

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, AUGUST 22, 1995

The Council of the City of San Jose convened in regular session at 9:35 A.M. in City Council Chambers at City Hall.

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 at 9:38 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 Piper, et al. v. City of San José, et al.

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

Absent: Council Members -Fernandes (excused); Hammer (excused).

By unanimous consent, Council reconvened from the Closed Session and recessed at 10:55 A.M. and reconvened at 1:38 P.M. in the Council Chambers.

INVOCATION

The Cambodian Dancers of the San José Cambodian Community Educational Center, comprised of Sophay Seng, Julie Dean, and Sophoeun Bun, students from the Santee Elementary School, performed a graceful Cambodian dance under the leadership of Instructor Suary Dean and assisted by Paul Lon. (District 7)

PLEDGE OF ALLEGIANCE

Vice Mayor Johnson led 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 were approved. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

CEREMONIAL ITEMS

- 5a Presentation of a commendation to Kerry Walsh, inducted into the first class of the San José Sports Hall of Fame as the outstanding high school female athlete of the year. (Johnson)**

Documents filed: None.

Discussion/Action: Vice-Mayor Johnson presented a commendation to Kerry Walsh for her achievements in being the first female inductee into the first class of the San José Sports Hall of Fame.

- 5b Presentation of a commendation to the Central Valley Express Soccer Club for winning the National Championship in the Girls Under 17 Years of Age Division. (Dando)
(Rules Committee referral 8/16/95)**

Documents filed: None.

Discussion/Action: Vice Mayor Johnson was joined by Council Member Dando who made the presentation to Coach Dennis Wagner and team members of the Central Valley Express Soccer Club. Samantha Wagner, voted Most Valuable Player by her teammates, accepted the commendation on behalf of the team.

- 5c Presentation by the Santa Clara County Collaborative on Homeless and Housing to the City Council for their support of HUD McKinney's grant proposal and funding in the amount of \$10.7 million. (Mayor)
(Orders of the Day 4a)**

Documents filed: None.

Discussion/Action: This item was deferred to August 29, 1995.

- 5d Presentation of a commendation to Dan Crumpley for his outstanding contribution to the community. (Pandori)
(Orders of the Day 4b)**

Documents filed: None.

Discussion/Action: Council Member Pandori presented a commendation to Dan Crumpley for his volunteer work in the Downtown, in particular for being the person responsible for the “Barbecue” in the volunteer group, Beautification and Barbecue Corps.

**5e Presentation of a commendation to Albert “Tony” Alvarado for his heroic efforts in saving a youth from drowning. (Shirakawa, Jr.)
(Orders of the Day 4c)**

Documents filed: None.

Discussion/Action: Council Member Shirakawa, Jr., joined Vice Mayor Johnson for presentation of a commendation to Albert “Tony” Alvarado for his heroic efforts in rescuing 17-year old Julio Lopez from a swimming pool and performing CPR pending the arrival of paramedics.

LAND USE AND DEVELOPMENT

**8a PUBLIC HEARING ON APPEAL OF THE DENIAL of the Conditional User Permit for an approximately 125 square-foot drive-through retail use on a 6.15 gross acre site in the C-3 Commercial Zoning District located at the northwesterly corner of Saratoga Avenue and Prospect Road (Joseph P. Franco, Owner; Caffino, Inc., Developer). CEQA: Exempt. Staff recommends upholding Planning Commission’s decision.
CP 94-07-053 - District 1
(Continued from 1/10/95 et al., and 2/21/95 - Item 15b)**

Documents filed: (1) Memorandum from Director of Planning, Gary J. Schoennauer, dated August 4, 1995, recommending acceptance of the withdrawal request from the applicant. (2) Supplemental memorandum from Director of Planning, Gary J. Schoennauer, dated January 11, 1995, clarifying the Planning Commission vote on the denial of said project. (3) Memorandum from the Planning Commission, dated December 22, 1994, recommending that Council uphold the decision of the Planning Commission and deny the referenced Conditional Use Permit and include in its resolution the findings contained in the Planning Commission resolution. (3) Affidavit of Mailing and Proof of Publication of Notice of Public Hearing, submitted by the City Clerk.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Council Member Powers, and unanimously carried, the withdrawal request from the applicant was accepted and the item was dropped from the Agenda. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

CONSENT CALENDAR

William J. Garbett addressed the Council in opposition to Items 6e(5) and 6f(1). Upon motion by Council Member Fiscalini, seconded by Council Member Powers, and unanimously carried, the Orders of the Day and the Amended Agenda were approved. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

Minutes for Approval

6a(1) Regular Meeting of June 20, 1995

Documents filed: Minutes of June 20, 1995.

Discussion/Action: The minutes were approved. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

Ordinances for Final Adoption

6b(1) **ORD. NO. 24951 - Grants a Mixed Recyclables Collection Franchise to Greenwaste Recovery, Inc., dba 99 Dollar Debris Box Service.**

Documents filed: Proof of Publication of Title of Ordinance No. 24951, submitted by the City Clerk.

Discussion/Action: Ordinance No. 24951 was adopted. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

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) [Deferred from 8/15/95 - Item 6d(1)]**

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated August 4, 1995, recommending adoption of said resolutions.

Discussion/Action: Resolution No. 66153, 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. 8753”; Resolution No. 66154, entitled: “A Resolution of the Council of the City of San Jose Approving and Accepting Final Map of Tract No. 8753”, and Resolution No. 66155, 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. 8753”; were adopted. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

6d(2) TRACT NO. 8746 - Pfeiffer Ranch Road, Pfeiffer Ranch Court, and Deer Hollow Drive - Pfeiffer Ranch Investors II, Inc., a California Corporation (Developer) - 38 single family detached units. Adoption of resolutions approving the plans, final map, and contract for Tract No. 8746. CEQA: Resolution No. 61115. District 10. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated August 14, 1995, recommending adoption of said resolutions.

