

## **MINUTES OF THE CITY COUNCIL**

**SAN JOSE, CALIFORNIA**

**TUESDAY, SEPTEMBER 12, 1995**

The Council of the City of San Jose convened in regular session at 9:30 A.M. in City Council Chambers at City Hall.

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

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

Upon motion unanimously adopted, Council recessed at 9:35 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 Faison v. City of San José, et al.; and Piper, et al. v. City of San José, et al.; to discuss anticipated litigation pursuant to Subsection (b) of Government Code Section 54956.9, in two matters involving significant exposure to litigation.

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

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

By unanimous consent, Council reconvened from the Closed Session and recessed at 11:55 A.M. and reconvened at 1:38 P.M. in the Council Chambers.

### **INVOCATION**

The Welch Park Girl Scout Dancers presented a medley of colorful folkloric dances. Performing under the direction of Helen Ruiz were Jackie Esparza, Lucy Romero, Gabriella Ruiz, Irene Gonzales and Georgina Gonzalez. (District 8)

### **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: Diquisto; Hammer.

## **CEREMONIAL ITEMS**

- 5a Presentation of commendation to Bob Schilling, Science teacher, Martin Murphy Middle School, who was awarded the title of California Science Fair Teacher of the Year. (Powers)**

Documents filed: None.

Discussion/Action: Council Member Powers presented a commendation to Bob Schilling, Science teacher at Martin Murphy Middle School in the Morgan Hill Unified School District, who was honored for receiving the title of California Science Fair Teacher of the Year. Council Member Powers cited his extensive accomplishments and awards received during his 25-year career.

- 5b Presentation of commendation to the San José Rhinos for their winning record and an exciting and memorable season. (Pandori)  
(Deferred from 9/5/95 - Item 5b)**

Documents filed: None.

Discussion/Action: Council Member Pandori presented a commendation to Dennis Murphy for leading the San José Rhinos to the Roller Hockey World Championship by defeating the Montreal Roadrunners on September 1, 1995, commemorated by presentation of the prestigious “Murphy Cup,” in their second year of competition.

## **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 items taken as indicated. Vote: 9-0-2-0. Absent: Diquisto; Hammer.

### **Minutes for Approval**

- 6a(1) Regular Meeting of August 15, 1995**

Documents filed: Minutes of August 15, 1995.

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

**6a(2) Joint City Council/Redevelopment Agency Meeting of August 17, 1995**

Documents filed: Minutes of August 17, 1995.

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

**Public Hearings Set by Council**

**6c(1) Adoption of a resolution setting a Special Assessment public hearing on October 3, 1995 at 1:30 p.m. for unpaid Recycle Plus garbage bills. (Finance)**

Documents filed: Memorandum from Director of Finance, John V. Guthrie, dated August 25, 1995, recommending adoption of said resolution.

Discussion/Action: Resolution No. 66189, entitled: "A Resolution of the Council of the City of San José Setting a Special Assessment Public Hearing for Unpaid Recycle Plus Bills", was adopted. Vote: 9-0-2-0. Absent: Diquisto; Hammer.

**Plans and Specifications**

**6d(1) TRACT NO. 8697 - San Fernando Street, between 23rd and 24th Streets - Green Valley Swenson Builder, developer of Tract No. 8697. Adoption of a resolution approving an amendment to the contract for the improvement of Tract No. 8697, to include off site public sanitary sewer reconstruction within San Fernando Street and authorizing Public Works to reimburse the subdivider for actual costs incurred in an amount not to exceed \$26,065. CEQA: ND. District 3. (Public Works)**

Documents filed: None.

