

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, MAY 14, 1996

The Council of the City of San Jose convened in regular session at 9:00 a.m.

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

Absent: Council Members: Johnson (excused)

Upon motion unanimously adopted, Council recessed to a Closed Session at 9:05 a.m. in Room 600 to (A) confer with Legal Counsel regarding anticipated litigation and to discuss one matter pertaining to significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 of the Government Code; (B) conduct the Public Employee Performance Evaluation of the City Auditor pursuant to Government Code Section 54957; and (C) to confer with Labor Negotiator pursuant to Government Code Section 54957.6 related to the following: City Negotiator–City Manager designee Lynn Boland, Confidential Employees Organization Employee Organization; City Negotiator–City Manager designee Darrell Dearborn, San José Police Officers' Association and International Association of Firefighters Employee Organizations; and City Negotiator–City Manager designee Nona Tobin, Municipal Employees Federation Employee Organizations.

By unanimous consent, Council reconvened from the Closed Session and recessed at 11:50 a.m. and reconvened at 1:38 p.m. in Council Chambers, City Hall.

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

Absent: Council Members: Johnson (excused).

INVOCATION

Father Tony Periera, St. John Vianney Church, delivered the invocation. (District 5)

PLEDGE OF ALLEGIANCE

Mayor Hammer led in the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Dando, seconded by Council Member Powers and unanimously carried, the Orders of the Day and the Amended Agenda were approved. 10-0-1-0. Absent: Johnson.

CEREMONIAL ITEMS

5a Presentation of proclamation declaring the week of May 12-18, 1996 as “National Preservation Week”. (Pandori)

Documents Filed:

Discussion/Action: Council Member Pandori presented the proclamation to Robert Kumamoto, Chair, Historic Landmarks Commission, and thanked him for the service to the citizens of San José.

CONSENT CALENDAR

Upon motion by Council Member Fernandes, seconded by Council Member Powers and unanimously carried, the Consent Calendar was approved and the below listed actions were taken as indicated. Vote: 10-0-1-0. Absent: Johnson.

Minutes for Approval

6a(1) Regular Meeting of March 26, 1996

Documents Filed: Minutes of the regular meeting of March 26, 1996.

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

Ordinances for Final Adoption

6b(1) ORD. NO. 25076 - Grants a Commercial Solid Waste Collection Franchise to Butterick Enterprises dba B & B Roll-Off Service.

Documents Filed: Proof of publication of the title of Ordinance No. 25076 submitted by the City Clerk.

6b(1) (Cont'd.)

Discussion/Action: Ordinance No. 25076 was adopted. Vote: 8-0-1-2. Absent: Johnson. Disqualified: Dando, Fiscalini, due to their absence at the April 30, 1996 public hearing.

6b(2) ORD. NO. 25077 - Grants a Commercial Solid Waste Collection Franchise to Custom Disposal Service.

Documents Filed: Proof of publication of the title of Ordinance No. 25077 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25077 was adopted. Vote: 8-0-1-2. Absent: Johnson. Disqualified: Dando, Fiscalini, due to their absence at the April 30, 1996 public hearing.

6b(3) ORD. NO. 25078 - Grants a Commercial Solid Waste Collection Franchise to Green Valley Disposal Co., Inc.

Documents Filed: Proof of publication of the title of Ordinance No. 25078 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25078 was adopted. Vote: 8-0-1-2. Absent: Johnson. Disqualified: Dando, Fiscalini, due to their absence at the April 30, 1996 public hearing.

6b(4) ORD. NO. 25079 - Grants a Commercial Solid Waste Collection Franchise to Greenwaste Recovery, Inc., dba 99 Dollar Debris Box Service.

Documents Filed: Proof of publication of the title of Ordinance No. 25079 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25079 was adopted. Vote: 8-0-1-2. Absent: Johnson. Disqualified: Dando, Fiscalini, due to their absence at the April 30, 1996 public hearing.

6b(5) ORD. NO. 25080 - Grants a Commercial Solid Waste Collection Franchise to Hollister Disposal.

Documents Filed: Proof of publication of the title of Ordinance No. 25080 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25080 was adopted. Vote: 8-0-1-2. Absent: Johnson. Disqualified: Dando, Fiscalini, due to their absence at the April 30, 1996 public hearing.

6b(6) ORD. NO. 25081 - Grants a Commercial Solid Waste Collection Franchise to J. H. M. Services, Inc..

Documents Filed: Proof of publication of the title of Ordinance No. 25081 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25081 was adopted. Vote: 8-0-1-2. Absent: Johnson. Disqualified: Dando, Fiscalini, due to their absence at the April 30, 1996 public hearing.

6b(7) ORD. NO. 25082 - Grants a Commercial Solid Waste Collection Franchise to Jonna Corporation.

Documents Filed: Proof of publication of the title of Ordinance No. 25082 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25082 was adopted. Vote: 8-0-1-2. Absent: Johnson. Disqualified: Dando, Fiscalini, due to their absence at the April 30, 1996 public hearing.

6b(8) ORD. NO. 25083 - Establishes an Underground Utility District at Monterey Road from Blossom Hill Road to Ford Road.

Documents Filed: Proof of publication of the title of Ordinance No. 25083 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25083 was adopted. Vote: 8-0-1-2. Absent: Johnson. Disqualified: Dando, Fiscalini, due to their absence at the April 30, 1996 public hearing.