Discussion/Action: Resolution No. 66156, 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. 8746”; Resolution No. 66157, entitled: “A Resolution of the Council of the City of San Jose Approving and Accepting Final Map of Tract No. 8746”, and Resolution No. 66158, 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. 8746”; were adopted. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

Contracts/Agreements

6e(1) Approval of a continuation and first amendment to the Airport Taxicab Concession agreement to continue and exercise both options to extend each agreement for one (1) year, from August 15, 1995 to August 15, 1996, with:
(a) Santa Clara County Taxicab Association, Inc., at Terminal A.
(b) Yellow-Checker Cab Company, Inc., at Terminal C.
(Airport)

Documents filed: Memorandum from Airport Director Ralph G. Tonseth, dated August 4, 1995, recommending approval of said continuation and first amendment to said agreements.

Discussion/Action: The continuation and first amendment to the said agreements with Santa Clara County Taxicab Association, Inc., at Terminal A and Yellow-Checker Cab Company, Inc., at Terminal C, were approved. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

- 6e(2) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Hydromantis, Inc., for consulting services to provide a computer based model and process control strategy for the Biological Nutrient Removal Modeling Project at the San José/Santa Clara Water Pollution Control Plant, in an amount not to exceed \$210,000. (Environmental Services)**

Documents filed: None.

Discussion/Action: This item was deferred to August 29, 1995.

- 6e(3) Removed from Consent Calendar and heard separately.**

- 6e(4) Adoption of a resolution:**

- (a) Increasing the fund reservation by \$90,000 of HOME Funds, for a total loan of \$1,900,000, to Blossom Hill Associates for the Blossom Hill Senior Apartments, an 80-unit senior rental housing project affordable to low- and very low-income households, on a 1.97 acre parcel located on the southeast corner of Blossom Hill Road and Waltrip Lane.**
- (b) Approving business terms for the permanent financing.**
- (c) Authorizing the Director of Housing to negotiate and execute all necessary documents on behalf of the City.**

(Housing)

Documents filed: Memorandum from Director of Housing, Alex Sanchez, dated August 4, 1995, recommending adoption of said resolution.

Discussion/Action: Resolution No. 66159, entitled: "A Resolution of the Council of the City of San José 1) Increasing the Fund Reservation by \$90,000 of HOME Funds for a Total Loan of \$1,900,000 to Blossom Hill Associates for the Blossom Hill Senior Apartments, an 80-Unit Senior Rental Housing Project Affordable to Low- and Very Low-Income Households, on a 1.97 Acre Parcel Located on the Southeast Corner of Blossom Hill and Waltrip; 2) Approving the Business Terms for the Permanent Housing to Negotiate and Execute All Necessary Documents on Behalf of the City" was adopted. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

- 6e(5) Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with Kids Voting, San José to conduct a Kids Voting Project in the amount of \$50,000. (Parks, Recreation and Neighborhood Services)**

Documents filed: Memorandum from Sr. Deputy City Manager, Darrell Dearborn, dated August 4, 1995, recommending adoption of said resolution.

Discussion/Action: William J. Garbett addressed the Council in opposition to the

proposal. Resolution No. 66160, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a Grant Agreement with Kids Voting, San José in an Amount Not to Exceed \$50,000", was adopted. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

6e(6) Approval to substitute a subcontractor, Berryessa Glass in place of Hinkel Glass, to perform the glazing work for the Almaden Winery Community Center Improvements Project at no cost to the City. CEQA: Exempt. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated August 4, 1995, recommending approval of Berryessa Glass as a substitute subcontractor.

Discussion/Action: The substitution of Berryessa Glass was approved and its execution authorized. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

Routine Legislation

6f(1) Authorization for the addition of 1.0 Crime Prevention Specialist position and adoption of related amendments to the appropriation ordinance to increase the Police Department's General Fund Personal Services, Non-Personal, and Equipment appropriations in the amount of \$85,000, for the implementation of the Safe Streets Program. (City Manager's Office/Police)

Documents filed: Memorandum from Police Chief Louis A. Cobarruviaz, and Budget Director Larry D. Lisenbee, dated August 4, 1995, recommending authorization for the addition of 1.0 Crime Prevention Specialist position and adoption of related amendments to the appropriation ordinance.

Discussion/Action: William J. Garbett addressed the Council in opposition to the proposal. Authorization for the addition of 1.0 Crime Prevention Specialist position was approved, and Ordinance No. 24959, entitled: "An Ordinance of the Council of the City of San Jose Amending Ordinance No. 24945 which Appropriates Moneys in the General Fund in the Amount of \$85,000 to Provide Funding for the Police Department's General Fund Personal Services, Non-Personal and Equipment Appropriations by Decreasing the Appropriation for the Safe Streets Program Earmarked Reserve for the Implementation of the Safe Streets Program and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

6f(2) Acceptance of the Second Quarter 1995 San José Arena Authority Ticket Distribution Program Report. (San José Arena Authority)

Documents filed: Memorandum from the San José Arena Authority, dated August 2, 1995, recommending acceptance of the report.

Discussion/Action: The Second Quarter 1995 San José Arena Authority Ticket Distribution Program Report was accepted. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

- 6f(3) 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)
[Deferred from 8/15/95 - Item 6f(1)]**

Documents filed: Memorandum from Director of Human Resources, Nona Tobin, dated July 28, 1995, recommending adoption of said resolution.

