

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, JUNE 11, 1996

The Council of the City of San Jose convened in regular session at 9:10 a.m.

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

Absent: Council Members: Diaz (excused).

Upon motion unanimously adopted, Council recessed to a Closed Session at 9:15 a.m. in Room 600 to (A) confer with Legal Counsel regarding existing litigation pursuant to Government Code Section 54956.9 Subsection (a) to consider the cases of In re Schulze; and the City of San José v. Waste Management; and (B) to confer with Labor Negotiator pursuant to Government Code Section 54957.6, City Negotiators City Manager designees Darrell Dearborn and Lynn Boland, pertaining to San José Police Officers' Association and International Association of Firefighters Employee Organization.

By unanimous consent, Council reconvened from the Closed Session and recessed at 11:00 a.m. and reconvened at 1:38 p.m. in Council Chambers, City Hall.

Present: Council Members: Dando, Diaz, Diquisto, Fernandes, Fiscalini, Johnson, Pandori (entered the meeting at 2:05 p.m.), Powers, Shirakawa, Jr., Woody; Hammer.

Absent: Council Members: None.

INVOCATION

Father Christopher Bennett, St. Christopher Church, delivered the invocation.
(District 6)

PLEDGE OF ALLEGIANCE

Mayor Hammer led in the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Fernandes, seconded by Council Member Fiscalini and unanimously carried, the Orders of the Day and the Amended Agenda were approved. Vote: 10-0-1-0. Absent: Pandori.

CEREMONIAL ITEMS

5a Presentation of a commendation to Andrew P. Hill High School for receiving a California Distinguished School Award. (Mayor)

Documents Filed: None.

Discussion/Action: Mayor Hammer presented the commendation to Bruce Shimizu, Principal of Andrew P. Hill High School, who introduced faculty members Mac Hunter–Math Teacher, Aurora Neuenheim–Foreign Language Department, Theresa Maxie–Counselor, Terry Griffin–Counselor, Marta Kinder–Consumer Economics Department, Sandra Watson–Medical Magnet and Science Department, Mrs. Carol Shimizu–English Department, and David Riley–Assistant Principal for Educational Development. Sandra Watson presented to Mayor Hammer a T-Shirt displaying the name of Andrew P. Hill High School and the California Distinguished School Academic Achievement emblem.

Mayor Hammer welcomed and introduced Keoni Ho, student at San José State University, who is scheduled to serve his internship in the Mayor’s Office during summer of 1996; he was asked to stand and be recognized.

CONSENT CALENDAR

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

Minutes for Approval

6a(1) Regular Meeting of April 16, 1996

Documents Filed: Minutes of the regular meeting of April 16, 1996.

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

6a(2) Joint City Council/Redevelopment Agency Meeting of April 18, 1996

Documents Filed: Minutes of the joint City Council/Redevelopment Agency Meeting of April 18, 1996

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

Ordinances for Final Adoption

- 6b(1) ORD. NO. 25099 - Amends Title 15 of the San José Municipal Code by repealing Sections 15.16.330 and 15.16.340 of Chapter 15.16 and adds a new Chapter 15.50 to establish a new process for the issuance of excavation/encroachment permits in the public right-of-way.**

Documents Filed: Proof of publication of the title of Ordinance No. 25099 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25099 was adopted. Vote: 10-0-1-0. Absent: Pandori.

- 6b(2) ORD. NO. 25100 - Amends Title 20 of the San José Municipal Code by adding Sections 20.04.467 and Section 20.04.585 to Chapter 20.04, adds a new part 15 to Chapter 20.08 and amends Part 6 of Chapter 20.52 to define utility structure and provider and to establish an administrative permit process for the placement of utility structures on private property.**

Documents Filed: (1) Memorandum from City Attorney, Joan R. Gallo, dated June 10, 1996, explaining the notification requirements and clarifying the environmental review process. (2) Proof of publication of the title of Ordinance No. 25100 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25100 was adopted. Vote: 9-0-1-1. Absent: Pandori. Disqualified: Shirakawa, Jr., due to his absence during the May 28, 1996 public hearing.

- 6b(3) ORD. NO. 25101 - Amends Section 10.12.010 of Chapter 10.12 of Title 10 of the San José Municipal Code to modify the prohibition against consuming intoxicating beverages on streets and amends Part 8 of Chapter 20.52 of Title 20 of the San José Municipal Code to update the sidewalk cafe permit procedures and to allow the service of alcohol in sidewalk cafes.**

Documents Filed: Proof of publication of the title of Ordinance No. 25101 submitted by the City Clerk.

Discussion/Action: William J. Garbett spoke against the proposed action. Ordinance No. 25101 was adopted. Vote: 9-0-1-1. Absent: Pandori. Disqualified: Shirakawa, Jr., due to his absence during the May 28, 1996 public hearing.