Public Hearings Set by Council

**6c(1) Adoption of a resolution of intention to vacate portions of Russo Drive, Blair Drive and several utility easements reserving a public service easement over the vacated portions of right-of-way and setting a public hearing on June 4, 1996 at 1:30 p.m. CEQA: ND.
(Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated April 26, 1996, recommending Council adopt said resolution.

6c(1) (Cont'd.)

Discussion/Action: Resolution No. 66603, entitled: "Resolution of the Council of the City of San José Approving Certain Maps Showing Those Portions of Russo Drive and Blair Drive and Those Utility Easements Which Said Council Proposed to Vacate, Subject to the Reservation of Certain Public Service Easements; Directing the City

Clerk to File Said Maps in the Office of the City Clerk; Describing Said Streets and Easements to Be Reserved; Setting a Public Hearing Thereon; and Directing Notice Thereof to be Posted', was adopted. 10-0-1-0. Absent: Johnson.

Plans and Specifications

- 6d(1) TRACT NO. 8825 - south side of Fowler Road, 1,500 feet east of Littleworth Way - Larwin Company, a California Corporation (Developer) - 37 single family detached residential lots. Adoption of resolutions approving the plans, final map, contract, water main extension agreement, and approval of the parkland agreement for Tract No. 8825. CEQA: Resolution No. 63179. District 8. (Public Works) (Rules Committee referral 5/8/96)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated May 7, 1996, recommending Council adopt said resolutions.

Discussion/Action: Resolution No. 66604, entitled: "A Resolution of the Council of the City of San José Fixing Official Curb Grades and Position of Curbs, and Adopting Plans For Tract No. 8825"; Resolution No. 66605, entitled: "A Resolution of the Council of the City of San José Approving and Accepting Final Map of Tract No. 8825", Resolution No. 66606, entitled: "A Resolution of the Council of the City of San José Approving and Authorizing the Execution of Contract and Approving Bonds for the Improvement of Tract No. 8825"; and Resolution No. 66607, entitled: "A Resolution of the Council of the City of San José Approving and Authorizing the Execution of Agree-ment for the Water Main Extension, of Tract No. 8825", were adopted. Vote: 10-0-1-0. Absent: Johnson.

Contracts/Agreements

- 6e(1) Approval of a first amendment to the agreement with the Regents of the University of California to perform additional evaluation of the nature and behavior of dissolved nickel in the San José/Santa Clara Water Pollution Control Plant (WPCP) wastewater treatment system and industrial wastewater collection systems, to extend the term through December 31, 1997, and to increase compensation by \$194,550 for a total amount not to exceed \$284,550. (Environmental Services)**

Documents Filed: None.

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

- 6e(2) Approval of a second amendment to the agreement with Western Waste Industries for Integrated Waste Management Services extending the term of the agreement by three (3) years, from June 30, 1999 to June 30, 2002, and to revise the incentive payment structure beginning July 1, 1999. (Environmental Services)**

Documents Filed: None.

Discussion/Action: This item was deferred to May 28, 1996.

- 6e(3) Approval of a third amendment to the agreement with Browning-Ferris Industries of California, Inc. for collection of yard wastes from Collection District A, extending the term to June 30, 2002, and revising the compensation payment structure. (Environmental Services)
CEQA: ND.**

Documents Filed: Memorandum from Director of Environmental Services, Louis N. Garcia, dated May 3, 1996, recommending Council approved the third amendment to said agreement.

Discussion/Action: The third amendment to the agreement with Browning-Ferris Industries of California, Inc., was approved and its execution authorized. 10-0-1-0. Absent: Johnson.

- 6e(4) Approval of a first amendment to the agreement with REVIEWCO to provide medical workers' compensation cost containment services extending the term of the agreement for three (3) months, from June 30, 1996 to September 30, 1996, and increasing the compensation by \$75,000, from \$300,000 to \$375,000. (Finance)**

- 6e(4) (Cont'd.)**

Documents Filed: Memorandum from Director of Finance, John V. Guthrie, dated April 26, 1996, recommending Council approve the amendment to said agreement.

Discussion/Action: William J. Garbett spoke against the proposed action. The first amendment to the agreement with REVIEWCO was approved and its execution authorized. 10-0-1-0. Absent: Johnson.

- 6e(5) Approval of award of open purchase orders for supplies, materials, equipment and services for FY 1995-96 #27, and authorization for the Director of General Services to execute the purchase orders. (General Services)**

Documents Filed: (1) Memorandum from Director of General Services, Ellis M. Jones Jr., dated April 26, 1996, recommending Council award said open purchase orders list, and authorize the Director of General Services to execute the purchase orders. (2) Letter from Treatment Plant Advisory Committee, dated May 10, 1996, recommending approval of said award and authorization for the Director of General Services to execute the purchase orders.

Discussion/Action: The award of open purchase orders List No. 27 for FY 1995-96 was approved and execution of the purchase orders authorized. 10-0-1-0. Absent: Johnson.

6e(6) Report on bids and adoption of a resolution authorizing the Director of General Services to:

(a) Award the purchase of a digital recording system for the Police Department to the lowest responsive bidder, Dictaphone Corp., at a total price of \$127,769.74, including tax.