Discussion/Action: Resolution No. 66161, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 51872, Exhibit 99 to Create the Class of Manager of Public Education and Community Information, Effective August 20, 1995", was adopted. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

END OF CONSENT CALENDAR

- 6e(3) Adoption of a resolution authorizing the Director of General Services to:**
- (a) Execute a one (1) year agreement for hauling and disposal of grease, grit, and screenings with Hollister Disposal, in an amount not to exceed \$258,336, and approval of a contingency in the amount of \$16,634.**
 - (b) Exercise two (2) one (1) year options for renewal with compensation adjustments based on the Consumer Price Index not to exceed seven (7) percent per year, 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 August 4, 1995, recommending adoption of said resolution. (2) Letter from the Treatment Plant Advisory Committee dated August 11, 1995, recommending adoption of said resolution.

Discussion/Action: This item was removed from the Consent Calendar and heard separately. Vice Mayor Johnson called for public testimony and Lynne Ashcraft, District Manager for BFI in Santa Clara County, disputed comments made in the Staff report, stated that BFI is fully qualified to provide hauling and disposal of the grit and screenings, that BFI's references provided in the bid were not contacted and that BFI has no insurance problems with any of their contracts and as a Fortune 200 Company, BFI is financially responsible and can provide supporting documents to the City. Vice

Mayor Johnson asked her to address the availability of bin issue. Ms. Ashcraft stated that bins cycle in and out of the yard and BFI typically has a surplus of 50 bins and a rolling stock of 21 modern fleet, and reiterated that BFI is fully qualified and should have received a higher rating since they were the lowest cost bidder. Frank Slykas, General Manager of Hollister Disposal, stated that Hollister Disposal is a customer-oriented company dedicated to service which prides itself on its quality of work and, as small company they select a market niche and dedicate themselves to serving that area. Vice Mayor Johnson questioned Mr. Slykas of Hollister Disposal as to disposition of the liquid that drains off their specially-designed bins. Mr. Slykas explained that the liquid remains on the site and that Hollister Disposal is adding a facility to allow drainage but prevent liquid from draining on the road during hauling. Council Member Diquisto asked the Staff if BFI met all qualifications, including Affirmative Action goals and if so, why were they not recommended for award of the contract. Acting Director of General Services, Ellis M. Jones, Jr., clarified that the Staff report was not intended to imply that BFI was minimally qualified, but rather that some submissions in their proposal were not complete, such as submittal of a financial statement and complete inventory of bins and trucks, which were necessary to evaluate the ability of smaller companies to service the contract. He advised that the price differential of 1% was not deemed sufficient to overlook the omissions of required materials. Council Member Diquisto stated it appeared to him that BFI was qualified. Council Member Fiscalini stated that 1% of the contract amounts to \$3,000, which should be saved if possible. Responding to questions from Vice Mayor Johnson about potential savings from the special bins used by Hollister Disposal, Director Jones stated the bins were considered favorably but not included in the calculations since there was no way to quantify landfill savings without prior experience with the bins. Senior Deputy City Manager, Darrell Dearborn, advised that in conducting the RFP process, Staff identifies the requirements to which all proposers are expected to adhere, that Staff clarifies with the City Attorney what can be judged to be inconsequential failures to comply with the process, but in this case, Staff judged there were substantive failures or omissions, or elements that were not as competitive in the BFI process when compared to other proposers. He stated that while the Council may view the omissions differently, the Staff recommendation is supported by the evidence in the process. Council Member Woody and Vice Mayor Johnson asked if landfill savings from using the special bins could be quantified and if so, would BFI's bid be lowest. Director Jones replied that with no experience from the bins, there was no way determine potential landfill savings. Vice Mayor Johnson requested the Administration attempt to explore savings realized by other users of the bins. Council Member Diquisto moved to award the contract to BFI as the low bidder. Council Member Diaz seconded the motion. On a call for the question, the motion failed. Vote: 5-4-2-0. Noes: Johnson, Pandori, Powers, Woody. Absent: Fernandes; Hammer. Council Member Pandori expressed concern about automatically reissuing contracts awarded through the RFQ process and requested that when other contracts of this magnitude are being awarded on an RFQ basis, the Administration examine them in a more thorough process.

COMMISSION, COMMITTEE, AND STANDING REPORTS

7b Report of the Rules Committee - Meeting of August 9, 1995

Documents filed: Rules Committee report of August 9, 1995.

7b Report of the Rules Committee - Meeting of August 9, 1995 (Cont'd.)

- (1) Review of August 22 Council Agenda

The Committee approved the August 22, 1995 Council Agenda.

- (2) Add New Items to August 15 Amended Council Agenda

The Committee approved seven additions to the August 15, 1995 Amended Agenda.

- (3) The Public Record. Attachment: (1) Memorandum from City Clerk Patricia L. O'Hearn, dated August 3, 1995, listing the items transmitted to the Administration and those items filed for the Public Record for the period June 7 - August 1, 1995. (2) Memorandum from Assistant to the City Manager, Nina S. Grayson, dated August 8, 1995, summarizing actions taken on the items transmitted to the Administration and those items filed for the Public Record for the period June 7 - August 1, 1995.

The Committee recommended approval of the Public Records.

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

- (a) Refer to Transportation, Development and Environment Committee the issue of prohibiting or discouraging the location of tattoo parlors near or adjacent to schools or residential areas. Attachment: Memorandum from Council Member Pandori dated June 21, 1995, regarding the location of tattoo parlors.

The Committee recommended referral to the Transportation, Development and Environment Committee the issue of prohibiting or discouraging the location of tattoo parlors near or adjacent to schools or residential areas.

