance to the Planning Commission for their review and recommendation. (Planning, Building and Code Enforcement)

[Deferred from 6/20/95 et al., and 8/8/95 - Item 6c(1)]

Documents Filed: Memorandum from City Attorney, Joan R. Gallo, dated August 10, 1995, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 66147, entitled: "A Resolution of the Council of the City of San José Initiating Proceedings On Its Own Motion to Amend Section 20.08.240 and Section 20.08.315 of Chapter 20.08 of Title 20 of the San Jose 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 and Referring Said Ordinance to the Planning Commission", was adopted. Vote: 10-0-1-0. Absent: Fernandes.

Plans and Specifications

- 6d(1) TRACT NO. 8753 - West side of Capitol Avenue northerly of Fallingtree Drive and opposite Via Cinco de Mayo - Capitol Avenue Associates, L.P., a California limited partnership (Developer) - 65 single family detached units. Adoption of resolutions approving the plans, final map, and contract for Tract No. 8753. CEQA: Negative Declaration. District 4 (Public Works) (Rules Committee referral 8/9/95)**

Documents Filed: None.

Discussion/Action: This item was deferred to August 22, 1995.

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 and 8/8/95 - Item 6e(1)]**

Documents Filed: (1) Memorandum from Director of Environmental Services, Louis N. Garcia, dated July 28, 1995, recommending Council approve the second amendment to said agreement. (2) Letter from the Treatment Plant Advisory Committee, dated August 11, 1995, recommending approval of said amendment.

Discussion/Action: The second amendment to the agreement with Higgins and Associates was approved and its execution authorized. Vote: 10-0-1-0. Absent: Fernandes.

6e(2) Approval to reject all bids for one (1) articulated loader for the Department of Environmental Services. (General Services)

Documents Filed: (1) Memorandum from Acting Director of General Services, Ellis M. Jones Jr., dated July 28, 1995, recommending Council reject all bids for said unit.
(2) Letter from the Treatment Plant Advisory Committee, dated August 11, 1995, recommending Council reject all bids as recommended.

Discussion/Action: The rejection of all bids for the articulated loader was approved.
Vote: 10-0-1-0. Absent: Fernandes.

6e(3) Approval of an agreement with the Christian Center of San José for the installment payment of reimbursement fees due under Chapter 14.13, utility undergrounding fees due under Chapter 15.26, and sewer fees due under Chapter 15.16 of the San José Municipal Code, said fees in a total amount of \$37,612, due in connection with Site Development Permit No. H 94-09-051. CEQA: ND. (Public Works)

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated July 28, 1995, recommending Council approve said agreement.

Discussion/Action: The agreement with the Christian Center of San José was approved and execution of the agreement authorized. Vote: 10-0-1-0. Absent: Fernandes.

6e(4) Approval of Contract Change Order No. 3 for the Hathaway Park Renovation Project with Perma-Green Hydroseeding, Inc., in the amount of \$23,280, for a total contract amount of \$323,256. CEQA: Exempt. (Public Works)

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated July 28, 1995, recommending Council approve said change order.

Discussion/Action: Contract Change Order No. 3 with Perma-Green Hydroseeding, Inc., was approved and its execution authorized. Vote: 10-0-1-0. Absent: Fernandes.

**6e(5) 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 and 8/8/95 - Item 6e(1)]**

Documents Filed: None.

Discussion/Action: This item was dropped from the Agenda, as it is a duplication of Item 6e(1).

- 6e(6) Approval of an employment agreement with Marivel Sosa.
(Independent Police Auditor)
(Rules Committee referral 8/9/95)**

Documents Filed: None.

Discussion/Action: The employment agreement with Marivel Sosa was approved and its execution authorized. Vote: 10-0-1-0. Absent: Fernandes.

- 6e(7) Approval of amendments to the employment agreements with Donald Rocha and Queta Herrera, extending the terms from August 31, 1995 through June 30, 1996.
(Shirakawa)
(Rules Committee referral 8/9/95)**

Documents Filed: None.

Discussion/Action: The amendments to the employment agreements with Donald Rocha and Queta Herrera were approved and their execution authorized. Vote: 10-0-1-0. Absent: Fernandes.

- 6e(8) Approval of an amendment to the lease agreement with Barry Swenson and Mollie Swenson, d.b.a. 777 Associates, for the use of office space located at 777 North First Street Suites 325, 333, 350, and 450 authorizing the modification of the leased premises in an amount not to exceed \$25,000. (Public Works)
(Rules Committee referral 8/9/95)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated July 28, 1995, recommending Council approve said amendment to the lease agreement.

Discussion/Action: The amendment to the lease agreement with Barry Swenson and Mollie Swenson, dba 777 Associates, was approved and execution of the agreement authorized. Vote: 9-1-1-0. Noes: Dando. Absent: Fernandes.

- 6e(9) Approval of a grant agreement with Mexican Heritage Corporation (MHC) to provide \$115,000 in on-going funds and \$25,000 in one-time funds, for a total amount of \$140,000, for the initial planning for operation of the Mexican Cultural Heritage Gardens and Plaza. (Conventions, Arts and Entertainment)
(Rules Committee referral 8/9/95)**

Documents Filed: Memorandum from Director of Conventions, Arts, and Entertainment, Ellen Oppenheim, dated August 7, 1995, recommending Council approve said grant agreement.

Discussion/Action: The grant agreement with Mexican Heritage Corporation (MHC) was approved and its execution authorized. Vote: 10-0-1-0. Absent: Fernandes.