- 6b(4) ORD. NO. 25103 - Amends Section 15.26.100, 15.26.130, and 15.26.160 of Chapter 15.26 of Title 15 of the San José Municipal Code to allow the base Undergrounding Utility Fee to be set by resolution.**

Documents Filed: Proof of publication of the title of Ordinance No. 25103 submitted by the City Clerk

Discussion/Action: William J. Garbett spoke against the proposed action. Ordinance No. 25103 was adopted. Vote: 9-0-1-1. Absent: Pandori. Disqualified: Shirakawa, Jr., due to his absence during the May 28, 1996 public hearing.

Contracts/Agreements

- 6e(1) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with College of Education Alumni Association at San José State University for the restoration or construction of a one-room schoolhouse including grounds and development of exhibits and use of premises at the San José Historical Museum. CEQA: Resolution No. 66098. (Conventions, Arts and Entertainment)**

Documents Filed: (1) Memorandum from Acting Director of Conventions, Arts and Entertainment, Nancy Johnson, dated May 23, 1996, recommending the City Manager be authorized to negotiate and execute said agreement. (2) Memorandum from Chair of the Historic Landmarks Commission, James Salata, dated June 6, 1996, supporting adoption of said resolution.

Discussion/Action: Resolution No. 66672, 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 College of Education Alumni Association at San José University for the Restoration or Construction of a One-Room Schoolhouse Including Grounds and Development of Exhibits and Use of Premises at the San José Historical Museum", was adopted. Vote: 10-0-1-0. Absent: Pandori.

- 6e(2) Approval of a first amendment to the agreement with Chris Baldo for consultant services related to the Human Resources/Payroll Project, expanding the scope of services, extending the term of the agreement by four (4) months from July 1, 1996 to October 31, 1996, and increasing compensation by \$91,000, from \$10,000 to \$101,000. (Finance)**

Documents Filed: Memorandum from Director of Finance, John V. Guthrie, dated June 3, 1996, recommending Council approve the amendment to said agreement.

Discussion/Action: The first amendment to the consultant services agreement with Chris Baldo was approved and execution of the amendment authorized. Vote: 10-0-1-0. Absent: Pandori.

- 6e(3) Report on bid and award of purchase of one (1) van mounted aerial lift truck for the Streets and Traffic Department to the sole bidder, California Utility Equipment, Inc., at a total cost of \$113,151.51, 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 May 23, 1996, recommending Council award said purchase to the sole bidder, pursuant to Section 4.12.020 of the San José Municipal Code, and authorize the Director of General Services to execute the purchase order.

Discussion/Action: The award of purchase to California Utility Equipment, Inc., the sole bidder, was approved and execution of the purchase order authorized. Vote: 10-0-1-0. Absent: Pandori.

- 6e(4) Report on bid and award of purchase of two (2) 11-foot wide rotary lawnmowers for the General Services Department/Park Maintenance Division to the sole bidder, H.V. Carter Company, Inc., at a total cost of \$76,502.50, 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 May 23, 1996, recommending Council award said purchase to the sole bidder, pursuant to Section 4.12.020 of the San José Municipal Code, and authorize the Director of General Services to execute the purchase order.

Discussion/Action: The award of purchase to H.V. Carter Company, Inc., the sole bidder, was approved and execution of the purchase order authorized. Vote: 10-0-1-0. Absent: Pandori.

- 6e(5) Report on bids and approval of purchase of Ultra Low Flow (ULF) toilets and accessories to retrofit public school facilities to the low bidder, Familian Pipe & Supply, at a total cost of \$99,266.84, including tax, and authorization for the Director of General Services to issue the purchase order. (General Services)**

Documents Filed: Memorandum from Director of General Services, Ellis M. Jones Jr., dated May 23, 1996, recommending Council approve said purchase and the option to purchase additional quantities at the same bid price for one year, and authorize the Director of General Services to issue the purchase order.

Discussion/Action: The award of purchase to Familian Pipe & Supply, the low bidder, was approved and issuance of the purchase order authorized. Vote: 10-0-1-0. Absent: Pandori.

- 6e(6) Approval of an agreement with the County of Santa Clara to contribute funds to expand the number of meals served in the Senior Nutrition Program in the amount of \$161,000, for the period July 1, 1995 to June 30, 1996. (Parks, Recreation and Neighborhood Services)**

Documents Filed: Director of Parks, Recreation and Neighborhood Services Ellis E. Mitchell, dated May 23, 1996, recommending Council approve said agreement.

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

- 6e(7) Approval of a first amendment to the agreement with Carollo Engineers for the Design of the Downer Canoas Ferrous Chloride Injection Station increasing the compensation by \$43,584.20, from \$218,415.80 to \$262,000 and extending the term of the agreement by two (2) years, from June 30, 1996 to June 30, 1998. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated May 23, 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 Carollo Engineers was approved and execution of the amendment authorized. Vote: 10-0-1-0. Absent: Pandori.