- (5) City Council and Rules Committee meeting schedules. Memorandum from Mayor Hammer dated August 7, 1995, regarding City Council in the Neighborhood.

The Committee recommended scheduling a City Council in the Neighborhood on Tuesday, October 17, 1995, at 7:00 p.m. at Chaboya Middle School in District 8.

7b Report of the Rules Committee - Meeting of August 9, 1995 (Cont'd.)

- (6) Oral communications

Bill Chew requested information on the status of City broadcasts on Channel 35A.

- (7) Adjournment

The meeting was adjourned at 2:45 p.m.

7b Report of the Rules Committee - Meeting of August 16, 1995

Documents filed: Rules Committee report of August 16, 1995 (Partial)

- (5) Approve City Sponsored Resolutions to the League of California Cities (LCC) Annual Conference. Attachment: Memorandum from Georgiana Flaherty, Director of Intergovernmental Relations, dated August 11, 1995, recommending approval of the City sponsored resolutions to the California Cities and National League of Cities at their annual conferences.

The Committee approved the City sponsored resolution to the League of California Cities (LCC) for submittal at its annual conference.

- (6) Approve City Sponsored Resolutions to the National League of Cities (NLC) Annual Conference. Attachment: Memorandum from Georgiana Flaherty, Director of Intergovernmental Relations, dated August 11, 1995, recommending approval of the City sponsored resolutions to the League of California Cities and the National League of Cities at their annual conferences.

The Committee directed that the title of the resolution dealing with Federal Block Grants be amended to read as follows: Resolution Relating to the Consolidation of HUD Programs into Federal Block Grants to Local Jurisdictions; and the Committee approved the City sponsored resolutions to the National League of Cities (NLC) for submittal at its annual conference.

- (8) Approve use of Council General Funds to travel to Jerusalem, Israel, September 17-21, 1995, to attend Second Global Conference - International Federation on Aging. Attachment: (1) Memorandum from Council Member Woody, dated August 14, 1995, requesting use of Council General funds for travel to the Second Global Conference - International Federation on Aging; and from City Clerk Patricia L. O'Hearn, dated August 16, 1995, regarding Council General Travel Budget.

7b Report of the Rules Committee - Meeting of August 16, 1995 (Cont'd.)

- (8) Approve use of Council General Funds to travel to Jerusalem, Israel, September 17-21, 1995, to attend Second Global Conference.

The Committee approved the use of Council General Funds by Council Member Woody to travel to Jerusalem, Israel, September 15-22, 1995 to attend the Second Global Conference - International Federation on Aging.

- (9) Approve Use of Council General Funds to Attend League of California Cities Policy Committee Meeting on Transportation and Public Works in Los Angeles, CA, June 30, 1995. Attachment: Memorandum from Council Member Fernandes, dated August 14, 1995, requesting use of Council General funds for travel to the League of California Cities Policy Committee Meeting on Transportation and Public Works on June 20, 1995. (2) Memorandum from City Clerk Patricia L. O'Hearn, dated August 16, 1995, regarding Council General Travel Budget.

The Committee approved the use of Council General Funds by Council Member Fernandes for travel to attend the League of California Cities Policy Committee Meeting on Transportation and Public Works on June 30, 1995.

- (10) Approve Use of Council General Fund to Attend the National League of Cities Conference in Phoenix, AZ, November 28 - December 3, 1995. Attachment: Memorandum from Council Member Fernandes, dated August 3, 1995, requesting use of Council General funds for travel to the National League of Cities Conference in Phoenix, AZ, November 28 - December 3, 1995. (2) Memorandum from City Clerk Patricia L. O'Hearn, dated August 16, 1995, regarding Council General Travel Budget.

The Committee approved the use of Council General Funds by Council Member Fernandes for travel to attend the National League of Cities Conference in Phoenix, AZ, November 28-December 3, 1995.

Discussion/Action: Upon motion by Vice Mayor Johnson, seconded by Council Member Powers, and unanimously carried, the Rules Committee reports and actions of August 8 and 16, 1995, were accepted. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

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

Documents filed: Housing and Community Services Committee report of August 7, 1995.

- (1) Consent Calendar
(a) Public Art Quarterly Report. Attachment: Memorandum from Director of Convention, Arts and Entertainment, Ellen Oppenheim, dated July 26, 1995, recommending acceptance of the report

- (b) Project Development Annual Program Report. Attachment: Informational memorandum from Director of Housing, Alex Sanchez, dated July 25, 1995, transmitting said report.
- (c) Housing Rehabilitation Program Report. Attachment: Memorandum from Director of Housing, Alex Sanchez, dated July 25, 1995, transmitting said report.

The Committee accepted the reports.

- (2) Retooling Plan for Internal Library Management. Attachment: (1) Memorandum from City Librarian, James H. Fish, dated July 20, 1995, transmitting the retooling plan. (2) Draft report entitled, *Retooling for the Future, A Three-Year Action Plan for Effective Internal Change, San Jose Public Library, FY 1995/96-FY 1997-98*.

The Committee accepted the report.

- (3) Approval of Library Facilities Improvement Plan. Attachment: Memorandum from City Librarian, James H. Fish, dated July 24, 1995, recommending approval of the Library Facilities Improvement Plan.

The Committee accepted the report.

- (4) Neglected Vacant House Follow-up. Attachment: Memorandum from Director of Planning, Gary J. Schoennauer, dated August 2, 1995, providing said status report.

The Committee accepted the report.

- (5) Youth Employment Program. Attachment: Memorandum from Senior Deputy City Manager, Darrell Dearborn, dated July 25, 1995, responding to questions raised at the June 20, 1995, City Council meeting.

The Committee accepted the report.