Routine Legislation

- 6f(1) Adoption of a resolution to amend Resolution No. 51872, Exhibit 99, to create the class of Manager of Public Education and Community Information (U) (1671) at a salary range of 63G with five (5) steps. (Human Resources)**

Documents Filed: None.

Discussion/Action: This item was deferred to August 22, 1995.

- 6f(2) Direction to staff to issue a Request for Proposal to the telecommunications industry for the development of a fiber optic network in conjunction with the South Bay Water Recycling Project. (Office of Economic Development)**

Documents Filed: (1) Memorandum from Director of Telecommunications, Pamela K. Stone, dated July 28, 1995, recommending Council direct Staff to issue a Request For Proposal (RFP) to the telecommunications industry for the development of a fiber optic network in conjunction with the South Bay Water Recycling Project. (2) Memorandum from Assistant to the City Manager, Nina S. Grayson, dated August 15, 1995, recommending this item be dropped from the Agenda.

Discussion/Action: This item was dropped from the Council Agenda to be heard at the Finance Committee meeting on Wednesday, August 23, 1995 and reported to Council on August 29, 1995.

- 6f(3) (a) Response to the 1994-95 Santa Clara Grand Jury's final report on the Investigation of San Jose Police Department Policies and Procedures for Identifying Gang Members. (Police)**
(b) Response to the 1994-95 Santa Clara Grant Jury's final report on the Inspection of San Jose Police Department Processing. (City Manager's Office)

Documents Filed: (1) Memorandum from Chief of Police, Louis A. Cobarruviaz, dated July 28, 1995, recommending Council approve the response to the Presiding Judge of the Santa Clara County Superior Court. (2) Memorandum from City Manager, Regina V.K. Williams, dated July 28, 1995, recommending Council authorize the City

Manager to submit to the Presiding Judge the response on the Grand Jury's report, entitled, "Inspection of San José Police Department Processing".

Discussion/Action: The response to the 1994-95 Santa Clara Grand Jury's report on the Investigation of San José Police Department Policies and Procedures for Identifying Gang Members was approved, and authorization for the City Manager to submit the response to the Grand Jury's Report on the Inspection of San José Police Department Processing, was granted. Vote: 10-0-1-0. Absent: Fernandes.

END OF CONSENT CALENDAR

LAND USE AND DEVELOPMENT

8a PUBLIC HEARING and adoption of a resolution:

- (1) **Approving a Disposition and Development Agreement with InnVision for the conveyance, and other details necessary to transfer ownership of City-owned property at 1440 Dubert Lane to InnVision for use as a transitional shelter.**
- (2) **Approving terms for a loan of up to \$305,000 to InnVision.**
- (3) **Authorizing the Director of Housing to negotiate and execute all necessary documents to implement the Disposition and Development Agreement.**

(Housing)

Documents Filed: None.

Discussion/Action: This item was continued to August 22, 1995.

GENERAL GOVERNMENT

- 9b**
- (1) **Approval of recommended changes to the City of San José Bail Schedule, with direction to the City Attorney to submit the recommended changes to the Municipal Court Bail Committee.**
 - (2) **Approval of an ordinance amending Section 1.08.020 of Chapter 1.08 of Title 1 of the San José Municipal Code to make corrections to the list of infractions.**

(City Attorney's Office)

Documents Filed: Memorandum from City Attorney, Joan R. Gallo, dated August 2, 1995, recommending (a) approval of recommended changes to the City of San José Bail Schedule and direction to the City Attorney to submit the recommended changes in the Bail Schedule to the Municipal Court Bail Committee, and (b) approval of an ordinance amending Section 1.08.020 to update the list of infractions.

Discussion/Action: Council Member Fiscalini stated the small Bingo playing opportunities in the City, such as in Senior citizens' complexes, should be exempt from the \$200 annual permit fee and those facilities should not be subject to the fine schedule if found in violation. He suggested the development of a tier of permits to provide for the smaller Bingo operations, clearly defined in the ordinance and exempting most of the senior complexes in the City, and that Council approval of the recommended Bail Schedule and Infraction Ordinance include the requested provisions in the appropriate section. City Attorney, Joan R. Gallo, suggested that Council approve the proposal as recommended and refer to the Administration the issue regarding regulations governing Bingo operations in senior complexes with direction to work with the Police Department and report back to Council with recommendations. Referencing page 16 of the Bail Schedule, Section 9.10.1100 regarding *unauthorized placement of solid waste or solid waste containers*, Council Member Pandori objected to the \$50.00 bail for the first offense and to the crime category of *misdemeanor* for the first offense, but agreed the amount of bail should be reduced to \$25.00, \$50.00 and \$75.00, consecutively, and that the crime category should be changed from misdemeanors to infractions. Mayor Hammer noted continued abuses of the City Ordinance, the import of the Ordinance to systemize the placement of solid waste and solid waste containers, and she underscored the necessity for the City to continue its aggressive enforcement of collecting fines. She stated the reductions could be implemented for six-months with an evaluation of the results, after which measures can be taken to reduce the amount of bail through an administrative citation process with a report back to Council. Upon motion by Council Member Powers, seconded by Vice Mayor Johnson and unanimously carried, the recommended changes to the City of San José Bail Schedule and direction to the City Attorney to submit the recommended changes in the Bail Schedule to the Municipal Court Bail Committee was approved as modified to reduce the recommended bail for violation of Section 9.10.1100 to \$25.00 for first violation, not to exceed \$50.00 for a second violation within the same year, and to \$75.00 for a third violation within the same year, with Staff directed to review the program in six months and submit to Council an evaluation of the implemented changes, and Ordinance No. 24952, entitled: "An Ordinance of the City of San Jose Amending Section 1.08.020 of Chapter 1.08 of Title 1 of the San Jose Municipal Code, Which Lists All Infractions, to Make Technical Corrections to the List of Infractions", was passed for publication. Vote: 10-0-1-0. Absent: Fernandes.