- 6e(8) Approval of a contingency increase for the Fire Station No. 28 Project in the amount of \$28,900 for a ten (10) percent contingency amount of \$57,800. CEQA: ND. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated May 23, 1996, recommending Council approve said contingency increase.

Discussion/Action: The contingency increase was approved. Vote: 10-0-1-0. Absent: Pandori.

- 6e(9) Report on bids and award of contract for the East San Carlos Street Sidewalk Improvements Project to the low bidder, Roquemore Engineering, to include the Base Bid and Add Alternate Nos. 1, 2 and 3, in the amount of \$127,513, and approval of a contingency in the amount of \$13,000. CEQA: Exempt. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated May 23, 1996, recommending Council approve said award of contract to the low bidder.

Discussion/Action: The award of contract to Roquemore Engineering, the low bidder, was approved and execution of the contract authorized. Vote: 10-0-1-0. Absent: Pandori.

- 6e(10) Report on bids and award of contract for the Construction of Wheelchair Ramps Unit 1C Project, a Community Development Block Grant Project, to the low bidder, P & F Construction, Inc., in the amount of \$176, 720. CEQA: Exempt. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated May 23, 1996, recommending Council approve said contract award to the low bidder.

Discussion/Action: The award of contract to P & F Construction, Inc., the low bidder, was approved and execution of the contract authorized. Vote: 10-0-1-0. Absent: Pandori.

- 6e(11) Adoption of a resolution declaring a parcel of City-owned land, located on the east side of Cresta Vista Way and north of Dondero Way, surplus to the needs of the City, approval of an agreement for sale of surplus City-owned real property to the Pacific District Conference of the Mennonite Brethren Church of North America in the amount of \$47,655, and direction to the City Clerk to execute the necessary documents. CEQA: Exempt. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated May 23, 1996, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 66673, "A Resolution of the Council of the City of San José Declaring Certain Real Property Surplus; Approval of an Agreement for Sale of the Surplus Property to the Pacific District Conference of the Mennonite Brethren Church of North America in the Amount of \$47,655 and Direction to City Clerk to Execute Documents", was adopted. Vote: 10-0-1-0. Absent: Pandori.

- 6e(12) Approval of employment agreement with Jim Anton. (Fernandes)**

[Rules Committee Referral 6/5/96 - Item 7b(2)]

Documents Filed: None.

Discussion/Action: The employment agreement with Jim Anton was approved and its execution authorized. Vote: 10-0-1-0. Absent: Pandori.

- 6e(13) Approval of a first amendment to the agreement with the Hispanic Chamber of Commerce increasing the compensation by \$5,000, from \$55,500 to \$60,500, to purchase computer hardware and software. (Economic Development)**
[Rules Committee referral 6/5/96) - Item 7b(2)]

Documents Filed: Memorandum from Director of Economic Development, Leslie Parks, dated June 5, 1996, recommending Council approve the first amendment to said agreement.

Discussion/Action: The first amendment to the purchasing agreement with Hispanic Chamber of Commerce was approved and execution of the amendment authorized. Vote: 10-0-1-0. Absent: Pandori.

Routine Legislation

- 6f(1) Adoption of appropriation ordinance and revenue resolution amendments to various Capital Funds. (City Manager's Office)**

Documents Filed: Memorandum from Budget Director, Larry D. Lisenbee, dated June 4, 1996, recommending Council adopt said appropriation ordinance and revenue resolution amendments.

Discussion/Action: Ordinance No. 25113, entitled: "An Ordinance of the Council of the City of San José Amending Ordinance No. 24945 which Appropriates Moneys in Various Capital Funds in the Total Amount of \$53,347, for Various Year-End Adjustments; and Providing that This Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. 66674, 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 Various Capital Funds", were adopted. Vote: 10-0-1-0. Absent: Pandori.

- 6f(2) Adoption of a revised Recycle Plus single family service rate resolution effective July 1, 1996 to add a new hardship category of temporarily uninhabitable due to fire or other natural disaster and to set the rate for both the new and the existing hardship categories at \$0. (Environmental Services)**

Documents Filed: Memorandum from Director of Environmental Services, Louis N. Garcia, dated May 23, 1996, recommending Council adopt the revised Recycle Plus single-family service rate resolution.

Discussion/Action: Resolution No. 66675, entitled: "A Resolution of the Council of the City of San José Adopting Service Rates for the Recycle Plus! Program Effective July 1, 1996", was adopted. Vote: 10-0-1-0. Absent: Pandori.

- 6f(3) (a) **Approval of the amended allocations of funds for the Housing Opportunities for People with AIDS (HOPWA) Program, the HOME Investment Partnership Program, the Community Development Block Grant (CDBG) Program, and the Emergency Shelter Grant (ESG) Program.**
- (b) **Authorization for the Director of Housing to submit the approved document with the required certifications and other related documents to the U.S. Department of Housing and Urban Development (HUD).**
- (Housing/Parks, Recreation and Neighborhood Services)**

Documents Filed: Memorandum from Director of Housing Alex Sanchez, and Director of Parks, Recreation and Neighborhood Services Ellis E. Mitchell, dated May 23, 1996, recommending Council take appropriate actions pertinent to program funding.

