

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, NOVEMBER 14, 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, Diquisto, Fernandes, Fiscalini, Johnson, Pandori, Powers, Shirakawa, Jr., Hammer.

Absent: Council Members -Woody (excused).

Upon motion unanimously adopted, Council recessed at 9:35 A.M. to a Closed Session in Room 600 to confer with Labor Negotiator Pursuant to Government Code 54957.6: City Negotiator: City Manager designee Mark Linder; Employee Organization: Association of Building and Mechanical and Electrical Inspectors.

By unanimous consent, Council reconvened from the Closed Session and recessed at 10:40 A.M. and reconvened at 1:38 P.M. in the Council Chambers.

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

Absent: Council Members -None.

INVOCATION

The Hedge School of Almaden and the Golden-Green School of Dance presented Tommy and Laura Holford, a brother and sister dance team, in an intricate Irish dance. Tommy and Laura have represented the City of San José throughout California and the Western States in dance competitions. (District 10)

PLEDGE OF ALLEGIANCE

Mayor Hammer 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: 11-0-0-0.

CEREMONIAL ITEMS

- 5a Presentation of the American Automobile Association Pedestrian Protection Grand Award to the City of San José by Ronald R. James for the California State Automobile Association (CSAA). (City Manager's Office)**

Documents filed: None.

Discussion/Action: Mayor Hammer called to the Podium Former Mayor of San José, Ronald R. James, who along with Officials from the California State Automobile Association, presented to Mayor Hammer the American Automobile Association Pedestrian Protection Grand Award, representing the 8th time in the last 13 years San José has received the important award, one of only four such presentations in the Country in 1995. Mayor Hammer accepted the award on behalf of members of the Police and Streets & Traffic Departments and others, such as School Crossing Guards, responsible for the City's pedestrian safety record.

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: 11-0-0-0.

Minutes for Approval

- 6a(1) Regular Meeting of October 10, 1995.**

Documents filed: Minutes of October 10, 1995.

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

Ordinances for Final Adoption

- 6b(1) ORD. NO. 24992 - Authorizes and ratifies certain encumbrances and expenditures made during City's Fiscal Year 1994-95 in excess of sums appropriated therefor.**

Documents filed: Proof of Publication of title of Ordinance No. 24992 submitted by the City Clerk.

Discussion/Action: This item was dropped from the Agenda. Second reading of the Ordinance is not required.

Public Hearings Set by Council

6c(1) Adoption of a resolution setting a Special Assessment public hearing on December 5, 1995 at 1:30 p.m. for unpaid Recycle Plus garbage bills. (Finance)

Documents filed: Memorandum from Director of Finance, John V. Guthrie, dated October 27, 1995, recommending adoption of said resolution.

Discussion/Action: Albert Drost addressed the Council in opposition to this issue. Resolution No. 66272, entitled: "A Resolution of the Council of the City of San José Setting a Special Assessment Public Hearing for Unpaid Recycle Plus Bills", was adopted. Vote: 11-0-0-0.

6c(2) Adoption of a resolution initiating proceedings on an ordinance of the City of San José amending Title 20 of the San José Municipal Code by (1) adding Section 20.04.459.5 to Chapter 20.04 to define personal service shops and amending Section 20.08.020 of Chapter 20.08 to allow personal service shops as a permitted use in the C-Commercial District; (2) to amend Sections 20.32.1030 and 20.32.1230 to allow social clubs as conditional uses in the M-1 and M-4 Manufacturing Districts; (3) to amend Section 20.08.104(2) to allow outdoor Christmas tree sales between November 6 and December 30 inclusive; and other minor revisions; setting a public hearing on January 9, 1996 at 1:30 p.m. and referring the ordinance to the Planning Commission for its recommendation and comments. (Planning, Building and Code Enforcement)

Documents filed: Memorandum from Director of Planning, Gary J. Schoennauer, dated October 27, 1995, recommending adoption of said resolution.