(b) Execute all necessary documents to add the digital recording system to the Master Equipment Lease Agreement.

(General Services)

Documents Filed: (1) Memorandum from Director of General Services, Ellis M. Jones Jr., dated April 26, 1996, recommending Council adopt said resolution. (2) Memorandum from Council Liaison, Norberto L. Duenas, dated May 14, 1996, submitting a correction in the total price for the digital recording system.

Discussion/Action: Resolution No. 66608, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of General Services to Award the Purchase of a Digital Recording System for the Police Department to Dictaphone Corporation, and to Add the Purchase to the Master Equipment Lease", was adopted. Vote: 10-0-1-0. Absent: Johnson.

6e(7) Approval of an option to purchase eight (8) additional pickup trucks for the Airport Department and the Streets and Traffic Department from Mission Valley Ford (San José), at a total cost of \$180,795.88, including tax, and authorization for the Director of General Services to execute the purchase order. (General Services)

Documents Filed: Memorandum from Director of General Services, Ellis M. Jones Jr., dated April 26, 1996, recommending Council approve said purchase and authorize the Director of General Services to execute the purchase order.

Discussion/Action: The purchase was approved and execution of the purchase order authorized. Vote: 10-0-1-0. Absent: Johnson.

Routine Legislation

- 6f(1) Adoption of a resolution authorizing the Director of Aviation to submit and execute upon receipt a Request for Federal Assistance with the Federal Aviation Administration (FAA) for the Acoustical Treatment Program (ACT) for Phase Four (225 dwellings in the City of Santa Clara and City of San José) in the amount of \$2,000,000. (Airport)**

Documents Filed: Memorandum from Director of Aviation, Ralph G. Tonseth, dated April 26, 1996, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 66609, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Aviation to Execute and Submit a Request for Federal Assistance to the Federal Aviation Administration for a Grant for Phase IV of the San José International Airport Acoustical Treatment Program in an Amount Not to Exceed \$2,000,000, to Accept the Grant if Awarded, and to Execute All Related Documents", was adopted. Vote: 10-0-1-0. Absent: Johnson.

- 6f(2) Adoption of a resolution accepting video production services from Tam Communications valued at \$10,000 in the development of a promotional video, and \$5,000 in services from Browning Ferris International for printing of a newspaper supplement that will be used in promoting the "City Hall Open House 1996". (City Manager's Office)**

Documents Filed: Memorandum from Senior Executive Assistant, Bob Allen, dated May 7, 1996, recommending Council adopt said resolution.

- 6f(2) (Cont'd.)**

Discussion/Action: William J. Garbett spoke against the proposed action. Resolution No. 66610, entitled: "A Resolution of the Council of the City of San Jose Accepting Video Production Services From Tam Communications Valued at Approximately \$10,000, and Services From Browning Ferris International For the Printing of a Newspaper Supplement Valued at Approximately \$5,000, to be Used to Promote the City Hall Open House 1996", was adopted. Vote: 10-0-1-0. Absent: Johnson.

- 6f(3) Adoption of appropriation ordinance amendments in the amount of \$209,000 in the Airport Renewal and Replacement Fund for various airport construction projects. (City Manager's Office)**

Documents Filed: Memorandum from Budget Director, Larry D. Lisenbee, dated April 26, 1996, recommending Council approve said appropriation ordinance amendments in the Airport Renewal and Replacement Fund to decrease the appropriation for the Employee Parking Area project and increase appropriations for the Building Modifications project, the Parking Revenue Control Upgrade project, and the Roofing Replacement Terminals project.

Discussion/Action: Ordinance No. 25089, entitled: “An Ordinance of the Council of the City of San José Amending Ordinance No. 24945 Which Appropriates Moneys in the Airport Renewal and Replacement Fund in the Amount of \$209,000, for Various Airport Projects; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. Vote: 10-0-1-0. Absent: Johnson.

6f(4) Adoption of revenue resolution and appropriation ordinance amendments in the amount of \$44,800 in the HOME Investment Partnership Program (HOME) Fund to establish an appropriation for Rental Rehabilitation Projects. (City Manager’s Office/Housing)

Documents Filed: Memorandum from Budget Director Larry D. Lisenbee, and Director of Housing, Alex Sanchez, dated April 26, 1996, recommending Council increase the Earned Revenue estimate and establish an appropriation to the Housing Department for Rental Rehabilitation Project Projects.

Discussion/Action: Resolution No. 66611, entitled: “A Resolution of the Council of the City of San José Amending Revenue Resolution No. 66026 for the Fiscal Year 1995-96 to Adjust Revenues in the Home Investment Partnership Program Fund”; and Ordinance No. 25090, entitled: “An Ordinance of the Council of the City of San José Amending Ordinance No. 24945 Which Appropriates Moneys in the Home Investment Partnership Program Fund in the Amount of \$44,800, to Establish An Appropriation for Rental Rehabilitation Projects; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. 10-0-1-0. Absent: Johnson.

6f(5) Approval of an ordinance amending San José Municipal Code Chapter 9.10 to implement changes in the Commercial Solid Waste System regarding generator fees, franchise reporting requirements and unauthorized mixed recyclables. (Environmental Services)

Documents Filed: Memorandum from Director of Environmental Services, Louis N. Garcia, dated April 26, 1996, recommending Council approve said ordinance.