- (6) Independent Evaluation of San José Best Cycle IVa evaluation process. Attachment: Memorandum from Sr. Deputy City Manager, Darrell Dearborn, dated July 25, 1995, regarding the San José BEST Cycle IVa Evaluation Process.

The Committee accepted the report.

- (7) Final approval of Committee Workplan for August-December 1995. Attachment: Committee Workplan for August - December 1995.

The Committee accepted the Workplan.

- (8) Oral petitions

None presented.

- (9) Adjournment

The Committee adjourned the meeting at 3:18 p.m. The Committee will hold a special meeting on Monday, August 28, 1995 at 1:30 p.m. to discuss housing policies.

Discussion/Action: Upon motion by Vice Mayor Johnson, seconded by Council Member Shirakawa, Jr., and unanimously carried, the Committee report and actions of August 7, 1995, were accepted. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

7d Report of the Finance Committee - August 9, 1995

Documents filed: Finance Committee report of August 9, 1995.

- (1) Recommended Plan of Finance for South Bay Water Recycling Project Phase I (Joint meeting with San José/Santa Clara Clean Water Financing Authority). Attachment: (1) Memorandum from City Clerk Patricia L. O'Hearn, dated August 3, 1995, transmitting the Agenda for the August 9, 1995, joint meeting to the San José/Santa Clara Clean Water Financing Authority Board. (2) Memorandum from Director of Finance, John V. Guthrie, dated August 3, 1995, recommending approval of the items relative to the South Bay Water Recycling Project Plan of Finance as contained therein.

- (1) Recommended Plan of Finance for South Bay Water Recycling Project Phase

This was a joint meeting with the San José/Santa Clara Clean Water Financing Authority. The Committee recommended approval of the following actions related to the South Bay Water Recycling project: approval of the Plan of Finance which includes the development of the necessary bond and legal documents, including structuring of both fixed and variable rate debt; development of a refund/defeasance plan for existing Clean Water Financing Authority debt; development of an underwriting team to be presented in a supplemental memo along with approval of the bond counsel team to the San José City Council on August 22; and continuation with selection processes for letter of credit bank, fiscal agent/trustee and other service providers.

See Item 9a for Council action taken.

- (2) Oral petitions

None.

- (3) Monthly Investment Report for May 1995. Attachment: May 1995 Investment Report.
- (4) Monthly Financial Report for May 1995. Attachment: May 1995 Investment Report.
- (5) Monthly Auditor's Report for June 1995. Attachment: May 1995 Investment Report.

The Committee accepted the reports.

- (6) Minutes of June 14, 1995 Investment Committee Meeting. Attachment: Memorandum from Director of Finance, John V. Guthrie, dated July 12, 1995, transmitting said minutes for approval.

The Committee approved the minutes.

- (7) Report on Sales and Business Tax Audit Results. Attachment: Memorandum from City Auditor, Gerald A. Silva, dated July 18, 1995, transmitting the Sales and Business Tax Audit Results for FY ended June 30, 1995.

The Committee accepted the report.

- (8) Request for Addition to Auditor's Workplan to include Review and Analysis of Proposed Agency Funding Sources. Attachment: Memorandum from Council Member Fiscalini, dated August 2, 1995, recommending the review and analysis of alternative financing mechanisms and to fund the \$55 million gap in the five-year Redevelopment Capital Budget be added to the Auditor's Workplan.

The Committee recommended approval of an addition to the City Auditor's Workplan to include a review and analysis of alternative financing mechanisms and suggestion for other financing mechanisms to fund the \$55 million gap in the five-year Redevelopment Capital Budget.

- (9) Committee schedule

No discussion.

- (10) Adjournment

The meeting was adjourned at 11:50 a.m.

Discussion/Action: Upon motion by Council Member Woody, seconded by Council Member Fiscalini, and unanimously carried, the Finance Committee report and actions of August 9, 1995, were accepted. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

7e Report of the Transportation, Development, and Environment Committee - August 10, 1995

Documents filed: Transportation, Development, and Environment Committee report of August 10, 1995

- (1) Consent Calendar
 - (a) Vasona Corridor Status Report for July 1995. July 1995 Vasona Corridor report. The Committee accepted the report.
- (2) Recommendation to Adopt a Resolution Authorizing the City Manager to Execute a Memorandum of Understanding for the Silicon Valley Smart Corridor Project. Attachment: Memorandum from Director of Streets and Parks, Wayne K. Tanda, dated June 14, 1995, recommending authorization for the City Manager to Execute a Memorandum of Understanding for the Silicon Valley Smart Corridor Project.

The Committee recommended approval of the Staff recommendation.

See Item 9f for Council action taken.

- (3) Report and Recommendation Regarding Neighborhood Rotation Bin Program.

The Committee deferred this issue to a date to be determined.

- (4) Status Report Regarding a Policy to Establish Guidelines for the Evaluation of All Non-Industrial Uses in Industrial Areas. Attachment: (1) Memorandum from Council Member Pandori, dated August 9, 1995, recommending giving direction to the Administration to draft an amendment to the zoning code permitting private social clubs as a Conditional Use in the M-1 and M-4 zoning districts. (2) Memorandum from Director of Planning, Gary J. Schoennauer, dated June 1, 1995, recommending giving direction to the Administration to initiate General Plan amendments, an ordinance to amend Title 20 of the San José Municipal Code, and revisions to the Church Location Policy and the Guidelines for Child Day Care to Implement the policy framework as contained therein.

The Committee accepted the report and directed Staff to continue to work with interested parties and report back on August 24 with detailed maps as directed for further discussion.