Discussion/Action: Resolution No. 66273, entitled: "A Resolution of the Council of the City of San Jose Initiating Proceedings to Amend Title 20 of the San Jose Municipal Code by (1) Adding Section 20.04.459.5 to Chapter 20.04 to Define Personal Service Shops and Amending Section 20.08.020 of Chapter 20.08 to Allow Personal Service Shops as a Permitted Use in the C-Commercial District; (2) Amending Sections 20.32.1030 and 20.32.1230 to Allow Social Clubs as Conditional Uses in the M-1 and M-4 Manufacturing Districts; (3) Amending Section 20.08.104(2) to Allow Outdoor Christmas Tree Sales Between November 6 and December 30 Inclusive; and Other Minor Revisions; Setting a Public Hearing and Referring Said Ordinance to the Planning Commission", was adopted. Vote: 11-0-0-0.

6c(3) Adoption of a resolution setting a public hearing on December 12, 1995 at 1:30 p.m. to consider the establishment of an Underground Utility District at Quimby Road from Burdick Way to Akino Court. CEQA: Resolution No. 65629. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr.,

dated October 27, 1995, recommending adoption of said resolution.

Discussion/Action: Resolution No. 66274, entitled: "A Resolution of the Council of the City of San José Setting the Time and Place for a Public Hearing to Consider the Establishment of an Underground Utility District at Quimby Road from Burdick Way to Akino Court on December 12, 1995 at 1:30 p.m.", was adopted. Vote: 11-0-0-0.

Plans and Specifications

- 6d(1) TRACT NO. 8774 - North side of Massidda Court, approximately 1,100 feet west of Carter Avenue - K Prop 92, a California Limited Partnership and K Homes, Inc., General Partner, Kamil Navai President (Developer) - 20 single family detached townhouse units. Adoption of a resolution approving the final map for Tract No. 8774. CEQA: ND. District 9. (Public Works)**

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated November 7, 1995, recommending adoption of said resolution.

Discussion/Action: Resolution No. 66275, entitled: "A Resolution of the Council of the City of San José Approving and Accepting Final Map of Tract No. 8774", was adopted. Vote: 11-0-0-0.

Contracts/Agreements

- 6e(1) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with De La Cruz Occupational Health Care for occupational physician services to be provided at the City's Employee Health Services (EHS) Office for the period November 14, 1995 to June 30, 1996, at a cost not to exceed \$110,000. (Human Resources)**

Documents filed: Memorandum from Director of Human Resources, Nona Tobin, dated October 27, 1995, recommending adoption of said resolution.

Discussion/Action: Resolution No. 66276, entitled: "A Resolution of the Council of the City of San José Delegating to the City Manager the Authority to Negotiate and Execute an Agreement with De La Cruz Occupational Health Care for Occupational Physician Services in an Amount Not to Exceed \$110,000", was adopted. Vote: 11-0-0-0.

- 6e(2) Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the agreement with Kappa Social Services for the Midnight Basketball Program, increasing the compensation by \$20,000, from \$48,000 to \$68,000. (Parks, Recreation and Neighborhood Services)**

Documents filed: Memorandum from Deputy City Manager, Darrell Dearborn, dated October 31, 1995, recommending adoption of said resolution.

Discussion/Action: Council Member Dando requested that on future issues relating to requests for funding by community-based organizations, the Administration provide objective evaluation and criteria. Resolution No. 66277, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Amendment to the San José BEST Grant with Kappa Social Services to Provide Additional Funding for its Midnight Basketball Program", was adopted. Vote: 11-0-0-0.

- 6e(3) Approval of an agreement for the Story Road Landfill Self-Monitoring Program for 1996 with Rust Environment and Infrastructure, Inc., in the amount of \$135,000, and for additional services in the amount of \$15,000, for a total agreement amount of \$150,000. (Public Works)**

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated October 27, 1995, recommending approval of said agreement.