9c Approval of an agreement with Corlett, Skaer and DeVote, Inc. to provide professional consulting services for Phase Three of the Airport Acoustical Treatment Program (ACT) in an amount not to exceed \$666,600. CEQA: Exempt. (Airport)

Documents Filed: None.

Discussion/Action: This item was deferred to August 22, 1995.

9d Adoption of a resolution authorizing the Director of General Services:

- (1) To execute an agreement for the purchase of an annual supply of approximately 6,200,000 therms of natural gas for Environmental Services and Conventions, Arts and Entertainment Departments to the low bidder, Associated Gas Services, Inc., at a total annual cost not to exceed \$1,100,000 for the period September 1, 1995 to June 30, 1996.
- (2) To exercise three (3) one-year options to renew at an annual cost not to exceed \$1,300,000 and contingent upon Council approval of the funds each year.
(General Services)

Documents Filed: (1) Memorandum from Acting Director of General Services, Ellis M. Jones Jr., dated July 28, 1995, recommending Council approve said purchase agreement with low bidder Associated Gas Services, Inc. and authorize the Director of General Services to exercise said options, contingent upon Council approval of annual funds.

(2) Letter from the Treatment Plant Advisory Committee, dated August 11, 1995, recommending approval of the agreement with Associated Gas Services, Inc.

Discussion/Action: William J. Garbett spoke against the proposed action. Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, Resolution No. 66148, entitled: "A Resolution of the Council of the City of San Jose Authorizing the Director of General Services to Execute an Agreement for the Purchase of an Annual Supply of Natural Gas for the Environmental Services and Conventions, Arts and Entertainments Department With Associated Gas Services, Inc., at a Total Cost Not to Exceed \$1,100,000 for the Period September 1, 1995 to June 30, 1996", was adopted. Vote: 10-0-1-0. Absent: Fernandes.

- 9e
- (1) Report on bids and award of contract for the Fire Station Privacy Improvements Phase III - Revised Project to the low bidder, and approval of a ten (10) percent contingency. CEQA: Exempt. (Public Works)
 - (2) Report on bids and award of contract for the Kirk Community Center Reroof Revision Project to the low bidder, California Roofing Company, Inc., in the amount of \$87,606, and approval of a 20 percent contingency in the amount \$20,000. CEQA: Exempt. (Public Works)

Documents Filed: None.

Discussion/Action: This item was deferred to August 22, 1995.

- 9f
- Report on bids and award of contract for the Story Road Median Island Landscaping - Phase II Project to the sole bidder, Collishaw Construction, Inc., in the amount of \$372,955, and approval of a contingency in the amount of \$22,000. CEQA: Exempt. (Public Works)

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated July 28, 1995, recommending Council approve award of said contract to the sole bidder.

Discussion/Action: Upon motion by Council Member Diaz, seconded by Council Member Dando and unanimously carried, the award of contract to Collishaw Construction, Inc., as sole bidder, was approved and execution of the contract authorized. Vote: 10-0-1-0. Absent: Fernandes.

**9g Discussion of salary increase for the City Manager and adoption of a salary resolution. (Mayor)
(Rules Committee referral 8/9/95)**

Documents Filed: Memorandum from Mayor Hammer, dated August 14, 1995, recommending 3% salary increase for the City Manager.

Discussion/Action: Council Member Pandori expressed appreciation for the outstanding performance of the City Manager, but explained that his opposing vote is predicated on the salary increase to the position which occurred approximately nine months prior to the appointment of Regina V.K. Williams. He stated his preference would be to defer the salary increase for another year. Upon motion by Council Member Fiscalini,

9g

seconded by Council Member Powers and carried, Resolution No. 66149, entitled: "A Resolution of the Council of the City of San Jose Amending Resolution No. 51872 by Amending Exhibit 99 to Adjust the Annual Salary of the City Manager (1689) (U) to a Flat Biweekly Rate of \$5,739.80 (82J) Effective July 1, 1995, and Approving Health and Professional Development Related Expenses and Deferred Compensation Payments", was adopted. Vote: 9-1-1-0. Noes: Pandori. Absent: Fernandes.

9h Substitution of Green Valley Corporation for Barry Swensen Builder as borrower of the acquisition loan of \$650,000 for the unbuilt portion of the University Gardens Project. (Housing)

(Orders of the Day 4a)

Documents Filed: Memorandum from Director of Housing, Alex Sanchez, dated August 14, 1995, recommending Council adopt a resolution approving said substitution.

Discussion/Action: William J. Garbett spoke against the proposed action. Upon motion by Council Member Fiscalini, seconded by Vice Mayor Johnson and unanimously carried, Resolution No. 66150, entitled: "A Resolution of the Council of the City of San José Allowing the Substitution of Green Valley Corporation, or Any Other Equivalent Entity of Barry Swenson, for Barry Swenson Builder as the Borrower or Contractor on Any Loan or Real Property Transaction", was adopted. Vote: 10-0-1-0. Absent: Fernandes.