Discussion/Action: Ordinance No. 25091, entitled: “An Ordinance of the City of San José Amending Chapter 9.10 of Title 9 of the San José Municipal Code by Amending Sections 9.10.1090, 9.10.1435, 9.10.1630, 9.10.640, 9.10.1670, and 9.10.1720 and Adding Section 9.10.1960 to Revise Procedures Related to Collection of Commercial Solid Waste Generator Fees, to Revise the Reporting Requirements for Commercial Solid Waste Collection Franchisees and to Make Technical Corrections, and by Amending Section 9.10.1835 Relating to Collection of Unauthorized Mixed Recyclables”, was passed for publication. 10-0-1-0. Absent: Johnson.

- 6f(6) Adoption of a resolution authorizing the Director of Public Works to accept a sanitary sewer easement near Guadalupe Mines Road across Assessor's Parcel Numbers 575-02-015 and 575-02-016 after grantor's satisfactory completion of sewer main improvements. CEQA: Exempt. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated April 26, 1996, recommending Council adopt said resolution.

Discussion/Action: William J. Garbett spoke against the proposed action. Resolution No. 66612, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Public Works to Accept A Sanitary Sewer Easement Across Assessor's Parcels 575-02-015 and 575-02-016", was adopted. 10-0-1-0. Absent: Johnson.

- 6f(7) Request for travel of Mayor Susan Hammer to Chicago, Illinois on August 23-30, 1996, to attend the Democratic Convention. Source of Funds: Personal. (Mayor)**

Documents Filed: None.

- 6f(7) (Cont'd.)**

Discussion/Action: The travel for Mayor Hammer to attend the Democratic Convention was approved. Vote: 10-0-1-0. Absent: Johnson.

- 6f(8) Request for travel for Vice Mayor Trixie Johnson to Washington, DC, on May 13-15, 1996 to meet with the Energy and Water Appropriations Sub-Committee regarding Guadalupe River Park. Source of funds: Redevelopment Agency. (Johnson)**

Documents Filed: None.

Discussion/Action: The travel for Vice Mayor Johnson to meet with the Energy and Water Appropriations Sub-Committee was approved. Vote: 10-0-1-0. Absent: Johnson.

- 6f(9) Approval of an ordinance amending Chapter 3.28 and 3.24 of the San José Municipal Code providing for contracting authority for the Retirement Board and revising certain provisions relating to investment of moneys in the Federated City Employees Retirement System. (Board of Administration/Federated Retirement) (Rules Committee referral 5/8/96)**

Documents Filed: Memorandum from Retirement Administrator, Edward F. Overton, dated May 8, 1996, recommending Council approve said ordinance.

Discussion/Action: William J. Garbett spoke against the proposed action. Ordinance No. 25092, entitled: "An Ordinance of the City of San José Amending Sections 3.24.320, 3.24.330, 3.24.350, 3.24.360, 3.24.370, and 3.24.380 of Chapter 3.24 of Title 3 of the San José Municipal Code and Amending Part 3 of Chapter 3.28 of Title 3 of the San José Municipal Code to Provide for Contracting Authority of the Board of Administration and Revise Certain Provisions Relating to the Investment of Moneys in the Federated City Employees Retirement System and the Fiduciary Duties of the Board", was passed for publication. 10-0-1-0. Absent: Johnson.

END OF CONSENT CALENDAR

COMMISSION, COMMITTEE, AND STANDING REPORTS

7b Report of the Rules Committee - May 1, 1996

Documents Filed: Rules Committee Report of May 1, 1996.

- (1) Review May 14 Council Agenda

The Committee recommended approval of the May 14, 1996 Council Agenda with one change.

- (2) Add new items to May 7 Amended Council Agenda

The Committee recommended five additions to the May 7, 1996 Amended Council Agenda.

- (3) The Public Record. Attachment: Memorandum from City Clerk, Patricia L. O'Hearn, dated April 25, 1996, listing the items transmitted to the Administration and those items filed for the Public Record.

The Committee noted and filed the Public Record.

- (4) Approve Legislative Report 96-07

AB 243 (Battin)	Enterprise Zones
AB 2576 (Lee)	Enterprise Zones: Expansion
AB 2609 (Hawkins)	Housing: Nuisance Abatement
AB 3014 (Caldera)	Neighborhood Parks and Recreational Facilities: Bond Act
AB 3157 (Martinez)	Vehicles: Records: Parking Violations
SB 1713 (Alquist)	Vehicles: Total Loss Salvage Vehicles: Dismantled Vehicles

This item was heard by Council on May 7, 1996.

- (5) Request to use Council General Funds to travel to Duluth, MN, June 6-9, 1996 to attend National League of Cities Community and Economic Development Steering Committee meeting. Attachments: (1) Memorandum from Council Member Powers, dated April 23, 1996, requesting authorization to travel. (2) Memorandum from City Clerk, Patricia L. O'Hearn, dated May 1, 1996, submitting to Rules Committee accounting information on the use of Council General Funds.

The Committee recommended the use of Council General funds by Council Member Powers to travel to Duluth, MN, June 6-9, 1996, to attend the National League of Cities Community and Economic Development Steering Committee meeting.

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

None presented.