Discussion/Action: The agreement with Rust Environment and Infrastructure, Inc., was approved and its execution authorized. Vote: 11-0-0-0.

- 6e(4) Approval of a first amendment to the agreement with The Steinberg Group, Inc., for architectural consultant services for the Police Pre-Processing Center Project, increasing the compensation by \$45,300, from \$245,000 to \$290,300. CEQA: Exempt. (Public Works)**

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated October 27, 1995, recommending approval of the amendment to said agreement.

Discussion/Action: The amendment to said agreement with The Steinberg Group, Inc., was approved and its execution authorized. Vote: 11-0-0-0.

- 6e(5) Approval of a grant agreement with the 1996 U.S. Figure Skating Championships in the amount of \$12,000 to install approximately 120 U.S. figure skating banners in the Downtown area and at the San José International Airport in early January 1996. CEQA: Exempt. (Streets and Traffic)**

Documents filed: Memorandum from Director of Streets and Traffic, Wayne K. Tanda, dated October 27, 1995, recommending approval of said agreement with the 1996 U.S. Figure Skating Championships.

Discussion/Action: The grant agreement with the 1996 U.S. Figure Skating Championships was approved and its execution authorized. Vote: 11-0-0-0.

6e(6) Approval of an amendment to the employment agreement with Julie Ann Fink-White. (Johnson) (Rules Committee referral 11/8/95)

Documents filed: None.

Discussion/Action: The employment agreement with Julie Ann Fink-White was approved and its execution authorized. Vote: 11-0-0-0.

6e(7) Approval of a non-disclosure agreement with Motorola for future product design and specification information. (Police) (Orders of the Day 4a)

Documents filed: Memorandum from Police Chief Louis A. Cobarruviaz, dated November 9, 1995, recommending approval of said agreement.

Discussion/Action: William J. Garbett addressed the Council in opposition to this agreement. The agreement with Motorola was approved and its execution authorized. Vote: 11-0-0-0.

Routine Legislation

6f(1) Approval of an ordinance amending Part 4 of Chapter 2.08 of the San José Municipal Code to revise the eligibility requirements for the public member of the Board of Administration for the Federated City Employees Retirement System. (Federated Retirement Board)

Documents filed: Memorandum from the Federated Retirement Board, dated November 1, 1995, recommending approval of said ordinance.

Discussion/Action: Ordinance No. 24999, entitled: "An Ordinance of the Council of the City of San Jose Amending Sections 2.08.320, 2.08.330 and 2.08.340 of Chapter 2.08 of Title 2 of the San José Municipal Code to Revise the Definition of the Member of the Federated Retirement Board who is Required to be an Officer of a Financial Institution", was passed for publication. Vote: 11-0-0-0.

6f(2) Approval of ordinances amending:

(a) The Police and Fire Department Retirement Plan by adding Section 3.36.735 to establish compensation limits for retirement purposes in accordance with Internal Revenue Code Section 401(a)(17); and

(b) The Federated City Employees Retirement Plan by adding Section 3.28.990 to establish compensation limits for retirement purposes in accordance with Internal Revenue Code Section 401(a)(17).

(Police and Fire Retirement Plan/Federated Retirement System)

Documents filed: Memorandum from City Attorney Joan R. Gallo, dated October 31, 1995, recommending approval of said ordinances.

Discussion/Action: Ordinance No. 25000, entitled: "An Ordinance of the City of San José Amending Chapter 3.36 of Title 3 of the San José Municipal Code by Adding Section 3.36.735 to Implement Compensation Limits in Accordance with Internal Revenue Code Section 401(a)(17)", and Ordinance No. 25001, entitled: "An Ordinance of the City of San José Amending Chapter 3.28 of Title 3 of the San José Municipal Code by Adding Section 3.28.990 to Implement Compensation Limits in Accordance with Internal Revenue Code Section 401(a)(17)", were passed for publication. Vote: 11-0-0-0.