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

- 6d(2)**
- (a) Approval of the Parkland Agreement with Kaufman & Broad, Inc., for neighborhood park improvements to the site located at the northwesterly corner of Santa Teresa Boulevard and Miyuki Drive. CEQA: ND. District 2. (Public Works)**
  - (b) TRACT NO. 8771 - North side of Santa Teresa Boulevard between Liska Lane and Miyuki Drive - Kaufman and Broad South Bay, Incorporated - 116 single-family detached residential lots. Adoption of resolutions approving the plans, final map, and contract for Tract No. 8771 (California Grove). CEQA: ND. District 2. (Public Works)**
  - (c) TRACT NO. 8772 - Northeast corner of Santa Teresa Boulevard and Liska Lane - Kaufman and Broad South Bay, Incorporated - 136 single-family**

**attached residential lots. Adoption of a resolution approving the final map for Tract No. 8772. CEQA: ND. District 2. (Public Works)**

Documents filed: None.

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

### **Contracts/Agreements**

- 6e(1) Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with City Year, Inc., on behalf of City Year San José, in the amount of \$100,000. (City Manager's Office)**

Documents filed: Memorandum from Assistant to the City Manager, Nina S. Grayson, dated August 25, 1995, recommending adoption of said resolution.

Discussion/Action: Resolution No. 66190, entitled: "A Resolution of the Council of the City of San José Delegating to the City Manager the Authority to Negotiate and Execute a Grant Agreement with City Year, Inc., on Behalf of City Year San José in an Amount Not to Exceed \$100,000", was adopted. Vote: 9-0-2-0. Absent: Diquisto; Hammer.

- 6e(2) (a) Approval of an agreement with the State of California Commission on Peace Officer Standards and Training (POST) for a law enforcement driver training simulator pilot project for the period October 1, 1995 to September 30, 1996.**
- (b) Authorize the continued reimbursement of a temporary Officer position to provide instruction for the period October 1, 1995 to September 30, 1996.**
- (c) Adoption of appropriation and revenue resolution amendments in the General Fund to increase the Police Department's Personal Services appropriation by \$45,800 and Non-Personal appropriation by \$5,000. (City Manager's Office/Police)**

Documents filed: Memorandum from Police Chief Louis A. Cobarruviaz and Budget Director Larry D. Lisenbee, dated August 25, 1995, recommending approval of said agreement with the State of California Commission on Peace Officer Standards and Training, authorization of the continued reimbursement of said temporary Officer position, and adoption of said appropriation and related revenue resolution amendments.

Discussion/Action: The agreement with the State of California Commission on Peace Officer Standards and Training (POST) was approved; said continued reimbursement

of a temporary Officer position was authorized; Ordinance No. 24965, 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 Total Amount of \$50,800 to Increase the Police Department Appropriation for Personal Services and Non-Personal Expenses for Expenses Related to a Post-Reimbursed Law Enforcement Driver Trainer Simulator Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", and Resolution No. 66191, 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: Diquisto; Hammer.

**6e(3) Adoption of a resolution authorizing the Director of Conventions, Arts and Entertainment to execute Multicultural Arts Incubation Program agreements with:**

- (a) Arte Flamenco de San José, in the amount of \$5,000.**
  - (b) Asian Heritage Council, in the amount of \$5,000.**
  - (c) Association for Viet Arts, in the amount of \$5,000.**
  - (d) Aztlan Academy, in the amount of \$5,000.**
  - (e) Musica de Aztlan, in the amount of \$5,000.**
  - (f) Shri Krupa Dance Foundation, in the amount of \$5,000.**
- (Convention, Arts and Entertainment)**

Documents filed: Memorandum from Director of Convention, Arts and Entertainment, Ellen Oppenheim, dated August 25, 1995, recommending adoption of said resolution.

Discussion/Action: Resolution No. 66192, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Conventions, Arts and Entertainment to Execute the Fiscal Year 1995-96 Grant Agreements with the Multicultural Arts Incubation Program Participants", was adopted. Vote: 9-0-2-0. Absent: Diquisto; Hammer.