Discussion/Action: The amended allocations of funds for said Programs were approved and submittal of documents with required certifications and other related documents to HUD was approved. Vote: 10-0-1-0. Absent: Pandori.

- 6f(4) **Adoption of a resolution authorizing the City Manager to apply to the United States Department of Justice for third year grant funding in an amount not to exceed \$1,000,000 for the Weed and Seed Program for the period October 1, 1996 to September 30, 1997, to accept the grant if awarded and to execute all related documents.**
- (Parks, Recreation and Neighborhood Services/Police/Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Ellis E. Mitchell, Chief of Police Louis A. Cobarruviaz, and Director of Planning, Building and Code Enforcement Gary J. Schoennauer, dated May 23, 1996, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 66676, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Submit a Grant Application for the Weed and Seed Grant Program and to Accept the Grant if Awarded", was adopted. Vote: 10-0-1-0. Absent: Pandori.

6f(5) Adoption of a resolution amending Resolution No. 66443 to lower the speed limits on the following streets and to set the speed limits requiring a speed limit different than the minimum or maximum limit set by State Law:

- (a) **Shasta Avenue (from San Carlos Street to Park Avenue) - 30 miles per hour.**
- (b) **Snow Drive (from Coyote Road to Branham Lane East) - 25 miles per hour.**
- (c) **North 10th Street (from Old Bayshore Highway to Hedding Street) - 35 miles per hour.**
- (d) **Julian Street (from Montgomery Street to Market Street) - 30 miles per hour.**

CEQA: Exempt. (Streets and Traffic)

Documents Filed: Memorandum from Director of Streets and Traffic, Wayne K. Tanda, dated May 23, 1996, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 66677, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 66443 to Lower the Speed Limits on (1) Shasta Avenue, From San Carlos Street to Park Avenue, to 30 Miles Per Hour, (2) Snow Drive, From Coyote Road to Branham Lane East, to 25 Miles Per Hour, (3) North 10th Street, From Old Bayshore Highway to Hedding Street, to 35 Miles Per Hour, and (4) Julian Street, From Montgomery Street and Market Street to 30 Miles Per Hour", was adopted. Vote: 10-0-1-0. Absent: Pandori.

END OF CONSENT CALENDAR

COMMISSION, COMMITTEE, AND STANDING REPORTS

7b Report of the Rules Committee - May 29, 1996

Documents Filed: Rules Committee Report of May 29, 1996.

- (1) Review June 11 Council Agenda

The Committee recommended approval of the June 11, 1996 Council Agenda.

- (2) Add New Items to June 4 Amended Council Agenda

The Committee recommended three additions to the June 4, 1996 Amended Council Agenda.

- (3) The Public Record. Attachments: (1) Memorandum from City Clerk, Patricia L. O'Hearn, dated May 23, 1996, listing the items transmitted to the Administration and the items filed for the Public Record for the period May 15-21, 1996. (2) Memorandum from Assistant to the City Manager, Nina

S. Grayson, dated May 28, 1996, summarizing the actions taken on the items transmitted to the Administration and the items filed for the Public Record.

The Committee noted and filed the Public Record for the period May 15-21, 1996.

- (4) Boards and Commissions
 - (a) Status Report and follow-up actions on Project Diversity Appointments
 - (i) Historic Landmarks Commission
 - (ii) Parking Advisory Commission
 - (b) Advisory Commission on Rents
 - (c) Community Development Block Grant Steering Committee

This item was heard by Council on June 4, 1996.

- (5) Approve Legislative Report 96-09

AB 2382 (Kuehl) Crimes: Data Collection
AB 2527 (Miller) Juveniles
AB 2841 (Hoge) Alcoholic Beverages: Retail Licenses: Undue Concentration
AB 2867 (Cortese) Flood Control and Prevention Bond Act
AB 2974 (Olberg) Vehicles: Registration: Booking Fees
AB 2987 (Katz) Health Education and Research: Funding
SB 223 (Ayala) Towing and Storage Franchise: Costs
SB 1971 (Watson) Health Education and Research: Funding
HR 2927 (Bilbray) Residential Care Facilities

This item was heard by Council on June 4, 1996.

- (6) Timeline and workplan for “Junk” guns. Attachment: Memorandum from Regina V.K. Williams, dated May 28, 1996, submitting a timeframe and workplan for the proposal to ban the sale of “junk” guns.

The Committee scheduled for the evening Council meeting of June 18, 1996 its consideration of the proposal to ban the sale of “junk” guns and a status report on the proposal to regulate firearm sales.