- 6f(3) Adoption of a resolution authorizing the City Manager to submit a grant application to the Department of Justice for the Community Policing to Combat Domestic Violence Program, in the amount of \$150,000, to accept the grant if awarded, and to execute all related documents. (Police)**

Documents filed: Memorandum from Police Chief Louis A. Cobarruviaz, dated October 27, 1995, recommending adoption of said resolution.

Discussion/Action: Regina Mayor addressed the Council on this issue. Resolution No. 66278, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute and Submit an Application to the U.S. Department of Justice for a Grant for the Community Policing to Combat Domestic Violence Program in an Amount Not to Exceed \$150,000, to Accept the Grant if Awarded, and to Execute all Related Documents", was adopted. Vote: 11-0-0-0.

- 6f(4) Approval of an ordinance:

- (a) **Creating a new Title 24 of the San José Municipal Code to adopt the 1994 Editions of the Uniform Building Code (UBC), Uniform Plumbing Code (UPC), Uniform Mechanical Code (UMC), and the 1993 Edition of the National Electrical Code (NEC) with local amendments as the City of San José Building, Plumbing, Mechanical, and Electrical Codes.**
- (b) **Amend Title 17 of the San José Municipal Code to repeal Chapters 17.04 (Building Code, except for provisions of the Grading Ordinance), 17.52 (Electrical Code), 17.56 (Plumbing Code), and 17.60 (Mechanical Code).**

CEQA: Exempt. (Planning, Building and Code Enforcement)

Documents filed: (1) Memorandum from Director of Planning, Gary J. Schoennauer, dated November 1, 1995, recommending approval of said ordinance. (2) Report entitled, *Silicon Valley Uniform Code Program Local Amendments*, dated September 29, 1995, and prepared by Joint Venture: Silicon Valley Network, Santa Clara Valley Manufacturing Group, and the International Conference of Chief Building Officials, Peninsula Chapter.

Discussion/Action: City Manager Williams and Mayor Hammer commended Andrew A. Adelman, Deputy Planning Director/Chief Building Official, for his exemplary contribution on this regional effort to coordinate building codes. Ordinance No. 25002, entitled: "An Ordinance of the City of San José Amending the San José Municipal Code by Adding a New Title 24 and Repealing Parts 1, 2, 3, 4 and 5 of Chapter 17.04, and Chapters 17.52, 17.56 and 17.60 of Title 17 of the San José Municipal Code to Adopt the Uniform Building, Plumbing, Mechanical and Electrical Codes; to Streamline the Issuance of Building Permits; and to Repeal Unnecessary Administrative Sections", were passed for publication. Vote: 11-0-0-0.

- 6f(5) Approval for Mayor Susan Hammer and Chief of Staff, Gary Robinson, to travel to Washington, D. C., on November 29-30, 1995, to attend an ACTPN meeting. Funding: ACTPN Budget. (Mayor)
(Rules Committee referral 11/8/95)**

Documents filed: None.

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

- 6f(6) (a) Approval of an ordinance amending the existing Permit Parking Ordinance to add a Civic Center Permit Parking Area and to make technical changes to clarify the administration of the Permit Parking programs and to make their administration uniform; and
(b) Adoption of a resolution amending the Fee Schedule to provide for the fees applicable to obtaining, replacing, and renewing Parking Permits.
(City Attorney's Office)
(Rules Committee referral 11/8/95)**

Documents filed: Memorandum from City Attorney Joan R. Gallo, dated November 8, 1995, recommending approval of said ordinance to amend the existing Permit Parking Ordinance and adoption of said resolution.

Discussion/Action: Ordinance No. 25003, entitled: "An Ordinance of the City of San José Amending Chapter 11.48 of Title 11 of the San José Municipal Code to Add a Civic Center Residential Permit Parking Program, to Make the Existing Permit Parking Programs Consistent, to Make Further Technical Changes to Clarify the Chapter and to Renumber Chapter 11.46 to Make it Part of Chapter 11.48.", was passed for publication, and Resolution No. 66279, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 66027 to Establish Fees for Issuance, Renewal and Replacement of Parking Permits", was adopted. Vote: 11-0-0-0.