- (7) City Council and Rules Committee Meeting Schedules. Attachment: Memorandum from Council Liaison, Norterto L. Duenas, dated April 26, 1996, recommending approval of the Budget Committee of the whole meetings.

The Committee recommended approval of the following Budget Committee of the Whole meetings:

Thursday, May 16	9:30 a.m.*	Operating Budget Overview Departmental Budgets
Monday, May 20	1:00 p.m.	Departmental Budgets
Thursday, May 23	9:00 a.m.	Fees and Charges - Auditor
Thursday, May 30	9:00 a.m.**	Capital Budget/Workers Compensation Reserve Allo
Monday, June 3	9:00 a.m.	Budget Issues/MBA's
Monday, June 17	9:00 a.m.	Mayor's Final Budget Modification Message

* Administration will try to reschedule this meeting to 9:00 a.m.

**Administration will try to reschedule this meeting to 1:00 p.m.

- (8) Oral Communications

None presented.

- (9) Adjournment

The meeting was adjourned at 2:50 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 May 1, 1996 were accepted. Vote: 10-0-1-0. Absent: Johnson.

7b Report of the Rules Committee - May 8, 1996 (Partial)

Documents Filed: Rules Committee Report of May 8, 1996.

- (4) Approve Legislative Report 96-08. Attachment: Director of Intergovernmental Relations, Georgiana Flaherty, dated May 5, 1996, recommending approval of Legislative Report 96-08 and the recommended City positions for each Bill.

The Committee recommended approval of the Legislative Report and the recommended City position for the Bills listed below:

AB 3022 (Sher)

Solid Waste: Local Fee Authority

Recommended City Position: SUPPORT with AMENDMENTS

SB 1690 (Kopp)

Care Facilities: Overconcentration

Recommended City Position: SUPPORT

Discussion/Action: Upon motion by Council Member Powers, seconded by Council Member Fernandes and unanimously carried, Legislative Report 96-08 of the Rules Committee Report and actions of May 8, 1996 were accepted. Vote: 10-0-1-0. Absent: Johnson.

GENERAL GOVERNMENT

9a Adoption of a resolution:

- (1) **Approving a conditional fund reservation of up to \$5,450,000 to Eden Housing, Inc., or its designated Partnership, for a 200-unit family rental housing project, affordable to low and very-low income households, on 7.3 acres of the Ohlone-Chynoweth Light Rail Station site located on the south side of the intersection of Chynoweth Avenue and Pearl Avenue.**
- (2) **Authorizing the Director of Housing to negotiate and execute all necessary documents on behalf of the City.**
- (3) **Finding that the use of 20% Housing Funds for the proposed project is a benefit to the City's Redevelopment Project Areas in the City of San José.**
(Housing)

[Deferred from 04/16/96 - Item 9f(3) and 04/30/96 - Item 9a)

Documents Filed: None.

Discussion/Action: This item was deferred to May 21, 1996.

- 9b
- (1) **Adoption of a resolution authorizing the City Manager to negotiate and execute a cost-sharing agreement with the California Department of Fish and Game, the State Wildlife Conservation Board, the East Bay Municipal Parks District, and the Cities of Milpitas and Fremont, under which the City of San José will provide:**
 - (a) **\$5,207,300 for the purchase of the Baumberg Tract, located in southern Alameda County, for the purposes of salt marsh habitat mitigation.**
 - (b) **\$656,250 for the restoration of the property.**
 - (c) **\$167,530 for the operation, management and protection of the property, as soon as San José is assured that this participation in the purchase, along with the purchase and restoration of the Moseley Tract, the construction of the 21,000,000 gallons per day (mgd) South Bay Water Recycling Project and water conservation will satisfy all regulatory requirements related to past and future impacts of Treatment Plant discharge on rare and endangered species habitat.**
CEQA: Exempt. (Environmental Services)
 - (2) **Adoption of appropriation ordinance amendments in the San José/Santa Clara Treatment Plant Capital Fund to provide an additional \$6,032,000 for the Salt Marsh Mitigation Project.**
(City Manager's Office)
 - (3)
 - (a) **Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement for the purchase of land from the City of Oakland for the Salt Marsh Habitat Mitigation Program in the amount of \$460,000, an additional amount not to exceed \$10,000 to pay closing costs and related services in connection with the purchase, and authorization for the Director of Public Works, or designee, to sign the Certificate of Acceptance. CEQA: Exempt.**
(Public Works/Environmental Services)
 - (b) **Adoption of appropriation ordinance amendments in the San José/Santa Clara Treatment Plant Capital Fund to provide \$482,000 for the Salt Marsh Mitigation Project. (City Manager's Office)**
(Deferred from 4/23/96 - Item 9i, and 5/7/96 - Item 9d)