- (7) Approve request for use of Council General Funds to travel to Omaha, Nebraska, June 13-16, 1996, to represent the City at the National League of Cities’ Energy, Environment and Natural Resources Steering Committee Meeting. Attachments: (1) Memorandum from Vice Mayor Johnson, dated May 21, 1996, requesting authorization to use Council General funds for business travel. (2) Memorandum from City Clerk, Patricia L. O’Hearn, dated May 29, 1996, submitting additional information clarifying the use of Council General Funds

The Committee approved the use of Council General funds by Vice Mayor Johnson to travel to Omaha, NE, June 13-15, 1996 to represent the City at the National League of Cities' Energy, Environment and Natural Resources Steering Committee meeting.

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

None presented.

- (9) City Council and Rules Committee Meeting Schedules

- (a) Approve City Council schedule for August, 1996 through January, 1997. Attachment: Memorandum from Council Liaison, Norberto L. Duenas, dated May 28, 1996, recommending Council approval of the proposed schedule.

The Committee recommended approval of the following City Council Meeting Schedule for the period of August 1996 through January 1997 with the first Council meeting in 1997 to be held on January 21, 1997.

- (9) City Council and Rules Committee Meeting Schedules

- (a) Approve City Council schedule for August, 1996 through January, 1997

- Cancel October 15, 1996 Council meeting (afternoon and evening)
- Cancel December 10, 1996 Council meeting (afternoon)
- Cancel December 24, 1996, December 31, 1996, January 7, 1997, and January 14, 1997 Council meetings
- Schedule a Board and Commission Recognition evening on October 29, 1996 at 7:00 p.m.
- Schedule the Public Hearings for the 1996 Annual Review of the General Plan for November 14, 18, and 21, 1996.

- (10) Oral Communications

None presented.

- (11) Adjournment

The meeting was adjourned at 3:20 p.m.

Discussion/Action: Upon motion by Vice Mayor Johnson, seconded by Council Member Fernandes and unanimously carried, the Rules Committee Report and actions of May 29, 1996 were accepted. Vote: 10-0-1-0. Absent: Pandori.

7c Report of the Housing and Community Services Committee - June 3, 1996

Documents Filed: Housing and Community Services Committee Report of June 3, 1996 (Partial).

- (4) San José BEST Cycle VI Allocation Plan Report. Attachment: Director of Parks, Recreation and Neighborhood Services Ellis E. Mitchell, dated May 10, 1996, providing an informational report on the proposed Mayor's Gang Prevention Task Force recommendations to Council for the San José B.E.S.T. Cycle VI Allocation Plan for 1996-97.

The Committee recommended acceptance of the Staff report describing B.E.S.T. Cycle VI recommendations.

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

LAND USE AND DEVELOPMENT

- 8a Adoption of a resolution authorizing a greater maximum height, number of stories, and gross floor area pursuant to Section 20.28.620 of the San José Municipal Code located at the northwest corner of Park Avenue and Almaden Boulevard to allow for a corporate office building on a 2.29 gross acre site zoned C-3 Commercial Zoning District (Hellmuth, Obata & Kassabaum, Inc.).
CEQA: Resolution No. 64273.
RH 96-05-02 - District 3**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement, Gary J. Schoennauer, dated May 23, 1996, recommending Council approve the subject development waiver.

Discussion/Action: William J. Garbett spoke against the proposed action. Upon motion by Council Member Fiscalini, seconded by Council Member Fernandes and unanimously carried, Resolution No. 66678, entitled: "A Resolution of the Council of the City of San José Authorizing Greater Floor Area Ratio, Number of Stories and Height for a 16 Story, 250 Foot, Office Building With Ground Floor Retail, With a 5.7:1 Floor Area Ratio on a 2.29 Acre Site in a C-3 Zoning District Located at the Northwest Corner of Park Avenue and Almaden Boulevard", was adopted. Vote: 10-0-1-0. Absent: Pandori.

GENERAL GOVERNMENT

- 9a 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. CEQA: ND. (Environmental Services)
[Deferred from 05/14/96 - Item 6e(2) and 05/28/96 - Item 6e(1)]

Documents Filed: None.

Discussion/Action: This item was deferred to June 18, 1996.

9b Approval of an agreement with Anderson Brule Architects to provide professional consulting services for Phase Four for the Airport Acoustical Treatment Program (ACT) in an amount not to exceed \$1,407,900. CEQA: Exempt. (Airport)

Documents Filed: Memorandum from Director of Aviation, Ralph G. Tonseth, dated May 23, 1996, recommending approval of said agreement.

Discussion/Action: Upon motion by Council Member Fernandes, seconded by Council Member Powers and unanimously carried, the consulting services agreement with Anderson Brule Architects was approved and its execution authorized. Vote: 10-0-1-0. Absent: Pandori.