COMMISSION, COMMITTEE, AND STANDING REPORTS

7a Report of the Committee of the Whole - October 31, 1995

Documents filed: Committee of the Whole report dated October 31, 1995.

7a Report of the Committee of the Whole - October 31, 1995 (Cont'd.)

- (1) Telecommunications Overview. Attachments: (1) Memorandum from City Manager Regina V.K. Williams, dated October 26, 1995, outlining actions recommended the City should take. (2) Memorandum from Pamela K. Stone, dated October 26, 1995, summarizing the report. (3) Report entitled, "*The State of the Information Superhighway from San José's Perspective/A Communications Overview.*" (4) Hard Copies of transparencies used in the Staff presentation.

The Committee heard the Telecommunications Overview presented by Telecommunications Administrator Pamela K. Stone; the Committee accepted the report.

Discussion/Action: The Committee of the Whole Report of October 31, 1995 was accepted. Vote: 11-0-0-0.

7b Report of the Rules Committee - November 1, 1995

Documents filed: Rules Committee report of November 1, 1995.

- (1) Review of November 14 Council Agenda

The Committee recommended approval of the November 14, 1995 Council agenda.

- (2) Add New Items to November 7 Amended Council Agenda

The Committee recommended seven additions to the November 7, 1995 Council agenda.

- (3) The Public Record. Attachment: Memorandum from City Clerk Patricia L. O'Hearn, dated October 26, 1995, listing the items transmitted to the Administration and those items filed for the Public Record for the period October 18-24, 1995.

The Committee recommended approval of the Public Record.

- (4) Acceptance of:

- (a) 1994-95 Administrative Work Plan Year End Status Report
- (b) FY 1995-96 Administrative Work Plan.

Attachments: (1) Memorandum from Nina Grayson, Assistant to the City Manager, dated October 16, 1995, regarding the Council Agenda timeline. (2) Memorandum from City Manager Regina V.K. Williams, dated October 17, 1995, recommending acceptance of the FY 1994-95 Administrative Work Plan Year End Status Report and the FY 1995-96 Administrative Work Plan.

The Committee noted and filed the reports.

See Item 9c for Council action take on Item (4)(b).

- (5) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
 - (a) Referral of commercial recycling issues to appropriate City Council Committee.

Vice Mayor Johnson requested the report to Council on this item be deferred to November 21, 1995 to enable Council Members to review the report distributed at Rules and for the Department to report on their approach to commercial businesses and efforts to improve recycling in that area.

- (b) Referral to City Attorney to review the issue of abandoned shopping carts. Attachment: Memorandum from Council Member Alice Woody, dated October 27, 1995 requesting review by the City Attorney of the issue of abandoned shopping carts.

The Committee recommended the issue of abandoned shopping carts be referred to the City Attorney and the Administration.

- (6) City Council and Rules Committee meeting schedules
 - (a) Discussion of schedule of evening Council meetings between mid-December 1995 and February 1996

The Committee recommended that a Committee of the Whole on Greenline Strategy be held on November 28, 1995 in the afternoon and deferred to the November 8 Rules Committee the issue of scheduling evening Council meetings between mid-December, 1995 and February, 1996.

- (7) Oral communications

William Chew thanked the City Manager's Office for the Telecommunications presentation and made suggestions on satellite usage.

- (8) Adjournment

The meeting was adjourned at 3:30 p.m.

Discussion/Action: Upon motion by Vice Mayor Johnson, seconded by Council Member Powers, and unanimously carried, the Rules Committee report and actions of November 1, 1995 were accepted, with Item 7b(4)(b) heard under Item 9c and 7b(5)(a) deferred to 11/21/95. Vote: 11-0-0-0.