**6e(4) Approval of FY 1995-96 grant agreements with:**

- (a) San José Downtown Association in the amount of \$25,000, for Downtown area marketing and promotions programs for the period July 1, 1995 to June 30, 1996.**
  - (b) San José Shakespeare Festival in the amount of \$6,000, for the Free Shakespeare in the Park series held on July 29, 30, and August 5, 6, 12, and 13, 1995.**
  - (c) San José Historical Museum Association in the amount of \$1,000, for the Founding of El Pueblo Celebration to be held on November 29, 1995.**
- (Convention, Arts and Entertainment)**

Documents filed: Memorandum from Director of Convention, Arts and Entertainment, Ellen Oppenheim, dated August 25, 1995, recommending approval of said grant

agreements.

Discussion/Action: The FY 1995-96 grant agreements with the San José Downtown Association, the San José Shakespeare Festival, and the San José Historical Museum Association were approved and their execution authorized. Vote: 9-0-2-0. Absent: Diquisto; Hammer.

- 6e(5) Adoption of a resolution authorizing the Director of General Services to execute all documents necessary for the sale of twelve (12) surplus vehicles for a total amount of \$18,000, and approving the partial donation of surplus property with an estimated value of \$13,968 to the City of Agua Prieta, Sonora, Mexico. (General Services)**

Documents filed: Memorandum from Acting Director of General Services, Ellis M. Jones, Jr. dated August 25, 1995, recommending adoption of said resolution.

Discussion/Action: Resolution No. 66193, entitled: “A Resolution of the Council of the City of San José Approving the Transfer and Partial Donation of Twelve Surplus Police Vehicles to the City of Agua Prieta, Mexico”, was adopted. Vote: 9-0-2-0. Absent: Diquisto; Hammer.

- 6e(6) Approval to reject all bids and to resolicit bids for the purchase of fourteen (14) Bi-fuel 8,600 pound GVWR Pickup Trucks for the General Services/Vehicle Maintenance Division. (General Services)**

Documents filed: Memorandum from Acting Director of General Services, Ellis M. Jones, Jr. dated August 28, 1995, recommending approval to reject all bids and to resolicit bids for said purchase.

Discussion/Action: The rejection of all bids and authorization to resolicit bids for said purchase was approved. Vote: 9-0-2-0. Absent: Diquisto; Hammer.

- 6e(7) Approval of an agreement with Mercer Investment Consulting, Inc., for pension consultant services related to the Police & Fire Department Retirement Plan, in an amount not to exceed \$250,000, for the period of July 1, 1995 to June 30, 1998. (Police & Fire Department Retirement Board)**

Documents filed: None.

Discussion/Action: This item was deferred to September 26, 1995.

- 6e(8) Adoption of a resolution authorizing the City Manager to execute an agreement with the California Energy Commission and accepting funds for a grant of**

**\$247,000 funded through the Petroleum Violation Escrow Account (PVEA) for the City of San Jose Streetlight Conversion Project. CEQA: Exempt. (Public Works)**

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated August 25, 1995, recommending adoption of said resolution.

Discussion/Action: Resolution No. 66194, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Accept Grant Funding Through the Petroleum Violation Escrow Account in an Amount Not to Exceed \$247,000 and to Execute a Grant Agreement with the California Energy Commission", was adopted. Vote: 9-0-2-0. Absent: Diquisto; Hammer.

**6e(9) Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the "Test City" agreement with Pacific Bell to allow the installation of amplifier cabinets associated with the underground construction of conduits containing fiber optics and coaxial cables. (City Manager's Office) (Rules Committee referral 9/6/95)**

Documents filed: (1) Memorandum from City Manager Regina V.K. Williams, dated September 8, 1995, recommending adoption of said resolution. (2) Letter from Pacific Telesis Group, dated September 8, 1995, recommending approval of said amendment to the "Test City" agreement with Pacific Bell.

Discussion/Action: William J. Garbett addressed the Council in opposition to the proposal. Resolution No. 66195, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a First Amendment to the "Test City" Agreement with Pacific Bell to Allow the Installation of Amplifier Cabinets in Certain Areas of the City at Pacific Bell's Risk", was adopted. Vote: 9-0-2-0. Absent: Diquisto; Hammer.