**9a Interview applicants and make appointment to fill one unexpired term ending February 29, 1996 on the Campaign Finance Review and Ethics Board.
(City Clerk)
(Continued from 6/27/95 - Item 9c)**

Discussion/Action: This item, deferred from earlier in the meeting, was heard at this time. Mayor Hammer reviewed the actions taken earlier in the meeting, noted the absence of the two applicants during today's meeting, and asked that Council finalize the appointment. The City Council, on the first ballot cast, unanimously appointed Pamela Hawley to fill the unexpired term ending February 29, 1996 on the Campaign Finance Review and Ethics Board and thanked the applicants for their interest in serving the citizens of San José.

RECESS/RECONVENE

The City Council recessed at 2:00 p.m. and reconvened at 2:35 p.m. in the Council Chambers to consider Item 13a.

PUBLIC SAFETY AND WELFARE

13a Discussion and direction regarding City of San José fire arm regulation and reinforcement. (Johnson)

Documents Filed: (1) Memorandum from Vice Mayor Johnson, dated August 10, 1995, recommending Council adopt the seven-point proposal to the current San José Weapons Ordinance. (2) Informational memorandum from Vice Mayor Johnson, dated July 19, 1995, discussing the status of firearms in California and associated legislative action. (3) Letter from Gerald S. Arenberg, Executive Director of the National Association of Chiefs of Police, dated February 27, 1995, opposing the registration of the sale of ammunition. (4) Undated document entitled "Fact Sheet", from the National Rifle Association, discussing federal firearms licensing. (5) Undated document entitled "Fact Sheet", from the National Rifle Association, discussing firearms safety in the United States: 1995. (6) Letter from Dr. Wayne Porter Keyes, dated August 14, 1995, offering his qualifications to address Council on the issue of gun control. (7) Letter from Bill Spikes, dated August 15, 1995, opposing the enactment of the proposed initiative and urging Council to enforce laws previously approved. (8) Document

entitled *Targeting Deceit - An Analysis of the Report on Residential Firearms Dealers and Ammunition Registration in Contra Costa County*, researched and compiled by Doctors of Integrity in Policy Research, Inc., dated June 6, 1995.

Discussion/Action: Vice Mayor Johnson stated the Federal and State governments have recently enacted legislation requiring greater responsibility for the sale of firearms; in addition, several California cities have adopted measures covering areas not preempted by federal or state law. After discussing with the City Attorney and the Police Department a list of many of the laws adopted by other California cities, she stated her Firearm Regulations proposal includes a combination of existing measures, some requiring direction on increased enforcement, and some newly adopted measures. Regarding item #3 of the recommendation requiring *that as a condition of local permitting, gun dealers must comply with specific safety and security standards*, she stated the City Attorney has advised that State laws are less ambiguous, more stringent and preemptive of local laws; therefore, the proposed language used in the San Francisco Police Code will be withdrawn in favor of the language mandated by the State. She stated the seven-point proposal is designed to ensure that legal and responsible business practices which reinforce the safety of our citizens are followed when guns are sold within city limits. Approximately 55 citizens addressed the Council on various aspects of the firearm issue, including the following who spoke in opposition to the proposal: Brian Luinstra; Michael W. Schrader; Fred Geeke; Ed Romero; Bill Rauch; Joe White; Mike Fournier, The Gun Exchange; Sheryl Taylor; Al Sunseri; Mike Allen; Nick Labosky; Gary M. Molle; Joe Trudel; J. C. Avakoff; Charles Gibson, South Valley Firearms Safety Council; Jean Lee; Philip Nicholas, National Rifle Association (NRA); Johann Opitz; Ken Ruble; Patricia Jorgenson; Norman Baker, State Citizens Service Centers; Wayne Porter Keyes; John Messina; Ray Carlsen; John Jorgenson; Jane Beckman; Lynsel Miller; Ken Dalla; Ed Worley, National Rifle Association (NRA); Robert Dennis; John R. Ferris; Norma Schilling; William J. Garbett; Bruce M. Stevens; Steve Riley; Steuan M. Gross; Regina Mayor; Ted Randazzo; Donald White; Curtis Howland; John DeCesare; John Anderson; Dean Childress; Michael M. Butler; John Kirklewicz; Gary Gitzen; Jon Petersen; Ron Gardiner; Doug Andrey; Victor G. Everett, Santa Clara Miners' Association; Phil V. Stracchind; Mike Varner; Dennis Blair. The following citizens spoke in favor of the proposal: Pastor Sonny Lara, Youth Family Center W/A Purpose; Darwin Farras, The Pacific Center for Violence Prevention; Attorney Eric Gorovitz, Legal Community Against Violence; and Gary Miskimmon. In reviewing specifics of some of the items contained in her August 10, 1995 memo-*randum*, Vice Mayor Johnson stated item #1 which requires *the Police Department to contact every person who obtains a Federal Firearms License to sell guns* is currently performed by the Police Department. She stated the proposal is suggesting that contact be pursued until all dealers have obtained a local permit. She stated item #2 which requires *all firearm dealers to obtain a dealers permit from the Police Department* is a current law which covers only cancelable firearms; therefore, the proposal expands the City ordinance to cover all firearms. She stated item #3 pertains to safety standards and are those contained in the State law which the City of San José will enforce; therefore, the proposal is requesting that the Police Department verify the existence of those regulations prior to issuing a City permit. Regarding item #4, she stated the *prohibition of gun dealers from operating in*