GENERAL GOVERNMENT

9a Adoption of a resolution:

- (1) **Amending the business terms of a previously approved predevelopment and acquisition loan and approving a permanent loan and business terms for a loan of up to \$1,900,000 to the Huff Avenue Associates, or its assignee, for the 72-unit family rental housing project for very low- and low-income households on a 2.85 acre site located on Huff Avenue, north of Maglioco Drive.**
- (2) **Authorizing the Director of Housing to negotiate and execute all necessary documents evidencing such loan on behalf of the City.**

(Housing)

Documents filed: Memorandum from Director of Housing, Alex Sanchez, dated October 27, 1995, recommending adoption of said resolution.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Council Member Powers, Resolution No. 66280, entitled: "A Resolution of the Council of the City of San José (i) Approving Amendments to Business Terms for an Acquisition and Predevelopment Loan to the Housing Authority of the County of Santa Clara, or its Assignee, for the Development of a 72-Unit Family Rental Housing Project Affordable to Very Low- and Low Income Persons and Families, (ii) Approving Business Terms for a Permanent Loan of up to \$1,900,000.00 to the Housing Authority, or its Assignee, for the Housing Project; and (iii) Execute all Necessary Documents Evidencing Such Loan on Behalf of the City", was adopted. Vote: 11-0-0-0.

9b Approval of the actions relative to the City's funding commitment in the amount of \$16,300,000 for the Route 87 Freeway Project:

- (1) **Approval of funding from the FY 95-96 Traffic Capital Budget in the amount of \$1,000,000 to fund near-term project design and management costs.**
- (2) **Direction to staff to prepare financing options for funding the City's remaining share of the project cost through the use of City capital funds as part of the FY 96-97 budget process.**
- (3) **Direction to staff to seek a financial commitment from the Redevelopment Agency as part of the FY 96-97 budget process for reimbursement of project costs advanced by City capital funds.**

(Public Works)

Documents filed: None.

Discussion/Action: This item was deferred to November 21, 1995.

**9c Discussion and approval of the FY 1995-96 Administrative Workplan.
[Rules Committee referral 11/1/95 - Item 7b(4)(b)]**

Documents filed: See Item 7b(4)(b) for documents.

Discussion/Action: City Manager Regina V.K. Williams reported that in FY 1994-95 the Administration completed 43% of 400 projects, that projects represent 5% of staff effort and the majority of Staff time was spent in the delivery of basic services to the residents and businesses of San José. She reported that both the 1994-95 and 1995-96 work plans were very aggressive, and stated the City has a fine Staff throughout all levels, who are working to capacity to ensure quality services are provided to City residents. Mayor Hammer stated the number of projects the Administration has been working on is impressive and expressed, on behalf of the City Council, appreciation to City Manager Williams and her Staff, as well as the entire organization, for the good work being done on the residents behalf and stated she was proud to be a part of such dedicated work force. Council Member Dando expressed concern about the number of memoranda, albeit small, which arrive late, making it difficult for the Council Members to thoroughly review the reports and requested Staff to monitor for six months the number of staff memoranda arriving late, particularly for major projects involving significant expenditures, and report back to the Council. Upon motion by Council Member Fiscalini, seconded by Vice Mayor Johnson, the Work Plan was approved and the Administration directed to monitor for six months the timeline for distribution of Staff reports, paying particular attention to issues of major relevance, and report back to the Council. Vote: 11-0-0-0.

9d Presentation of the San José Arena Authority's Annual Report. (San José Arena Authority)

Documents filed: Report entitled, *San Jose Arena Authority, Annual Report to City Council*", dated October, 1995.

