

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, AUGUST 6, 1996

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

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

Absent: Council Members -None.

Upon motion unanimously adopted, Council recessed at 9:35 A.M. to a Closed Session in Room 600 to confer with Legal Counsel pursuant to Government Code Section 54956.9; under Subsection (a) to discuss existing litigation in the cases of Tran v. City of San José, et al.; to discuss anticipated litigation pursuant to Subsection (b) of Government Code Section 54956.9 in five matters involving the initiation of litigation; and to conduct Public Employee Evaluation Pursuant to Government Code 54957: Title: City Manager.

By unanimous consent, Council reconvened from the Closed Session and recessed at 10:45 A.M. and reconvened at 1:40 P.M. in the Council Chambers.

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

Absent: Council Members -None.

INVOCATION

Father Arturo Yabes, Saint Maria Goretti, delivered the Invocation.
(District 7)

PLEDGE OF ALLEGIANCE

Mayor Hammer led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Fiscalini, seconded by Vice Mayor Johnson, and unanimously carried, Items 8b and 15e were continued to August 20, 1996, and the Orders of the Day and the Amended Agenda were approved. Vote: 11-0-0-0.

CEREMONIAL ITEMS

- 5a Presentation of plaques to Catherine deLeon for 3 years service, to Susan Gonsalves-Marsland for 4 years 8 months service, to Ben Miyaji for 4 years service, and to Sandra Brunett for 2 years 7 months service on the Arts Commission; to Carol Meligan for 2 years service, and to Lee Ann O'Neal for 3 years service on the Child Care Commission; to Gloria Burgess for 3 years 7 months service, and to Tom Wenger for 3 years 7 months service on the Disability Advisory Commission; to Robert Kumamoto for 4 years service on the Historic Landmarks Commission; and to Nancy Hazard for 1 year 5 months service on the Parking Advisory Commission. (Mayor)**

Documents filed: None.

Discussion/Action: Mayor Hammer presented plaques to Susan Gonsalves-Marsland for 4 years 8 months service on the Arts Commission; to Lee Ann O'Neal for 3 years service on the Child Care Commission; to Gloria Burgess for 3 years 7 months service, and to Tom Wenger for 3 years 7 months service on the Disability Advisory Commission; to Robert Kumamoto for 4 years service on the Historic Landmarks Commission. Plaques will be sent to Catherine deLeon, Ben Miyaji, Sandra Brunett, and Carol Meligan who were unable to accept in person.

- 5b Presentation of commendation and award honoring the Outstanding Employee for August 1996 to Donna Mills, Senior Engineering Technician, Streets and Traffic Department. (City Manager's Office)**

Documents filed: None.

Discussion/Action: This item was deferred to August 27, 1996.

CONSENT CALENDAR

William Garbett addressed the Council in opposition to Items 6f(1) and 6f(3). Upon motion by Council Member Fiscalini, seconded by Vice Mayor Johnson, and unanimously carried, the Consent Calendar was approved and the below listed items taken as indicated. Vote: 11-0-0-0.

Minutes for Approval

6a(1) Regular Meeting of May 7, 1996

Documents filed: Minutes of May 7, 1996.

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

6a(2) Regular Meeting of May 14, 1996

Documents filed: Minutes of May 14, 1996.

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

6a(3) Joint City Council/Redevelopment Agency Meeting of May 16, 1996

Documents filed: Minutes of May 16, 1996.

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

Public Hearings Set by Council

- 6c(1) Adoption of a resolution initiating proceedings to amend Title 20 of the San José Municipal Code to (1) allow group residences which are operated as single housekeeping units as permitted uses in all residential zoning districts; (2) regulate the location and require a conditional use permit for residential facilities which are not operated as a single housekeeping unit; (3) regulate residential correctional facilities; (4) provide a process for requesting a reasonable accommodation in the application of City land use regulations for persons with disabilities; and setting a public hearing for November 12, 1996 at 7:00 p.m., and referring the amendments to the Planning Commission for their review and recommendation. (City Attorney's Office)
[Deferred from 6/25/96 - Item 6c(1)]**

Documents filed: (1) Memorandum from City Attorney Joan R. Gallo, dated June 14, 1996, recommending the adoption of said resolution. (2) Supplemental memorandum from City Attorney Joan R. Gallo, dated August 2, 1996, advising that in addition to the amendments discussed in the original memorandum, the ordinance will also propose the elimination of the provisions in the Zoning Code which allow renting to three guests as a permitted use for a single family dwelling.

Discussion/Action: Resolution No. 66807, entitled: "A Resolution of the Council of the City of San José Initiating Proceedings on its Own Motion Amending Title 20 of the San José Municipal Code (1) to Allow Group Residences Which are Operated as Single Housekeeping Units as Permitted Uses in All Residential Zoning Districts; (2) to Regulate the Location and to Require a Conditional Use Permit for Residential Facilities Which are not Operated as a Single Housekeeping Unit; (3) to Regulate Residential Correctional Facilities; and (4) to Provide a Process for Requesting a

Reasonable Accommodation in the Application of City Regulations for Persons with Disabilities”, was adopted. Vote: 11-0-0-0.