- (5) Report and Review of Process for Liquor Licenses in Impacted Areas. Attachment: Memorandum from Director of Planning, Gary J. Schoennauer, Chief of Police Louis Cobarruviaz, and Frank Taylor, Redevelopment Agency Executive Director, dated July 27, 1995, recommending approval of the criteria

and final process for Exception Permits to implement Business and Professions Code Section 23958 regarding undue concentration of liquor licenses and determination of public convenience and necessity, directing the City Attorney's Office to prepare appropriate amendments to the San José Municipal Code to Report and Review of Process for Liquor Licenses in Impacted Areas.

Implement the Exception permit and process, and adoption of the fee of \$675.00 for Exception Permits processed by the Department of Planning, Building and Code Enforcement and a fee of \$100.00 for Exception Permits processed by the Redevelopment Agency to be incorporated into the Fee Resolution.

The Committee accepted the report and directed Staff to report back to the Committee relative to the process issue in terms of ensuring that the decision making process and the appeals process has the criteria in place so there is a greater level of control.

- (6) Report and Recommendation on Reconstruction of Hedding Street Bridge Over Guadalupe River. Attachment: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated August 2, 1995, recommending the Administration be directed to accelerate the construction schedule for the Hedding Street Bridge project by closing Hedding Street to traffic for approximately six months for the purpose of accommodating the schedule of the Guadalupe River Park project.

The Committee recommended approval of the Staff recommendations to close Hedding street during construction.

Discussion/Action: See Item 9g for Council action taken.

- (7) Approval of Committee Workplan August through December 1995. Attachment: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated August 3, 1995, recommending adoption of the Committee Workplan for August through December 1995.

The Committee recommended approval of the Workplan, with the addition of the Reid Hillview Airport and Telecommunications Policy for the City of San José.

- (8) Oral petitions

None.

Discussion/Action: Felipe Jaurez, Flurencia Rodante, and Alicia Mota of ACORN addressed the Council on Item 7e(5), requesting a moratorium on liquor licenses in East San Jose. Upon motion by Vice Mayor Johnson, seconded by Council Member

Fiscalini, and unanimously carried, the Committee report and actions of August 10, 1995, were accepted. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

8b 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)

(Continued from 8/15/95 - Item 8a)

Documents filed: (1) Memorandum from Director of Housing, Alex Sanchez, dated July 28, 1995, recommending adoption of said resolution. (2) Proof of Publication of Notice of Public Hearing, submitted by the City Clerk.

Discussion/Action: Upon motion by Council Member Shirakawa, Jr., seconded by Council Member Powers, and unanimously carried, Resolution No. 66162, entitled: "A Resolution of the Council of the City of San José (1) Approving a Disposition and Development Agreement Between the City of San José and InnVision for the Transfer of 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 and (3) Authorizing the Director of Housing to Negotiate and Execute all Necessary Documents to Implement the Disposition and Development Agreement", was adopted. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

GENERAL GOVERNMENT

- 9a**
- (1) Approval of the Plan of Finance for South Bay Water Recycling Project Phase I.
[Finance Committee referral 8/9/95 - Item 7d(1)]**
 - (2) Adoption of a resolution authorizing the City Manager to negotiate and execute the following investment banking and legal services related to the South Bay Water Recycling Project:**
 - (a) Selection of the following underwriting team for the fixed rate portion of the South Bay Water Recycling Project: including Morgan Stanley as senior manager; and Artemis Capital Group, Inc., Bear Sterns, M.R. Beal & Company, Merrill Lynch, Samuel A. Ramirez, and Rauscher Pierce Refsnes as co-managing underwriters.**

- (b) **Selection of Smith Barney as the remarketing agent for the variable rate portion of the South Bay Water Recycling Project.**
- (3) **Adoption of a resolution authorizing the City Attorney to negotiate and execute an agreement with O'Melvey & Meyers and the Law Offices of Leslie M. Lava to serve as co-bond counsel for the South Bay Water Recycling Project in an amount not to exceed \$175,000.**
(Finance)

[Finance Committee referral 8/9/95 - Item 7d(1)]

Documents filed: Memorandum from Director of Finance, John V. Guthrie, and Director of Environmental Services, Louis N. Garcia, dated August 15, 1995, recommending adoption of said resolution.

Discussion/Action: William J. Garbett addressed the Council in opposition. Council Member Woody expressed concern regarding MBE/WBE when working with the senior manager, that there be an appropriate retention or mix for the co-managers in the selling of the bonds and requested Staff include that concern. Director Guthrie, stated that Staff will be meeting on August 24, 1995, with the Senior Manager on a retention plan among the co-managers and will report back to the Committee and the Council and put procedures in that report. Upon motion by Council Member Fiscalini, seconded by Council Member Diquisto, and unanimously carried, The Plan of Finance for South Bay Water Recycling Project Phase I was approved, and Resolution No. 66163, entitled: "A Resolution of the Council of the City of San José Approving the Underwriting Team and the Remarketing Agent for the South Bay Water Recycling Project, and Authorizing the City Manager to Negotiate and Execute Agreements Therewith", and Resolution No. 66164, entitled: "A Resolution of the Council of the City of San José Authorizing the City Attorney to Negotiate and Execute an Agreement with O'Melvey & Meyers and the Law Offices of Leslie M. Lava for Co-Bond Counsel Services Related to the South Bay Water Recycling Project in an Amount Not to Exceed \$175,000.00", were adopted. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

- 9b Approval of an agreement with Black & Veatch for 1995/96 Capital Improvement Project consulting engineering services at the San José/Santa Clara Water Pollution Control Plan in an amount not to exceed \$840,000 and for additional services in an amount not to exceed \$80,000, for a total amount not to exceed \$920,000. (Environmental Services)**

Documents filed: Memorandum from Director of Environmental Services, Louis N. Garcia, dated August 4, 1995, recommending approval of said agreement with Black & Veatch.