9c Adoption of a resolution:

- (1) Approving a conditional fund reservation of up to \$5,130,000 to Parkside Glen Limited Partnership for the acquisition and development of a 180-unit apartment housing project affordable to low- and very low-income families on a 7.56 net acre site located on the south side of Hillsdale Avenue, between Pearl and Narvaez Avenues.**
 - (2) Authorization for the Director of Housing to negotiate and execute all necessary documents on behalf of the City.**
- (Housing)**

Documents Filed: Memorandum from Director of Housing, Alex Sanchez, dated May 23, 1996, recommending Council adopt said resolution.

Discussion/Action: William J. Garbett spoke against the proposed action. Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, Resolution No. 66679, entitled: "A Resolution of the Council of the City of San José (I) Approving a Conditional Fund Reservation of Up to \$5,130,000 to Parkside Glen Limited Partnership for the Acquisition and Development of a 180-Unit Apartment Housing Project Affordable to Low- and Very Low-Income Families, on a 7.56 Net Acre Site Located on the South Side of Hillsdale Avenue, Between Pearl and Narvaez Avenues, and (II) Authorizing the Director of Housing to Negotiate and Execute All Necessary Documents on Behalf of the City", was adopted. Vote: 10-0-1-0. Absent: Pandori.

9d

Adoption of a resolution:

- (1) **Approving a permanent loan of up to \$3,360,000 to Stonegate Housing Investors, L.P. or its assignees, for the development of an affordable 120-unit family rental housing project on a 5.37 acre site located on Renaissance Drive north of Tasman Drive.**
- (2) **Affirming the City's declaration of intention to issue \$9,034,000 multi-family tax-exempt mortgage revenue bonds for the proposed Stonegate Apartment affordable family housing development.**

(Housing/Finance)

Documents Filed: (1) Supplemental memorandum from Director of Housing, Alex Sanchez, dated June 11, 1996, recommending Council approval of permanent loans and declaration of the City's intention to issue multi-family bonds for the Stonegate Housing Investors Limited Partnership project. (2) Memorandum from Director of Housing Alex Sanchez, and Director of Finance John V. Guthrie, dated May 30, 1996, recommending Council adopt said resolution.

Discussion/Action: William J. Garbett spoke against the proposed action. Upon motion by Council Member Fernandes, seconded by Council Member Powers and unanimously carried, Resolution No. 66680, entitled: "A Resolution of the Council of the City of San José Approving a Permanent Loan of Up to \$3.36 Million to Stonegate Housing Investors, L.P. and Providing Preliminary Approval of the Issuance of Up to \$9.034 Million in Multi-Family Revenue Bonds for the Purpose of Providing Financing for the Stonegate Residential Rental Project", was adopted. Vote: 10-0-1-0. Absent: Pandori.

9e

Adoption of a resolution:

- (1) **Approving a permanent loan of up to \$3,600,000 to Villa Savannah Housing Investors, L.P. or its assignees, for the development of an affordable 140-unit family rental housing project on a 5.38 acre site located at the northwest corner of Renaissance Drive and Tasman Drive.**
- (2) **Affirming the City's declaration of intention to issue \$10,600,000 multi-family tax-exempt mortgage revenue bonds for the proposed Villa Savannah Apartments affordable family housing development.**

(Housing/Finance)

Documents Filed: (1) Supplemental memorandum from Director of Housing, Alex Sanchez, dated June 11, 1996, recommending Council approval of permanent loans and declaration of the City's intention to issue multi-family bonds for the Villa Savannah Housing Investors Limited Partnership development. (2) Memorandum from Director of Housing Alex Sanchez, and Director of Finance John V. Guthrie, dated May 30, 1996, recommending Council adopt said resolution.

Discussion/Action: William J. Garbett spoke against the proposed action. Upon motion by Council Member Powers, seconded by Council Member Fiscalini and unanimously carried, Resolution No. 66681, entitled: "A Resolution of the Council of the City of

San José Approving a Permanent Loan of Up to \$3.6 Million to Villa Savannah Housing Investors, L.P. and Providing Preliminary Approval of the Issuance of Up to \$10.6 Million in Multi-Family Revenue Bonds for the Purpose of Providing Financing for the Villa Savannah Residential Rental Project”, was adopted. Vote: 10-0-1-0. Absent: Pandori.

Council Member Pandori entered Council Chambers at this point in the meeting.

- 9f**
- (1) Approval of the Evaluation Report on the San José B.E.S.T. (Bringing Everyone’s Strengths Together) Cycle V, and**
 - (2) Adoption of a resolution approving the San José B.E.S.T. Cycle VI Allocation Plan for 1996-97, and authorizing the City Manager to negotiate and execute agreements with Qualified Service Providers.**
- (Parks, Recreation and Neighborhood Services)**
[Housing and Community Services Committee referral 6/3/96 - Item 7c(4)]

Documents Filed: Director of Parks, Recreation and Neighborhood Services Ellis E. Mitchell, dated May 30, 1996, recommending Council approve said report and authorize the City Manager to negotiate and execute agreements with Qualified Service providers.