sensitive areas is an issue suggested for discussion by the Council. She stated item #5, *to require gun dealers to obtain liability insurance*, is not an additional requirement, but is necessary for the issuance or reissuance of police permits. She stated item #6, *requiring that trigger locks be sold with guns, and that printed material advising purchasers on safe storage practices accompany each sale* has elicited a great deal of controversy during today's public testimony--albeit, the trigger locks are not mandatory but are effective deterrents to accidental discharge of firearms. She pointed out that the requirement to *record all ammunition sales* is a part of the City's weapons ordinance, but is not routinely enforced. Council devoted considerable discussion to the San José fire arm regulation and reinforcement proposal, and concluded with requests for additional information regarding several issues, including the clarification on the violation of Second Amendment rights, legislation governing stock-piling of ammunition, completion of cost analysis to fiscally support the proposal, analysis of the proposal's impact on the General Fund and on Police Department staffing, in addition to the impacts affecting the enforcement of laws previously approved, the degree of participation by industry representatives in opposition to and in support of firearm controls, and an explanation of the rationale requiring the City to undertake such legislation at this time. Council Member Diquisto stated the City of San José is acting outside its capacity in regulating the sale of firearms and that he would not support the proposal. Noting the unresolved issues, Mayor Hammer suggested that Council refer the proposal to the Police Department and the City Attorney for responses to the questions and concerns expressed by the City Council and the public, with a report back to Council within six weeks. Upon motion by Vice Mayor Johnson, seconded by Council Member Woody and carried, Vice Mayor Johnson's proposal as contained in her memorandum of August 10, 1995 regarding fire arm regulation, with Council comments and questions, was referred to the August 23, 1995 Rules Committee for appropriate referral to the Administration, with direction to report back to Council at a date to be determined. Vote: 9-1-1-0. Noes: Diquisto. Absent: Fernandes.

RECESS/RECONVENE

Council recessed at 4:50 p.m. and reconvened at 7:08 p.m., Council Chambers, City Hall.

In response to approximately ten citizens requesting to address Council on Item 13a--the discussion and direction regarding City of San José fire arm regulation and reinforcement--Mayor Hammer stated Vice Mayor Johnson's proposal was heard by the City Council during the after-noon session and was referred to the City Attorney and the Administration for clarification of and response to several concerns raised during public testimony, and will be referred to Rules Committee for appropriate referral and report back to Council at a date to be determined.

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 and other actions were granted. Vote: 10-0-1-0. Absent: Fernandes.

PUBLIC HEARINGS

- 15a 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**

Documents Filed: None.

Discussion/Action: This item was continued to September 19, 1995.

- 15b 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. Director of Planning recommends approval. Planning Commission recommends approval (5-0-2). PDC 95-03-018 -District 4 (Continued from 6/20/95 - Item 15e)**

Documents Filed: (1) Memorandum from the Planning Commission, dated July 28, 1995, recommending Council adopt an ordinance approving the subject prezoning.

(2) Notice of Public Hearing to consider a change in Zoning for PDC 95-03-018, dated May 22, 1995, and Proof of Publication submitted by the City Clerk.

Discussion/Action: Mayor Hammer opened the public hearing on the planned development prezoning of the subject property. There was no discussion from the Floor. Upon motion by Council Member Powers, seconded by Council Member Fiscalini and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Ordinance No. 24953, entitled: "Ordinance of the City of San Jose Rezoning Certain Real Property Situated on the Northwest Corner of Capitol Avenue and Old Post Way", was passed for publication. Vote: 10-0-1-0. Absent: Fernandes.

- 15c 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. Director of Planning recommends approval. Planning Commission recommends approval (7-0-0).
PDC 95-04-019 -District 5**

Documents Filed: (1) Memorandum from the Planning Commission, dated July 28, 1995, recommending Council adopt an ordinance approving the subject rezoning. (2) Notice of Public Hearing to consider a change in Zoning for PDC 95-04-019, dated May 22, 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. Phil Bodem, representing project developer Stellar Homes, spoke in support of the project with a request to modify the site layout plan to add a road at the top of the open space. Council Member Diaz reiterated the modification to the driveway which would allow for greater traffic circulation on to the property and ultimately for the installation of an electric gate on Appollo Drive, and asked Staff to work with the Developer in providing those modifications at the second reading of the ordinance. Upon motion by Council Member Diaz, seconded by Council Member Pandori and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved with direction to Staff to work with the Developer in revising general development plans to add a road at the top of the open space to allow ingress/egress to LaPala Drive, and to include the modification at the final adoption of the ordinance, and Ordinance No. 24954, entitled: "Ordinance of the City of San Jose Rezoning Certain Real Property Situated on the North Side of Madeline Drive Opposite of El Campo Drive", was passed for publication. Vote: 10-0-1-0. Absent: Fernandes.

**15e PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the northwest corner of North Capitol Avenue and Mabury Road, from County to A(PD) Planned Development, to allow up to 85 single-family detached residential units on 8.3 gross acres (First Church of Nazarene of San José, Owner; Pinn Brothers, Developer). CEQA: ND. Director of Planning recommends approval. Planning Commission recommends approval (6-0-1).
PDC 95-02-008 -District 4**

Documents Filed: (1) Memorandum from the Planning Commission, dated July 28, 1995, recommending Council adopt an ordinance approving the subject rezoning. (2) Public Hearing Notice to consider a change in Zoning for PDC 95-02-008, dated June 7, 1995, and Proof of Publication of the Notice of Public Hearing submitted by the City Clerk.