Discussion/Action: William J. Garbett spoke in opposition to the proposal. In response to a question by Council Member Diquisto about the selection process, Director Garcia stated that a review process was used which includes a review panel with professional reviewers from tributary agencies as well as City Staff to review the proposals and

determine the proposal that Staff recommends, followed by price negotiations, and noted that the recommendation was approved by the Treatment Plant Advisory Committee. He clarified that the proposal covers many projects that will go out to bid as part of the Treatment Plant's Capital Improvement Program and the proposal is for the consulting firm that would do the engineering services related to those projects. Council Member Diquisto stated for the record, that he is not in favor of awarding a project of this size without going through a bid process. Director Garcia advised that the Administration went through an extensive process, that a number of qualified engineering firms submitted proposals, that technical staff from the Treatment Plant, from the Cities of Milpitas and Santa Clara, and from San Jose's Public Works department were involved in the review process to determine the qualifications of the proposers. Council Member Diaz requested that Staff not contract too far in the future in light of the disparity studies being conducted and the possibility that new guidelines may be adopted this year. Upon motion by Council Member Fiscalini, seconded by Council Member Powers, and unanimously carried, said agreement with Black & Veatch was approved and its execution authorized. Vote: 8-1-2-0. Noes: Diquisto. Absent: Fernandes; Hammer.

9c Report on bids and award of contract for Summer Slurry Seal 1995 Project to the low bidder, Valley Slurry Seal Company, in the amount of \$876,100, which includes approval of a contingency in the amount of \$10,255.99. CEQA: Exempt. (Streets and Traffic)

Documents filed: Memorandum from Director of Streets and Traffic, Wayne K. Tanda, dated August 4, 1995, recommending approval of said award of contract to the low bidder, Valley Slurry Seal Company.

Discussion/Action: William J. Garbett spoke in opposition to the proposal. Upon motion by Council Member Fiscalini, seconded by Council Member Powers, and unanimously carried, the award of contract to the low bidder, Valley Slurry Seal Company, was approved and its execution authorized. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

9d 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 \$620,000. CEQA: Exempt. (Airport) (Deferred from 8/15/95 - Item 9c)

Documents filed: Memorandum from Airport Director Ralph G. Tonseth, dated July 28, 1995, recommending approval of said agreement with Corlett, Skaer and DeVote, Inc.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Council Member Powers, and unanimously carried, the agreement with Corlett, Skaer and

DeVote, Inc. was approved and its execution authorized. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

- 9e**
- (1) Report on bids and award of contract for the Fire Station Privacy Improvements Phase III Project to the low bidder, A & A Construction, Inc., to include the Base Bid and Add Alternate No. 1 in the amount of \$221,250, and approval of a contingency in the amount of \$22,000. 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)**
 - (3) Adoption of appropriation ordinance and revenue resolution amendments in the General Fund to rebudget funds in the amount of \$283,600 for the Kirk Center Reroof and Fire Station Privacy Projects. (City Manager's Office)**

(Deferred from 8/15/95 - Item 9e)

Documents filed: (1) Memoranda from Director of Public Works, Ralph A. Qualls, Jr., dated July 28 and August 16, 1995, recommending award of contract for the Fire Station Privacy Improvements Phase III Project to the low bidder, A & A Construction, Inc., to include the Base Bid and Add Alternate No. 1 in the amount of \$221,250, and approval of a contingency in the amount of \$22,000. (2) Memoranda from Director of Public Works, Ralph A. Qualls, Jr., dated July 28 and August 7, 1995, recommending 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. (3) Memorandum from Budget Director Larry D. Lisenbee, dated July 28 and August 16, 1995, recommending approval of said appropriation ordinance and related revenue resolution amendments.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Council Member Powers, and unanimously carried, the award of contract for the Fire Station Privacy Improvements Phase III Project to the low bidder, A & A Construction, Inc., and said contingency, were approved. Vote: 9-0-2-0. Absent: Fernandes; Hammer. Upon motion by Council Member Fiscalini, seconded by Council Member Diaz, and unanimously carried, the award of contract for the Kirk Community Center Reroof Revision Project to the low bidder, California Roofing Company, Inc., and said contingency, were approved; and Ordinance No. 24960, entitled: "An Ordinance of the Council of the City of San Jose Amending Ordinance No. 24945 which Appropriates Moneys in the General Fund in the Amount of \$283.600 to Rebudget Funds for the Kirk Center Roof and Fire Station Privacy Projects and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", and Resolution No. 66165, 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 General Fund", were adopted. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

- 9f Adoption of a resolution authorizing the City Manager to negotiate and execute a Memorandum of Understanding (MOU) with ten (10) governmental agencies for the Silicon Valley Smart Corridor Project.**
[Transportation, Development and Environment Committee referral 8/10/95 - Item 7e(2)]

Documents filed: See Item 7e(2) for documents filed.

Discussion/Action: William J. Garbett spoke in opposition to this proposal. Upon motion by Council Member Fiscalini, seconded by Council Member Powers, and unanimously carried, Resolution No. 66166, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Memorandum of Understanding Between Nine (9) Other Government Entities for the Development and Implementation of the Highway 17/880 Smart Corridor Project", was adopted. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

- 9g Presentation on report and recommendation on the Reconstruction of Hedding Street Bridge Over the Guadalupe River.**
[Transportation, Development and Environment Committee referral 8/10/95 - Item 7e(6)]

Documents filed: See Item 7e(6) for documents filed.