Documents Filed: (1) Memorandum from Director of Environmental Services, Louis N. Garcia, dated April 26, 1996, recommending Council adopt a resolution authorizing the City Manager to negotiate and execute a cost-sharing agreement for the purchase and

restoration of land located in Alameda County for salt marsh habitat mitigation. (2) Letter from Treatment Plant Advisory Committee, dated May 10, 1996, recommending Council approve said resolution for the purchase and restoration of land for Salt Marsh Habitat Mitigation. (3) Memorandum from Director of Public Works Ralph A. Qualls, Jr., and Director of Environmental Services Louis N. Garcia, dated April 5, 1996, recommending Council adopt a resolution for the purchase of land from the City of Oakland for the Salt Marsh Habitat Mitigation Program. (4) Letter from Treatment Plant Advisory Committee, dated April 12, 1996, recommending Council adopt said resolution for the purchase of land for the Salt Marsh Habitat Mitigation Program, and authorize the Director of Public Works or designee to execute the certificate of acceptance. (5) Memorandum from Budget Director, Larry D. Lisenbee, dated May 7, 1996, recommending Council approve appropriation ordinance amendments in the San Jose/Santa Clara Treatment Plant Capital Fund to increase the appropriation for the Salt Marsh Mitigation project and to reduce the Reserve for NPDES Requirement and the Ending Fund Balance. (6) Memorandum from Budget Director, Larry D. Lisenbee, dated April 12, 1996, recommending Council approve appropriation ordinance amendments in the San José/Santa Clara Treatment Plan Capital Fund to establish an appropriation for the Salt Marsh Mitigation project and reduce the Reserve for NPDES Requirements.

Discussion/Action: William J. Garbett spoke against the proposed action. Upon motion by Council Member Fernandes, seconded by Council Member Dando and unanimously carried, the recommended deferral of Item 9b(1)(a)-(c) to May 21, 1996 was not approved by the City Council and Resolution No. 66613, 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 to Provide a Total of \$6,031,080 in Funding to Participate With Other Agencies in the Purchase and Restoration of the Baumberg Tract For the Purpose of Implementing Salt Marsh Habitat Mitigation Program Pursuant to the San José Action Plan", was adopted; the recommended deferral of Item 9b(2) to May 21, 1996 was not approved by the City Council and Ordinance No. 25094, entitled: "An Ordinance of the Council of the City of San José Amending Ordinance No. 24945 Which Appropriates Moneys in the San José/Santa Clara Treatment Plant Capital Fund to Provide an Additional \$6,032,000, for the Salt Marsh Mitigation Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", was adopted; Resolution No. 66614, 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 In An Amount Not to Exceed \$460,000 Plus \$10,000 for Closing Costs to Purchase the Moseley Tract From the Port of Oakland for the Purpose of Implementing a Salt Marsh Habitat Mitigation Program Pursuant to the San José Action Plan", was adopted; and Ordinance No. 25093, entitled: "An Ordinance of the Council of the City of San José Amending Ordinance No. 24945 Which Appropriates Moneys in the San José José/Santa Clara Treatment Plant Capital Fund in the Amount of \$482,000, for the Salt Marsh Mitigation Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. 10-0-1-0. Absent: Johnson.

- 9c Adoption of a resolution authorizing the City Manager to execute a second amendment to the agreement with International Disposal Corporation of California, Inc. for the beneficial reuse of residual sludge, extending the term of the agreement for one (1) year, from June 8, 1996 to June 7, 1997, in an amount not to exceed \$1,096,000, and allowing the City to haul biosolids to the Newby Island landfill at a reduced rate. (Environmental Services)**

Documents Filed: (1) Memorandum from Director of Environmental Services, Louis N. Garcia, dated April 26, 1996, recommending Council approve the second amendment to said agreement. (2) Letter from Treatment Plant Advisory Committee, dated May 10, 1996, recommending approval of the second amendment to said agreement.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, Resolution No. 66615, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Second Amendment to the Agreement With International Disposal Corporation (IDC) for Beneficial Reuse of Residual Biosolids to Extend the Term of the Agreement for the One Year Period, June 7, 1996 to June 6, 1997, in a Total Amount Not to Exceed \$1,096,000, and Amending the Terms to Allow the City to Haul Biosolids to the Newby Island Landfill at a Reduced Rate", was adopted. 10-0-1-0. Absent: Johnson.

- 9d Award the purchase of revenue control equipment at the San José International Airport to Elsydel, Inc., at a total cost of \$336,111.04 as a sole source purchase, and authorization for the Director of General Services to execute the purchase order. (General Services)**

Documents Filed: Memorandum from Director of General Services, Ellis M. Jones Jr., dated April 26, 1996, recommending Council approve said award to Trindel America Corporation for a sole source purchase pursuant to Subsection 4.12.020D of the San José Municipal Code, and authorize the Director of General Services to execute the purchase order.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Council Member Fernandes and unanimously carried the sole source purchase award to Elsydel, Inc., was approved and execution of the purchase order authorized. Vote: 10-0-1-0. Absent: Johnson.

- 9e Approval of award of a sole source purchase of Fischer & Porter Distributed Control System computer hardware and software for the Water Pollution Control Plant to Bailey Controls Company at a total cost of \$418,166.79, including tax and installation, and authorization for the Director of General Services to execute the purchase order. (General Services)**

Documents Filed: (1) Memorandum from Director of General Services, Ellis M. Jones Jr., dated April 26, 1996, recommending Council approve said award to Bailey

Controls Company for a sole source purchase pursuant to Subsection 4.12.020 of the San José Municipal Code, and authorize the Director of General Services to execute the purchase order. (2) Letter from Treatment Plant Advisory Committee, dated May 10, 1996, recommending award for a sole source purchase.

Discussion/Action: Upon motion by Council Member Fernandes, seconded by Council Member Dando and unanimously carried, the sole source purchase award to Bailey Controls Company was approved and execution of the purchase order authorized. Vote: 10-0-1-0. Absent: Johnson.