Discussion/Action: Mayor Hammer opened the public hearing on the planned development rezoning of the subject property. Council Member Dando stated for the public record that Berryessa Union and East Side Union School Districts serve the project area and that both are participating school districts that have filed School Availability Statements with the City Clerk in accordance with Section 20.42.040 of

the San José Municipal Code; therefore, the school availability for the project has been provided by the applicant. Upon motion by Council Member Dando, seconded by Council Member Powers and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Ordinance No. 24955, entitled: "Ordinance of the City of San Jose Rezoning Certain Real Property Situated on the Northwest Corner of Capitol Avenue and Mabury Road", was passed for publication. Vote: 10-0-1-0. Absent: Fernandes.

15f PUBLIC HEARING ON PLANNED DEVELOPMENT PREZONING of the property located on the south side of East San Antonio Street opposite Scharff Avenue, from R-1:B-6 Residence to A(PD) Planned Development, to allow up to 79 single-family detached residential units on 9.2 gross acres (Mayfair Packing Co., Owner; DUC Construction, Developer). CEQA: ND. Director of Planning recommends approval. Planning Commission no recommendation (3-3-1). PDC 95-04-024 -District 5

Documents Filed: None.

Discussion/Action: Mayor Hammer opened the public hearing on the planned development prezoning of the subject property. In presenting background information on the proposed development, Deputy Director of Planning, Building and Code Enforcement, Jim Derryberry stated the Planning Commission voted 3-3-1 on the project and forwarded the subject rezoning to Council for consideration without a recommendation. He stated the lack of consensus by the Commission was based on discussions with the Santa Clara Valley Water District and field investigations which concluded that Lower Silver Creek Channel is a modified, non-natural waterway. He stated the subject section of the Creek was channelized in 1950, therefore, the City's Riparian Corridor Policy guidelines and setbacks do not apply to the project. Related to the location of the Creek and the modified earthen channel, he stated the zoning condition provides flexibility for the development of a 10' dedicated setback which allows three design variations, all of which would maintain the landscaping until such time as the flood control improvements and associated landscaping are transferred to the Water District for implementation of the flood control project. Hank Young from MacKay & Soms representing the applicant, spoke in favor of the project. The following citizens spoke against the proposed project: Craig Breon, representing Santa Clara Valley Audubon Society; Fadi Saba, representing Save Silver Creek; Sarah Wheaton; Julia Bott, representing Sierra Club, Loma Prieta Chapter; Jeannie Levitt. John Beall, Board Member of the Evergreen Resource Conservation District, which is co-sponsor of the proposed project, spoke to various aspects of the proposal. Council Member Diaz discussed his support for the project and recommended approval of the proposed rezoning. Given the magnitude of unresolved issues existing between the Water District and City Planning and the unanswered questions and concerns raised by the City Council regarding the project's adherence to the City's Riparian Corridor Policy, the existence of open space standards for smaller lot developments, and the failure to successfully identify the Agency responsible for maintaining the interim landscaping proposed along the Creek frontage road, Council Member Diaz withdrew

his motion for approval and requested a deferral of the item. He requested the Planning Staff include his Office in meetings with representatives of the Water District when working through the issues and to report back to Council with recommendations for an acceptable project. Upon motion by Council Member Diaz, seconded by Council Member Shirakawa, Jr., and unanimously carried, the public hearing was continued to September 5, 1995. Vote: 10-0-1-0. Absent: Fernandes.

- 15g PUBLIC HEARING ON CONVENTIONAL REZONING of the property located on the west side of North King Road, 280 feet northerly of Alum Rock Avenue, from M-1 Manufacturing to R-2 Residence Zoning District, to allow up to 2 single-family attached residential units (duplex) on 0.23 gross acre (Miguel Luis, Owner; Darrell Lima, Developer). CEQA: Exempt. Director of Planning recommends approval. Planning Commission recommends approval (7-0-0). C 95-05-031 -District 5**

Documents Filed: (1) Memorandum from the Planning Commission, dated July 28, 1995, recommending Council adopt an ordinance approving the subject rezoning. (2) Public Hearing Notice to consider a change in Zoning for C 95-05-031, dated July 7, 1995, and Proof of Publication of the Notice of Public Hearing submitted by the City Clerk.

Discussion/Action: Mayor Hammer opened the public hearing on the conventional rezoning of the subject property and stated Items 15g and 15h would be considered simultaneously. At this point in consideration of the public hearings, Albert Drost spoke to the noticing process for Item 15h. Upon motion by Council Member Diaz, seconded by Vice Mayor Johnson and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Ordinance No. 24956, entitled: "Ordinance of the City of San Jose Rezoning Certain Real Property Situated on the West Side of North King Road, 280 Feet Northerly of Alum Rock Avenue (35 North King Road)", was passed for publication. Vote: 10-0-1-0. Absent: Fernandes.

- 15h PUBLIC HEARING ON CONVENTIONAL REZONING of the property located on the west side of North King Road, 370 feet northerly of Alum Rock Avenue, from M-1 Manufacturing to R-2 Residence Zoning District, to allow up to 2 single-family attached residential units (duplex) on 0.23 gross acre (Phil Lima, Owner; Darrell Lima, Developer). CEQA: Exempt. Director of Planning recommends approval. Planning Commission recommends approval (7-0-0). C 95-05-032 -District 5**

Documents Filed: (1) Memorandum from the Planning Commission, dated July 28, 1995, recommending Council adopt an ordinance approving the subject rezoning. (2) Public Hearing Notice to consider a change in Zoning for C 95-05-032, dated July 7, 1995, and Proof of Publication of the Notice of Public Hearing submitted by the City Clerk.