**6e(10) Approval of employment agreement with Jennifer Bretschneider. (Mayor) (Orders of the Day 4a)**

Documents filed: None.

Discussion/Action: The employment agreement with Jennifer Bretschneider was approved. Vote: 9-0-2-0. Absent: Diquisto; Hammer.

**Routine Legislation**

**6f(1) Authorization for Regina V.K. Williams, City Manager to travel to Denver, Colorado, from September 15, 1995 to September 21, 1995 to attend the International City/County Management Association (ICMA) 81st Annual**

**Conference. (City Manager's Office)**

Documents filed: Memorandum from City Manager Regina V.K. Williams, dated August 28, 1995, recommending approval of said travel request.

Discussion/Action: The travel request for City Manager Williams was approved and its execution authorized. Vote: 9-0-2-0. Absent: Diquisto; Hammer.

**6f(2) Adoption of a resolution to amend:**

- (a) **Resolution No. 51872, Exhibit 21, to change the salary for the class of Communications Technical Manager (8523) at a salary range of 64I.**
- (b) **Resolution No. 51872, Exhibit 99, to create the class of Telecommunications Administrator (U) (1676) at a salary range of 67G.**
- (c) **Resolution No. 65143, Exhibit 03, to create the class of Building Inspector/Combination (P/T) (3916) at a salary range of 59J. (Human Resources)**

Documents filed: Memorandum from Director of Human Resources, Nona Tobin, dated August 25, 1995, recommending adoption of said resolution.

Discussion/Action: William J. Garbett addressed the Council in opposition to the proposal. Resolution No. 66196, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 51872 to (1) Amend Exhibit 21 to Increase the Salary for the Class of Communications Technical Manager (8523) at a Salary Range of 64I, and (2) Amend Exhibit 99 to Create the Class of Telecommunications Administrator (U) (1676) at a Salary Range of 67G, Effective September 17, 1995", and Resolution No. 66197, entitled: "A Resolution of the Council of the City of San Jose Amending Resolution No. 65143 by Amending Exhibit 1 of the Memorandum of Agreement with the Association of Building, Plumbing, Mechanical and Electrical Inspectors, Unit 3, to Create the Class of Building Inspector/Combination (P/T) (3916), Effective September 17, 1995", were adopted. Vote: 9-0-2-0. Absent: Diquisto; Hammer.

**6f(3) Approval of Quarterly Report of Economic Development Activity, April 1, 1995 to June 30, 1995. (Office of Economic Development)**

Documents filed: Memorandum from the Director of Economic Development, Leslie S. Parks, dated August 25, 1995, transmitting the quarterly Economic Development Activity report and recommending approval of same.

Discussion/Action: The Quarterly Report of Economic Development Activity, April 1, 1995 to June 30, 1995, was approved. Vote: 9-0-2-0. Absent: Diquisto; Hammer.

- 6f(4) Adoption of a revised resolution authorizing the City Manager to submit an application to the State of California Office of Criminal Justice Planning for continuation of grant funding in an amount not to exceed \$75,014, for the second year expansion of the Police Department's Safe Alternatives and Violence Education (SAVE) Program, to accept the continuation grant if awarded, and to execute all related documents. (Police)**

Documents filed: Memorandum from Police Chief Louis A. Cobarruviaz, dated August 25, 1995, recommending adoption of said resolution.

Discussion/Action: Resolution No. 66198, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute and Submit an Application to the State of California Office of Criminal Justice Planning for a Grant for the Safe Alternatives and Violence Education Program in an Amount Not to Exceed \$75,014, to Accept the Grant if Awarded, and to Execute all Related Documents", was adopted. Vote: 9-0-2-0. Absent: Diquisto; Hammer.