Discussion/Action: Mayor Hammer acknowledged the Community Crime Prevention Associates partnership and the excellent work they have done on the program evaluation. CCP Associates Dr. Willie Ellison and Dr. Peter Ellis summarized the BEST Cycle V Evaluation Report, noted pre & post test client outcome/impact evaluation of data collected, and reviewed the BEST V funds and matching funds available for program services. The BEST Evaluation Team recommended that the City in Cycle VI BEST funding continue to fund direct services through qualified providers who are contracted to implement portions of the Mayor’s San José Gang Prevention Task Force Work Plan. The Team recommended that the Mayor’s Gang Prevention Task Force should continue to work with school districts to find a method of recovering ADA that is lost because of drop-out or truant youth, and that the School Districts continue to work with community-based organizations that have the capacity and track record of educating and engaging young people. The Evaluators recommended that a sub-committee of the Gang Prevention Task Force be developed to plan and implement a major effort to focus resources, services, incentives and consequences for identified gang involved youth. The Associates recommended that technical assistance for continuous improvement should be provided to BEST grantees. The Team pointed out that the capacity of BEST-contracted organizations to deal with gang-involved youth shows continuous improvement, i.e., Gang Prevention Academy operated by Breakout Ministries should be expanded to provide professional development to school personnel which have demonstrated a need to build the capacity of their systems to serve high-risk and gang-involved youth. Dr. Ellis stated contracts with agencies who are doing work in collaboration with schools should include a memorandum of understanding between the school and the BEST Cycle VI contracted service provider; this can help

minimize start-up difficulties and ensure a maximum effort to provide much needed services to youth. He stated the Gang Prevention Task Force should collaborate with San José school districts in developing Community Day Schools which can be set up by districts for high-risk youth beginning in July 1996. Mayor Hammer stated the program evaluation report was presented to the Gang Prevention Task Force and is recommended to Council for approval. Referencing evaluation results, Council Member Fiscalini stated 80% of the programs have been evaluated; none of the programs operated by City Departments have been evaluated, and if so, neither the Housing and Community Services Committee nor the City Council has received the results. He suggested that all programs should be subjected to the same evaluation—whether operated by the City or by a contracting agency—and that summary findings should be disseminated appropriately. Regarding the 15% variance in categorical funding allocations, he suggested that Staff present a quarterly or semi-annual report to the Housing and Community Services Committee tracking the variances in expenditure of funds. He stated the purpose of the Emergency Response Program is unclear, and that prior to adding staff—two community coordinators and new FTE Analyst—program goals should be developed with proposal of accomplishments to be realized. He expressed concerns about the possibility of duplicating emergency services currently delivered by Project Crackdown, Project Blossom or some other neighborhood staff in the area, the role and responsibility of schools in coordinating emergency services, and the impact on existing programs when funds are reallocated to other programs. Noting the amount of work accomplished by the CDBG Steering Committee and the effectiveness of the application process, he requested that Staff consider formulating a similar process for allocation of B.E.S.T. funds. Expressing support for the comments made by Council Member Fiscalini and the necessity for a program audit, Dr. Ellis stated two evaluations are in progress—an evaluation of the organizational changes in the new Department of Parks, Recreation and Neighborhood Services, and the internal evaluation of CCPA's programs, but that he preferred to implement all the programs prior to subjecting any program to an audit. He stated one of the areas of emergency services in the school system which primarily concerns the Team is the coordination between school services and B.E.S.T. and other City services that can help to mitigate problems before they occur or providing intervention measures at the transition from the schools into the community. He stated the program lacks a single point of contact to mobilize other resources or services that would help mitigate problems at the school site, i.e., access onto the school campus. He stated the other area of concern is the need for a multi-disciplinary team which includes the District Safety Officer and all Associate Principals who would meet on a regular basis to identify trends and resolve issues as they arise and to improve upon the process as necessary. Noting the City Council's fiduciary responsibility to the City of San José, Mayor Hammer stated the program coordinator must be responsible to the City Manager and the Department Director, and must interface well with the school districts and the community; to allow a community-based organization to assume full responsibility as program coordinator could pose potential problems for the City. She suggested that Staff prepare a report detailing the responsibilities of the two new positions needed to establish the proposed Emergency Response collaboration identified as a new program improvement, outlining the intent of providing appropriate coordination and the feasibility of retaining internal control of the coordination efforts, and to include a status update on