Discussion/Action: Rajeeb Batra, Public Works Transportation Division, presented the Staff recommendation. City Attorney Gallo advised that the only action the Council can take today is to direct the Staff to prepare Environmental Review Impact (EIR) documents. Council Member Fiscalini expressed concern about the impacts of closing of Hedding Street over the bridge and suggested Staff review options to accelerate the project, such as the possibility of 24 hour shifts or in providing incentives to the contractors, in an attempt to shorten the six month construction period. Mr. Rajeeb responded that constraints by the Fish and Game Department and the Army Corps of Engineer limit access to the creek to an April 15 to October 15 time frame and advised that the construction could be done in two seasons although at a higher cost, or the other option would be to close the bridge. Council Member Fiscalini commented on the impact to businesses of having the bridge closed and suggested the Staff explore ways to shorten the construction time. Sr. Deputy Director Dearborn stated that Staff could structure bids to include proposals that would acknowledge the possibility of incentives and quote a price under that scenario and the Council could then make a decision based on time saved and additional costs before award of the contract. Council Member Pandori advised that it is critical the project go forward under this quote and accelerated schedule, because the flood control project is completed north of Hedding and will be completed next year South of Hedding, and cautioned that if flooding recurs without the bridge being expanded, the flood control project would be ineffective. He

stated there will be congestion however the construction is done and, while he supports Staff efforts to accelerate the schedule, the project from a public necessity point of view must proceed. Elaine Johnson, Assistant Manager, Employment Development Department, Disability Insurance, expressed support for completing the project in one season. William J. Garbett expressed environmental concerns. Council Member Fiscalini requested Staff be directed to explore alternative methods to accelerate the schedule. Upon motion by Council Member Fiscalini, seconded by Council Member Pandori, and unanimously approved, Council directed the Administration to begin the environmental process to consider the closure of the Hedding Street Bridge over the Guadalupe River during construction, and to review alternative ways, including possible incentives, to accelerate the construction period for Council's consideration prior to formulation of the bid documents. Vote: 9-0-2-0. Absent: Fernandes; Hammer.

FISCAL AFFAIRS

10a PUBLIC HEARING and adoption of a resolution confirming the Report of Unpaid Recycle Plus Bills and direction to place a Special Assessment against the property secured by a lien with the County Recorder. (Finance)

Documents filed: (1) Memorandum from Director of Finance, John V. Guthrie, dated August 4, 1995, recommending adoption of said resolution. (2) Supplemental memorandum from Director of Finance, John V. Guthrie, dated August 17, 1995, advising the results of an Administrative Hearing on July 17, 1995, which temporarily deferred Mary Williamson's properties until further account research is completed. (3) Affidavit of Mailing of Notice of Intent to Lien, submitted by the Finance Director.

Discussion/Action: William J. Garbett addressed the Council regarding a lien on his property. Council Member Diquisto expressed concern that having so many customers on the lien list is symptomatic of a problem in the billing system and moved to refer the issue to the Finance Committee for additional information and fact finding prior to the assessment of the recommended liens. Responding to questions by Council Member Diquisto about an extra billing cycle, Director Guthrie advised that while the program was being formulated, billing was delayed and the extra period made up gradually over time rather than double bill in one month, and in reply to Council Member Diquisto, stated the number of late fees in a three month period were 28,000 out of 400,000 customers. Sharon Borden, Recycle Plus, explained that there are about 5,000 Recycle Plus customer who never pay on time and may be included in the late fee total more than once and stated that liens are placed annually and, if delayed, these liens would be added to next year's list. Director Guthrie clarified that the statement date was February 28, 1995, and customers have until August 29, 1995, to pay their bills and avoid the liens, resulting in a lengthy lien process giving customers sufficient time to bring their accounts current. City Attorney Gallo advised that deferring the ordinance for a report back in writing to lay out the process and how it has worked historically would be useful and the only risk would be if properties changed owners, the City would lose the

ability to collect the liens, and suggested that if the issue went to the Finance Committee and reported back quickly, the risk would be minimal. Council Member Woody indicated that since the issue is already on the August 22, 1995, Finance Committee agenda, discussions could begin and continue to a second meeting. Director Guthrie suggested that the Administration provide a Staff report in writing on the billing process in two weeks. On a call for the question, the motion by Council Member Diquisto to defer the assessment of liens and refer the report to the Finance Committee for discussion and report back to the Council in three weeks, failed. Vote: 3-6-2-0. Noes: Fiscalini, Johnson, Pandori, Powers, Shirakawa, Jr., Woody. Absent: Fernandes; Hammer. Upon motion by Council Member Fiscalini, seconded by Council Member Pandori, and unanimously carried, the Staff recommendation was approved, and review of the billing process was referred to the Finance Committee for discussion and report back to the Council at a date to be agreed upon at the August 23, 1995, Committee meeting; and Resolution No. 66167, entitled: "A Resolution of the Council of the City of San José Confirming the Report of Unpaid Recycle Plus Bills and Direction to Place a Special Assessment Lien Against Property", was adopted. Vote: 8-1-2-0. Noes. Diquisto. Absent: Fernandes: Hammer.

ORAL COMMUNICATIONS

- (1) Mehdi Shakeri addressed the Council regarding a lien on his property.
- (2) Bill Chew addressed the Council regarding telecommunications issues.
- (3) Regina Mayor addressed the Council regarding Administrative procedures.

ADJOURNMENT

The Council of the San José adjourned in memory of Irene Matthews, mother of Council Member Margie Fernandes; in memory of Frank Frye, performer with the San José Children's Musical Theater; and in memory of Brian King, performer with the San José Children's Musical Theater.

SUSAN HAMMER, MAYOR

ATTEST:

PATRICIA L. O'HEARN, CITY CLERK