- 6f(5) Approval of an ordinance authorizing the governing board of the San José/Santa Clara Clean Water Financing Authority to issue revenue bonds in connection with the South Bay Water Recycling Project in the maximum principle amount of \$150,000,000 and authorizing the execution of the improvement agreement by and among the City of San José, the City of Santa Clara, and the Authority for the purpose of repaying the bonds. (City Attorney's Office)  
(Rules Committee referral 9/6/95)**

Documents filed: Carl Loeber addressed the Council in opposition to the proposal. Memorandum from City Attorney Joan R. Gallo, dated September 11, 1995, recommending approval of said ordinance.

Discussion/Action: Ordinance No. 24966, entitled: "An Ordinance of the City of San José Authorizing the Governing Board of the San José-Santa Clara Clean Water Financing Authority to Issue Sewer Revenue Bonds in the Maximum Principal Amount of \$150,000,000 and to Authorize the Execution of an Improvement Agreement Providing for the Repayment Thereof", was passed for publication. Vote: 9-0-2-0. Absent: Diquisto; Hammer.

## **END OF CONSENT CALENDAR**

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

- 7b Report of the Rules Committee - August 30, 1995**

Documents filed: Rules Committee Report of August 30, 1995.

- (1) Review of September 12 Council Agenda

The Committee approved the September 12, 1995 Council Agenda with one change.

**7b Report of the Rules Committee - August 30, 1995 (Cont'd.)**

- (2) Add New Items to September 5 Amended Council Agenda

The Committee recommended six additions to the September 5, 1995 amended Council agenda.

- (3) The Public Record. Attachment: (1) Memorandum from City Clerk Patricia L. O'Hearn, dated August 24, 1995, listing the items transmitted to the Administration and those items filed for the Public Record. (2) Memorandum from Assistant to the City Manager, Nina S. Grayson, dated August 30, 1995, summarizing actions taken on the items transmitted to the Administration and those items filed for the Public Record.

The Committee recommended approval of the Public Record.

- (4) Approve FY 1994-95 Board and Commission Annual Reports

The Committee deferred this item for one week.

- (5) Approve use of Council General Funds to attend National League of Cities' Energy, Environment and Natural Resources Steering Committee in Hattiesburg, MS, September 28-October 1, 1995. Attachment: Memorandum from Vice Mayor Johnson dated August 21, 1995, requesting authorization for use of Council General Funds for travel.

The Committee recommended approval for Vice Mayor Johnson to use Council General Funds to attend the National League of Cities' Energy, Environment and Natural Resources Steering Committee in Hattiesburg, MS, September 28 - October 1, 1995.

- (6) Approve use of Council General Funds to attend League of California Cities Conference in San Francisco, October 22-24, 1995. Attachment: Memorandum from Council Member Powers dated August 21, 1995, requesting authorization for use of Council General Funds for travel.

The Committee recommended approval for Council Member Powers to use Council General Funds to attend the League of California Cities Conference in San Francisco, October 22-24, 1995.

**7b Report of the Rules Committee - August 30, 1995 (Cont'd.)**

- (7) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
- (a) 8/15/95 Council Meeting, Item 13a: Refer to Rules Committee for referral to the Administration Vice Mayor Johnson's proposal regarding fire arm regulation and Council comments and questions for a report back to Council at a date to be determined. Attachment: Memorandum from City Manager Regina V.K. Williams, dated August 30, 1995, regarding a workplan for firearm regulating proposal.

The Committee accepted the City Manager's workplan and five-six month timeline to answer Council's questions regarding Vice Mayor Johnson's proposal on firearm sales regulations.

- (8) City Council and Rules Committee meeting schedules

None.

- (9) Oral communications

William Chew requested information on the job specifications for the Manager of Public Education and Community Information position.

- (10) Adjournment

The meeting was adjourned at 3:00 p.m.

Discussion/Action: Upon motion by Council Member Powers, seconded by Council Member Fernandes, and unanimously carried, the Rules Committee Report and actions of August 30, 1995, were accepted. Vote: 9-0-2-0. Absent: Diquisto; Hammer.