Discussion/Action: Mayor Hammer opened the public hearing on the conventional rezoning of the subject property. There was no discussion from the Floor. Upon motion by Council Member Diaz, seconded by Vice Mayor Johnson and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Ordinance No. 24957, entitled: "Ordinance of the City of San Jose Rezoning Certain Real Property Situated on the West Side of North King Road, 370 Feet Northerly of Alum Rock Avenue (53 North King Road)", was passed for publication. Vote: 10-0-1-0. Absent: Fernandes.

- 15d PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the east side of Guadalupe Mines Road, 1,800 feet southerly of Puerto Vallarta Drive, from A(PD) Planned Development to A(PD) Planned Development, to allow a quarry fill, equestrian facility, staging area and bridge, increase in yard waste processing and introduction of composting and associated site modifications to an existing landfill on 411.55 gross acres (Guadalupe Rubbish Disposal Co., Inc., Owner/Developer). Director of Planning recommends approval. Planning Commission makes no recommendation (3-2-2). CEQA: Resolution to be adopted.**

PDC 93-05-013 -District 10

Documents Filed: (1) Memorandum from Council Member Dando, dated August 14, 1995, recommending Council (a) approve the Planned Development Rezoning for the Guadalupe Rubbish Disposal Co., Inc. with recommended revisions; and (b) direct Staff to review and determine how the City can address specific issues associated with the landfill operation that are of interest to surrounding neighborhoods. (2) Memorandum from Director of Planning, Building and Code Enforcement, Gary J. Schoennauer, dated July 28, 1995, recommending Council adopt a resolution making findings required by the California Environmental Quality Act in connection with the Guadalupe Landfill project, and identify overriding considerations regarding the cumulative exceedance of the State PM10 standard. (3) Memorandum from the Planning Commission, dated

July 28, 1995, stating the Planning Commission has no recommendation on this project because the motion to approve the project with conditions, failed 3-2-2. (4) Correspondence from Patricia Hertzog, transmitting a petition bearing approximately 290 signatures of concerned residents living near Guadalupe Landfill. (5) Notice of Public Hearing to consider a change in Zoning for PDC 93-05-013, dated May 22, 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 to allow a quarry fill, equestrian facility, staging area and bridge, increase in yard waste processing and introduction of composting and associated site modifications to an existing Guadalupe Landfill. Council Member Dando expressed appreciation to Dr. Martin Fenstersheib, County Health Officer, Dr. Vincent A. Marinkovich, and to Dr. Jon Rosenberg, California State

Public Health Medical Officer, Santa Clara County Medical Association, for their work on the Medical Advisory Panel. Deputy Director of Planning, Building and Code Enforcement, Jim Derryberry summarized the process culminating in the evening's public hearing and responded to Council questions. He stated Staff has completed and the Planning Commission on June 14, 1995 certified as completed a Supplemental EIR for the Guadalupe Landfill project, which EIR consists of (a) filling an abandoned quarry, (b) building an equestrian center, (c) processing an average of 400 tons per day of yard waste, (d) composting an average of 285 tons per day of yard waste, and (e) extending the landfill hours to 6:00 p.m. for peak season volumes. Given the analysis and EIR conclusions, he stated one remaining air quality impact could not be mitigated by the project to a level of non-significance and will require overriding considerations by the City Council. In reviewing a few of the items contained in the 13-page list of Staff recommendations to the Planning Commission, he stated certain conditions were proposed for the composting operation to be gradually "ramped up" over a three-year period based on acceptable performance of operation through various Planned Development Permit adjustments, including the monitoring of composting operations to ensure compliance, a program for monitoring *Aspergillus* levels, and the maximum number of quarry truck loads reduced from 149 to 50. Given past operational problems associated with the facility, he stated an additional Code Enforcement Inspector will be allocated to the Guadalupe Landfill to provide the increased level of oversight needed to ensure compliance with project conditions. He stated Staff is recommending approval of the rezoning and a Compliance Review after one year of operation which will allow for compilation of the monitoring results. He stated the applicant has submitted revised plans to include all of the mitigations identified in the Supplemental Environmental Impact Report and all of the additional staff recommended conditions; however, the reduction in the maximum number of quarry-filled trucks per day has not been agreed upon by the applicant. Comprehensive testimony in support of the Guadalupe Planned Development rezoning was presented by Attorney Norman Matteoni, representing the applicant; Dr. Lawrence E. Shapiro, Medical Director for El Camino Hospital Department of Respiratory Medicine; Dr. Larry Gerstan; and Dr. Martin Fenstersheib, Santa Clara County Health Officer. Jeff Hicks, with the use of overhead transparencies, elaborated on the Fungi Air Sampling Study. The following citizens spoke in opposition to the proposal: Dennis Hersley, President and Western Director of Citizens United for Responsible Environmentalism, Inc. (C.U.R.E.); Cheri Northup; Richard H. Lippincott, Montego Homeowners Association; Patricia Hertzog; Lawrence J. Shoemaker; William J. Garbett; Jerry Norve; Harold Turk; John Feeley; Jennie Collett; Carolyn Walker; Joan Feeley; Cindy S. Greenwood; Larry Cowles; Gloria Turk; Kerry Dinardo; Sam Fahmie; Albert Drost; John Messina; Don Macnab; Carolyn Marshall; Michael Cini; Robert Dudley; William E. Howard. The following citizens spoke in support of the Guadalupe Landfill rezoning project: Leslie Smith; Katty Monahan; John Stewart; George Bettisworth; Charles M. Smith; and John Klem. James Owen spoke to various aspects of the Guadalupe Landfill issue. Noting the seriousness of the matter, Council Member Dando stated she has studied the issues related to the Guadalupe Landfill and that she has met with neighbors, leadership of C.U.R.E., medical professionals on both sides of the debate, and consulted with City Staff and the applicant with the intent to respond to three basic issues: "(1) Is there a link between composting at Guadalupe and the residents' illnesses. (2) Does processing