9f Adoption of a resolution:

- (1) Approving business terms for a construction loan of up to \$4,200,000 and a permanent loan up to \$3,800,000 to Bridge Housing Corporation (BHC) or its assignees, for the development of an affordable 135-unit family rental housing project on a 5.97 acre site located at the southwest corner of Pearl and Chynoweth Avenues.**
- (2) Authorizing the Director of Housing to negotiate and execute loan documents evidencing such loans on behalf of the City.**

(Housing)

Documents Filed: Memorandum from Director of Housing, Alex Sanchez, dated April 26, 1996, recommending Council adopt said resolution.

Discussion/Action: Upon motion by Council Member Fernandes, seconded by Council Member Powers and unanimously carried, Resolution No. 66616, entitled: "A Resolution of the Council of the City of San José (i) Approving Business Terms for a Construction Loan of Up to \$4.2 Million and a Permanent Loan of Up to \$3.8 Million to Bridge Housing Corporation, or Its Assignee, for the Development of a 135-Unit Family Rental Housing Project Affordable to Very Low-Income Persons and Families, and (ii) Authorizing the Director of Housing to Negotiate and Execute All Necessary Documents Evidencing Such Loan On Behalf of the City", was adopted. 10-0-1-0. Absent: Johnson

- 9g**
- (1) Report on the status of and funding for the Route 87 Freeway Project (Public Works)**
 - (2) Adoption of appropriation ordinance and revenue resolution amendments to various Airport Funds to provide \$800,000 in new funding for the Skyport Drive Bridge Project. (City Manager's Office)**
 - (3) Adoption of a resolution authorizing the City Manager to execute a consultant agreement with Nolte and Associates, Inc. for the Skyport Drive Bridge Project at the San José International Airport in the amount of \$800,000. (Public Works)**

Documents Filed: (1) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated May 7, 1996, submitting to Council a report on the status and funding for

Route 87 Freeway Project. (2) Memorandum from Budget Director, Larry D. Lisenbee, dated April 26, 1996, recommending Council approve the appropriation ordinance and revenue resolution amendments to the Airport Revenue Fund, Airport Surplus Revenue Fund and Airport Renewal and Replacement Fund. (3) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated April 26, 1996, recommending Council adopt said resolution for the Skyport Drive Bridge Project at the Airport.

Discussion/Action: Using a model and overhead slides of the proposed freeway project, Director of Public Works, Ralph A. Qualls, Jr., presented a comprehensive report on the status and financing proposal for the Route 87 Freeway Project, as directed by the City Council during its November 21, 1995 joint session with the Redevelopment Agency Board. He summarized the project scope and outlined the progress made towards upgrading Guadalupe Parkway to a six-lane freeway between Julian Street and Route 101 and a new four-lane bridge over the Guadalupe River with architectural bridge features appropriate for a new entrance to the Airport, including a new traffic signal and a temporary connection to Guadalupe Parkway. He stated ground project activities in progress include the acquisition and demolition of housing units in the Rosemary Gardens neighborhood located between I-880 and Sonora Avenue, acquisition of three vacant parcels located between Sonora Avenue and Route 101 which have been reserved for the freeway, undergrounding of overhead electrical transmission lines located between I-880 and Route 101 auxiliary lane construction and between Coleman Avenue and I-880, the four-lane widening and realignment of San Pedro Street, Coleman Avenue modifications, the Skyport Drive bridge extension, and relocation of the Women's Residential Center. He stated the estimated cost of the Route 87 project totals \$171.5 million which has been committed by City, State and Federal sources, and reflects a recent increase in State funding in the amount of \$30.7 million which offsets the loss of previously anticipated funding from the invalidated 1992 Measure A transportation tax program. To maintain the allocation of the State and Federal governments' substantial funding commitment, more than \$145 million, he requested that the City's remaining funding commitment be programmed in the current budget process—given potential benefits of fully leveraging State and Federal funding commitments and assuring timely completion of the freeway project as well as the Guadalupe River Project. He advised Council that City Staff has advocated for accelerating the last two years State funding for the project and that the California Transportation Commission has considered and deferred approval of the request to July 1996. He stated the ability to increase and accelerate State funding for Route 87 is predicated upon the status of the project as the highest priority transportation improvement in Santa Clara County, the strong local commitment the City has made to the project, and the support of local State legislative delegations. He reviewed the 1996 project and activity schedules of the proposed project and the milestones which include the May 15 closure of the Hedding Street Bridge—due to its proximity to the Route 87 Project—and its reopening on September 15, 1996, and pointed out various project components of the early construction and freeway schedules with the completion date of the project estimated to be December 1999. He recommended acceptance of the report, approval of the agreement with Nolte and Associates, Inc. for the Skyport Drive Bridge Project, and the referral to the budget process of the appropriation of certain Airport Funds. Mayor Hammer requested that City Staff, for the benefit of citizens who