**GENERAL GOVERNMENT**

**9a Adoption of appropriation ordinance and revenue resolution amendments in the General Fund and Municipal Golf Course Fund to provide \$1,075,000 for the River Street Homes Relocation Project. (City Manager's Office)**

Documents filed: (1) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated September 7, 1995, recommending approval of the Amended Project Budget for the River Street Homes Relocation Project and approval of the use of \$400,000 in Municipal Golf Course Funds. (2) Memorandum from Budget Director Larry D. Lisenbee, dated September 7, 1995, recommending adoption of said appropriation ordinance and related revenue resolution amendments.

Discussion/Action: Council Member Pandori expressed concern that cost estimates for Project Program Development and the Master Plan Amendment were not lower, and stated he thought that toxic cleanup estimates were still too high, even with the reduction to \$170,000 following the determination that no major contamination exists on the site. Public Works Director Qualls advised that Project Program Development and Master Plan Amendment work are staff intensive and the staff work must be accounted for in the budget since the Public Works Department in the Capital Divisions is not funded from the General Fund, and stated that sufficient budget is necessary to allow for the development of unforeseen issues which could require issuing a change order to the contractor. He advised that the figures presented represent the best estimate of Staff based on past experience and stated that once the contract is awarded and site work is completed, costs will again be assessed and reductions made wherever possible, but that he did not recommend reducing the budget at this time. Council Member Dando reiterated her previous comments about fund allocations on this project, stated she preferred a more realistic budget, especially in light of similar projects which remain unfunded, and expressed disappointment that the projected \$700,000 commitment to the River Street Development Group had not been reduced. Upon motion by Council Member Powers, seconded by Council Member Fernandes, and unanimously carried, Ordinance No. 24967, entitled: "An Ordinance of the Council of the City of San José Amending Ordinance No. 24945 to Appropriate Moneys in the General Fund and the Municipal Golf Course Fund in the Total Amount of \$1,075,000 for the River Street Homes Relocation Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", and Resolution No. 66199, 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: 7-2-2-0. Noes: Dando, Pandori. Absent: Diquisto; Hammer.

## **FISCAL AFFAIRS**

### **10a First PUBLIC HEARING on the formation of Benefit Assessment District No. 95-217SJ (San Carlos-Race). CEQA: ND. (Public Works)**

Documents filed: (1) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated September 1, 1995, recommending that Council conduct the first public hearing for Benefit Assessment District No. 95-217SJ (San Carlos-Race) for the Midtown Specific Plan. (2) Proof of Publication of Notice of Public Hearings, submitted by the City Clerk's Office. (3) Affidavits of Posting and Mailing, submitted by the City Clerk's Office.

Discussion/Action: Vice Mayor Johnson opened first of two Public Hearings on the formation of Benefit Assessment District No. 95-217SJ. Director Qualls advised that no written protests had been received; there was no discussion from the floor and the public hearing was closed; the second public hearing will be held September 26, 1995.

## **CLOSED SESSION REPORT**

City Attorney Joan R. Gallo made the following disclosure of Closed Session Actions of September 12, 1995:

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

1. Case Name: City of Livermore v. Pacific Gas & Electric Co.

Adverse party or parties: Pacific Gas & Electric Co.

Substance of litigation: This involves a dispute between a public utility and a city over the utility's responsibility to pay for facility relocation as a result of the city's street-widening project.

Council Vote: Ayes: Dando, Diaz, Fernandes, Fiscalini, Johnson, Pandori, Pandori, Powers, Shirakawa, Jr., Woody.

Noes: None.

Absent: Diquisto; Hammer.

Abstain: None.

## **ORAL COMMUNICATIONS**

- (1) Cathy S. Brandhorst addressed Council regarding employment and housing issues.

## **ORAL COMMUNICATIONS**

- (2) Bill Chew addressed Council regarding revenue generating ideas.
- (3) Regina Mayor addressed Council concerning the career of Congressman Mineta.

## **ADJOURNMENT**

The Council of the City of San José adjourned at 2:28 p.m.

**SUSAN HAMMER, MAYOR**

**ATTEST:**

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