the yard waste, fixing the quarry, and building the equestrian center benefit the public. (3) If this project is approved, how will the neighborhoods be protected from undue impacts". She presented comprehensive testimony on each of the three issues and discussed mechanisms which will be implemented to mitigate the impacts of the landfill operation on surrounding residents. She stated the residents deem the primary concerns in the neighborhoods involve odor, truck traffic, and hours of operation. She stated the control of odor will be accomplished by adherence to specific guidelines for yard waste processing and significant monitoring and stringent enforcement by the City, including possible burying of yard waste, if necessary to prevent odor; in addition, the City must continue its research involving indoor composting. Regarding truck traffic, she stated the number of quarry filled trucks must be limited to 50 trucks, not 149 as requested by the applicant. She recommended approval for Streets and Traffic and the Police Department to address the vehicle stacking and the speed with which the trucks travel through the neighborhood near the landfill. Related to the hours of operation, she stated the site can be open to the general public only between 8:00 a.m. to 5:00 p.m., and that she opposes extending the gate hours to 6:00 p.m. Noting equipment operation at the landfill, she recommended that all on-site operating of equipment must be completed and stopped by 8:00 p.m. She enumerated additional issues associated with the landfill operation which City Staff must address and which are of interest to the surrounding neighborhoods; namely, the creation of a telephone hotline to link the community with the City's landfill enforcement agent and development of a system to track and report those calls; increase in the frequency of the City's street sweeping program on streets leading to the landfill entrance; and the increase in fines imposed on trucks arriving at the landfill with uncovered rubbish and the placing of additional signs to inform the public. She stated the history of problems at the landfill, especially the major odor incident in 1992-93, has eroded the public's confidence in not only the operator's ability to properly manage the facility, but also the City's ability and commitment to monitor and enforce operating conditions that will prevent future problems; therefore, adherence to mitigations as outlined will be upheld, or the compost operation will be discontinued. As discussed with homeowner and community groups, she stated no composting will take place at the Guadalupe Landfill site until the monitoring program has been established. For Council discussion, she recommended that Council adopt the conditions for the Planned Development Permit as contained in the Staff report with revisions and additional staff direction as proposed in her memorandum of August 14, 1995; furthermore, "the EIR identifies cumulative air quality impacts as significant and unavoidable; the project contributes less than 1% nitrogen oxide emissions in the regional air basin; the PD rezoning is consistent with General Plan Solid Waste Recycling Policies, and will assist the City in implementing its Solid Waste Management Program; and that the Project will assist the City in meeting its State resource recovery mandate which require diversion of waste from landfill. These benefits outweigh the significant impacts of the project". Speaking in support of the proposal, Council Member Diaz requested the approval of language to direct Staff to report back to the Transportation, Development and Environment Committee within six months with a status report on the operation. Upon motion by Council Member Dando, seconded by Vice Mayor Johnson and unanimously carried, the public hearing was closed; overriding considerations regarding the cumulative exceedance of the State PM10 standard were identified; Resolution No. 66151, entitled:

“Resolution of the Council of the City of San Jose Making Certain Findings Required by the California Environmental Quality Act in Connection With the Guadalupe Landfill Project and for Which a Supplemental Environmental Impact Report Has Been Prepared”, was adopted; Ordinance No. 24958, “Ordinance of the City of San Jose Rezoning Certain Real Property Situated on the East Side of Guadalupe Mines Road Approximately 1,800 Feet Southerly of Puerto Vallarta Drive”, was passed for publication; recommendation as proposed by Council Member Dando was approved with direction to the Administration to report to the Transportation, Development and Environment Committee six months after the reopening of the facility and the monitoring and systems of control are instituted, with a status report on operational practices of the facility, conformance to performance standards, ongoing monitoring program for emissions levels, and the impact of truck and vehicular traffic associated with quarry activity. Vote: 10-0-1-0. Absent: Fernandes.

ORAL COMMUNICATIONS

Roy Franklin Que-Heath spoke in favor of a resolution adopted by the City Council supporting Dr. Harry Wu and urging the People’s Republic of China to expedite Dr. Wu’s release.

ADJOURNMENT

The Council of the City of San Jose adjourned at 10:50 p.m. to meet again on Thursday, August 17, 1995, 1:30 p.m., Council Chambers in joint session with the Redevelopment Agency. The meeting was adjourned in memory of Temple H. Broz, a teacher in the Oak Grove School District for 23 years; and in memory of Thelma Hampton, mother of San José Police Officer Millard Hampton.

SUSAN HAMMER, MAYOR

ATTEST:

PATRICIA L. O’HEARN, CITY CLERK