use Hedding Street, publicize the dates the Hedding Street Bridge will be closed for construction purposes and to aggressively monitor the contractor's adherence to the proposed construction schedule. William J. Garbett spoke against the proposed action. Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, the status of and funding for the Route 87 Freeway Project, was accepted and Ordinance No. 25095, entitled: "An Ordinance of the Council of the City of San José Amending Ordinance No. 24945 Which Appropriates Moneys in Various Airport Funds, to Provide \$800,000 in New Funding for the Skyport Drive Bridge Projects; and Providing that This Ordinance Shall Become Effective Immediately Upon Adoption", was adopted; Resolution No. 66617, 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 Various Airport Funds", was adopted; Resolution No. 66618, entitled: "A Resolution of the Council of the City of San José Delegating to the City Manager the Authority to Execute An Agreement With Nolte and Associates, Inc. for Engineering Services for the Skyport Drive Bridge Project at the San José International Airport in An Amount Not to Exceed \$800,000", was adopted with City Staff directed to prepare a press release in addition to using other media forms to advise the public of the closure/opening dates of the Hedding Street/Guadalupe Bridge area, to include construction timelines, and identify alternate routes which can be accessed during the construction period, and to prepare for the May 18, 1996 Annual City Hall Open House, an exhibition similar to today's Staff presentation of the proposed Route 87/Guadalupe upgrade. Vote: 10-0-1-0. Absent: Johnson.

9h Approval of an agreement with the Bay Area Air Quality Management District (BAAQMD) for funding the Traffic Signal Retiming Project from the 1995 Clean Air Grant funds in the amount of \$360,000. (Public Works)

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated April 26, 1996, recommending Council approve said agreement.

Discussion/Action: Upon motion by Council Member Powers, seconded by Council Member Dando and unanimously carried, the agreement with the Bay Area Air Quality Management District was approved and its execution authorized. Vote: 1-0-0-1-0. Absent: Johnson.

Council Member Shirakawa, Jr., left the meeting at 2:25 p.m.

FISCAL AFFAIRS

**10a PUBLIC HEARING on the Federal Tax Equity Fiscal Responsibility Act (TEFRA) for the issuance of \$60,000,000 in tax-exempt multi-family mortgage revenue bonds for the proposed Siena at Renaissance Square Residential Rental Project.
(Housing/Finance)**

Documents Filed: (1) Memorandum from Director of Housing Alex Sanchez, and Director of Finance John V. Guthrie, dated April 5, 1996, recommending Council adopt a resolution affirming the City's declaration of intent and setting a federal TEFRA hearing for May 14, 1996. (2) Notice of Public Hearing to consider approval of the issuance of tax-exempt revenue bonds to finance acquisition and construction of Siena at Renaissance Square Apartments, dated April 23, 1996, and Proof of Publication submitted by the City Clerk. (3) Undated document to the City Council via City Clerk regarding the TEFRA Hearing, from Carl Loeber, opposing the proposed development.

Discussion/Action: William J. Garbett spoke against the proposed action. Upon motion by Council Member Fernando, seconded by Council Member Dando and unanimously carried, Resolution No. 66619, entitled: "A Resolution of the Council of the City of San José Relating to the Public Approval of Bonds For the Siena At Renaissance Square Housing Project", was adopted. 9-0-2-0. Absent: Johnson, Shirakawa, Jr.

Convene Redevelopment Agency Board to Consider Item 11a in a Joint Session

- 11a**
- (1) Approval of an amendment to the Guadalupe River Park Master Plan to provide for an historic district within the Park.**
 - (2)**
 - (a) Approval of an amendment to the Guadalupe River Park agreement with the County, City and Redevelopment Agency.**
 - (b) Approval of a funding agreement with the County of Santa Clara and the City for the Guadalupe River Park Ranger Station.**
 - (c) Approval of the amendment to the County settlement agreement.**
 - (d) Approval of a cooperative amendment with the Redevelopment Agency and the City for the construction of the Guadalupe River Park Ranger Station.**
 - (e) Approval of the transfer of title of parcel No. 43 from the Redevelopment Agency to the City.**
 - (3) Approval of a cooperation agreement with the U.S. Army Corps of Engineers and the City for funding in the amount of \$200,000.**
 - (4)**
 - (a) Approval of the Master Agreement with the River Street Development Group (RSDG) for the development of the River Street Historical District.**
 - (b) Approval of the lease with the River Street Development Group for the lease of the River Street Historical District.**
 - (c) Approval of the budget adjustment for the River Street Historic District Project with no change in the total budget of**

- (5) **Adoption of a resolution authorizing the grants of real property from the Santa Clara Valley Water District (SCVWD), the grants of real property to the SCVWD, and authorization for the Director of Public Works, or designee, to execute any necessary documents in connection with the transfers.**

CEQA: Resolution No. 61620. (Public Works)

Documents Filed: None.

Discussion/Action: This item was deferred to May 21, 1996.

Adjourn Redevelopment Agency Board Portion of the Meeting.

ORAL COMMUNICATIONS

Bill Chew addressed Council on the feasibility of using TV Channel 35A as outreach resource to advertise/broadcast to approximately 180,000 customers in San Jose, the upcoming Open House, and developing and implementing a plan for increased/ongoing use of the medium.

ADJOURNMENT

The Council of the City of San José adjourned at 2:30 p.m. to meet again on Thursday, May 16, 1996, at 1:30 p.m. in a Joint City Council/ Redevelopment Agency meeting.

SUSAN HAMMER, MAYOR

ATTEST:

PATRICIA L. O'HEARN, CITY CLERK