the allocation resources, with a report to the Housing and Community Services Committee in September, 1996. She advised Council that concerns related to the B.E.S.T. recommendations will be coordinated for discussion at the Committee of the Whole meeting on Monday, June 17, 1996. Upon motion by Council Member Fernandes, seconded by Council Member Fiscalini and unanimously carried, the Evaluation Report on the San José B.E.S.T. Cycle V was approved; Resolution No. 66682, entitled: "A Resolution of the Council of the City of San José Approving the San José Best Cycle VI Allocation Plan and Authority the City Manager to Negotiate and Execute San José Best Grant Agreements With Qualified Providers", was adopted with the Administration directed to (a) develop a process similar to that of CDBG for the acceptance of applications and annual allocation of B.E.S.T. funds; (b) prepare within two weeks a detailed report on the two new Community Coordinator positions recommended in the B.E.S.T. Cycle V funding and their areas of responsibility; (c) submit to the Housing and Community Services Committee in September 1996 a report on the Emergency Response Service Program component and reallocation of resources to provide necessary coordination of responses between agencies; and (d) to prepare responses to the questions and concerns expressed by Council for presentation at the Committee of the Whole meeting on Monday, June 17, 1996; and the Housing and Community Services Committee Report (partial) and actions of June 3, 1996 were accepted. Vote: 11-0-0-0.

- 9g**
- (1) Report on bids, waive a minor bid irregularity and award of contract for the 60-Inch RCP Replacement at Hetch Hetchy Project to the low bidder, Progressive Pacific, in the amount of \$873,871. CEQA: Resolution No. 60197.**
 - (2) Approval of an encroachment permit from the City and County of San Francisco, acting by and through its San Francisco Water Department (SFWD), for the installation of the 84-inch sanitary sewer line within the Hetch Hetchy right-of-way. CEQA: Resolution No. 60197. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated May 23, 1996, recommending Council waive the minor bid irregularity, award said contract, and approve the encroachment permit for said installation.

Discussion/Action: Upon motion by Vice Mayor Johnson, seconded by Council Member Fiscalini and unanimously carried, the minor bid irregularity was waived and the award of contract to Progressive Pacific, the low bidder, was approved and execution of the contract authorized, and the encroachment permit for the installation of the sanitary sewer line was approved. Vote: 11-0-0-0.

- 9h First PUBLIC HEARING on the report of the Director of Streets and Traffic on the cost and proposed assessments of sidewalk repairs. (SW-6-96) CEQA: Exempt. (Streets and Traffic) [Rules Committee referral 6/5/96 - Item 7b(2)]**

Documents Filed: Memorandum from Director of Streets and Traffic, Wayne K. Tanda, dated June 10, 1996, recommending Council adopt a resolution amending and confirming the report of the Director of Streets and Traffic on costs of sidewalk repairs, confirming as amended the assessments contained in the report, directing the recording of liens and setting the lien interest rate at eight percent annually.

Discussion/Action: Mayor Hammer opened the first public hearing on the Director's report on the cost and proposed assessments of sidewalk repairs, and advised the audience that public testimony will be accepted during this meeting; however, Council action will be continued to June 18, 1996. San José property owner Bob Mali protested the assessment on the basis of substandard repair of the sidewalk location. By unanimous consent, the first public hearing was closed with Council action to be taken at the final public hearing on June 18, 1996. Vote: 11-0-0-0.

FISCAL AFFAIRS

10a Final PUBLIC HEARINGS and adoption of resolutions approving, confirming, and adopting the Engineer's Reports and setting the amount of assessments for Maintenance District Nos. 1, 2, 4, 9, 10, 11, 15 and 16. (Public Works)

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated June 6, 1996, recommending Council adopt said resolutions.

Discussion/Action: Mayor Hammer opened the final public hearing on the Engineer's Reports for the subject maintenance districts. There was no discussion from the Floor. Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, the public hearing was closed and Resolution No. 66683, entitled: "A Resolution of the Council of the City of San José Approving, Confirming and Adopting the Engineer's Report for Maintenance District Number 1 (Los Paseos) For Fiscal Year 1996-97"; Resolution No. 66684, entitled: "A Resolution of the Council of the City of San José Approving, Confirming and Adopting the Engineer's Report for Maintenance District Number 2 (Trade Zone Boulevard - Lundy Avenue) For Fiscal Year 1996-97"; Resolution No. 66685, entitled: "A Resolution of the Council of the City of San José Approving, Confirming and Adopting the Engineer's Report for Maintenance District Number 4 (Gateway Place and Airport Parkway) For Fiscal Year 1996-97"; Resolution No. 66686, entitled: "A Resolution of the Council of the City of San José Approving, Confirming and Adopting the Engineer's Report for Maintenance District Number 9 (Santa Teresa - Great Oaks) For Fiscal Year 1996-97"; Resolution No. 66687, entitled: "A Resolution of the Council of the City of San José Approving, Confirming and Adopting the Engineer's Report for Maintenance District Number 10 (North First - Tasman Storm Pump Station) For Fiscal Year 1996-97"; Resolution No. 66688, entitled: "A Resolution of the Council of the City of San José Approving, Confirming and Adopting the Engineer's Report for Maintenance District Number 11 (Brokaw Road From Junction Avenue to Old Oakland Road) For Fiscal Year 1996-97";

PATRICIA L O'HEARN, CITY CLERK
RT