Discussion/Action: Kathy Meier, Chair of the Executive and Facilities Committees of the San José Arena Authority, highlighted information in the report which included San José Arena Authority Board, Staff and Committee Rosters, Neighborhood and Business Community Relations Liaison Program, Ticket Distribution Program 1994-95 Report, Disability Advisory Commission Interim Reports, City & Community Events 1994-95 Inventory, 1995 San José Sports Hall of Fame Media Information. She commented on the search for a new director to replace outgoing Executive Director Michael D. Ellzey,

and commended him for his excellent leadership, and introduced acting Executive Director, Chris Morrissey. Upon motion by Council Member Powers, seconded by Council Member Fiscalini, Council accepted the report, thanked the San José Arena Authority leadership, and commended outgoing Executive Director Michael D. Ellzey for his outstanding leadership. Vote: 11-0-0-0.

9e Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Santa Clara Valley Water District (SCVWD) to implement the Water Conservation Program.

[Transportation, Development and Environment Committee referral 10/26/95 - Item 7e(2)]

(Deferred from 11/7/95 - Item 9f)

Documents filed: (1) See Item 7e(2) for the Staff reports. (2) Supplemental Memorandum from Director of Environmental Services, Louis N. Garcia, dated November 3, 1995, responding to questions raised at the Transportation, Development and Environment Committee meeting of October 26, 1995. (3) Memorandum from City Attorney Joan R. Gallo, dated November 7, 1995, clarifying the Staff Report relative to the impact of discharges from the Treatment Plant on rare and endangered species.

Discussion/Action: Rita Norton, Office of Environmental Services, made the Staff presentation. Council Member Pandori stated that among the flow reduction programs under consideration, the voucher program appeared to be the most cost effective and suggested those programs providing the most environmental impact for the cost be given priority funding, and requested that when Staff reports back on the allocation of funds between programs, an analysis be provided on cost effectiveness relative to funding, and recommended that the target number for installation of ultra low flow toilets be increased from 10,000 to 20,000. Upon motion by Council Member Fernandes, seconded by Vice Mayor Johnson, and unanimously carried, the Administration was directed to analyze the programs by cost effectiveness and increase for ultra low flow toilet installation target to 20,000 units, and Resolution No. 66281, entitled: "A Resolution of the Council of the City of San José Delegating to the City Manager the Authority to Negotiate and Execute a Water Conservation Cost Sharing Agreement with the Santa Clara Valley Water District to Implement the Water Conservation Element of the San José Action Plan", was adopted. Vote: 11-0-0-0.

9f Approval of an amendment to the Cardroom Ordinance to set the maximum number of tables at 181. (City Attorney's Office)

(Rules Committee referral 11/8/95)

Documents filed: Memoranda from City Attorney Joan R. Gallo, dated November 13, 1995, relative to the referenced Ordinance amendment.

Discussion/Action: Albert Drost and William J. Garbett spoke in opposition to the proposed amendment. Upon motion by Council Member Fiscalini, seconded by

Council Member Diquisto, and unanimously carried, Ordinance 25004, entitled: "An Ordinance of the City of San José Amending Section 6.22.040 of Chapter 6.22 of Title 6 of the San José Municipal Code to Set a Maximum Potential Card Table Limit", was passed for publication. Vote: 6-5-0-0. Noes: Dando, Diaz, Fernandes, Johnson, Pandori.

ORAL COMMUNICATIONS

- (1) Abraham Teferi addressed the Council concerning fee and location disputes with the Christmas in the Park personnel which adversely affect his hot dog vendor business. Mayor Hammer referred his situation to the Administration for immediate review, and directed the Administration to place the issue of vendor fees and relocation relative to the Christmas in the Park Program on the City Council agenda of 11/28/95.
- (2) Cathy S. Brandhorst addressed the Council regarding difficulties experienced at a homeless shelter.
- (3) Bill Chew spoke to the Council about the relevancy of telecommunications to the City and suggested establishing a standing committee with responsibility for telecommunications.

ADJOURNMENT

The Council of the City of San José adjourned at 3:02 p.m.

SUSAN HAMMER, MAYOR

ATTEST:

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