- 6c(2) Adoption of a resolution of intention to vacate a portion of Chaboya Road between Quimby Road and future Murillo Avenue, conditioned upon the completion and accessibility of the new public road lying immediately to the south of the vacated portion, through Tract 8781, and setting a public hearing on September 3, 1996, at 1:30 p.m. CEQA: Resolution No. 63179. (Public Works)**

Documents filed: (1) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated July 19, 1996, recommending the adoption of said resolution. (2) Correspondence from MacKay & Soms, dated July 22, 1996, requesting that the portion of Chaboya Road indicated therein and which is in the process of being vacated by the City, be quitclaimed to the adjacent property owner, Blackwell Homes, in accordance with requirements of the Evergreen Specific Plan, which required the vacation of a portion of Chaboya Road and the construction of a new connector street.

Discussion/Action: Resolution No. 66808, entitled: “Resolution of the Council of the City of San José Declaring its Intention to Vacate a Portion of Chaboya Road Between Quimby Road and Future Murillo Avenue, and Setting a Public Hearing”, was adopted. Vote: 11-0-0-0.

- 6c(3) Adoption of a resolution setting a public hearing on August 20, 1996 at 7:00 p.m. to consider the establishment of an Underground Utility District at San Pedro Street, from Mission Street to Taylor Street. CEQA: Exempt. (Public Works)**

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated July 19, 1996, recommending the adoption of said resolution.

Discussion/Action: Resolution No. 66809, entitled: “A Resolution of the Council of the City of San José Setting the Time and Place for a Public Hearing to Consider the Establishment of an Underground Utility District at San Pedro Street from Mission Street to Taylor Street on August 20, 1996 at 7:00 p.m., was adopted. Vote: 11-0-0-0.

Plans and Specifications

- 6d(1) TRACT NO. 8790 - Northwest corner of Capitol Avenue and Mabury Road - Pfeiffer Ranch Investors II Incorporated (Developer) - 44 single family detached units. Adoption of resolutions approving the plans, final map, and contract for Tract No. 8790 (Las Palmas). CEQA: ND. District 4. (Public Works) (Rules in Lieu referral 7/31/96)**

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated July 26, 1996, recommending the adoption of said resolutions.

Discussion/Action: Resolution No. 66810, entitled: "A Resolution of the Council of the City of San Jose Fixing Official Curb Grades and Position of Curbs, and Adopting Plans for Tract No. 8790; Resolution No. 66811, entitled: "A Resolution of the Council of the City of San Jose Approving and Accepting Final Map of Tract No. 8790; Resolution No. 66812, entitled: "A Resolution of the Council of the City of San Jose Approving and Authorizing the Execution of Contract and Approving Bonds for the Improvement of Tract No. 8790", were adopted. Vote: 11-0-0-0.

- 6d(2) TRACT NO. 8842 - Northeast corner of Hawkstone Way and Silver Creek Valley Road - Shea Homes Limited Partnership, a California Limited Partnership, DBA as Shea Homes (Developer) - 86 single family units. Adoption of resolutions approving the plans, final map, contract and water main extension for Tract No. 8842. CEQA: Resolution No. 61784. District 8. (Public Works) (Rules in Lieu referral 7/31/96)**

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated July 26, 1996, recommending the adoption of said resolutions.

Discussion/Action: Resolution No. 66813, entitled: "A Resolution of the Council of the City of San Jose Fixing Official Curb Grades and Position of Curbs, and Adopting Plans for Tract No. 8842 Silver Creek Valley Country Club Neighborhood 6"; Resolution No. 66814, entitled: "A Resolution of the Council of the City of San Jose Approving and Accepting Final Map of Tract No. 8842; Resolution No. 66815, entitled: "A Resolution of the Council of the City of San Jose Approving and Authorizing the Execution of Contract and Approving Bonds for the Improvement of Tract No. 8842 Silver Creek Valley Country Club Neighborhood 6"; and Resolution No. 66816, entitled: "A Resolution of the Council of the City of San Jose Approving and Authorizing the Execution of Agreement for the Water Main Extension, Tract No. 8842 Silver Creek Valley Country Club Neighborhood 6", were adopted. Vote: 11-0-0-0.

Contracts/Agreements

- 6e(1) Approval of a parking agreement with Software Publishing Corporation (SPC) for a term of up to 5 years, for up to 120 non-exclusive roof top parking spaces at the Market Street Garage, at a rate increasing from \$30 per month to \$45 per month. (Streets and Traffic)
[Deferred from 6/18/96 - Item 6e(12)]**

Documents filed: None.

Discussion/Action: This item was deferred to August 27, 1996.

6e(2) Approval of an employment agreement with Lien Vong, Administrative Assistant to the Independent Police Auditor. (City Clerk)

Documents filed: None.

Discussion/Action: The employment agreement with Lien Vong was approved and its execution authorized. Vote: 11-0-0-0.

6e(3) Approval of an agreement with the Hispanic Chamber of Commerce for business services, for the period July 1, 1996 to June 30, 1997, in an amount not to exceed \$120,000. (Economic Development)

Documents filed: Memorandum from the Director of Economic Development, Leslie S. Parks, dated July 19, 1996, recommending approval of said agreement.

Discussion/Action: The agreement with the Hispanic Chamber of Commerce was approved and its execution authorized. Vote: 11-0-0-0.

6e(4) Report on bids and rejection of all bids for the purchase of a circuit breaker and test device at the Water Pollution Control Plant. (General Services)

Documents filed: Memorandum from Director of General Services, Ellis M. Jones, Jr., dated July 19, 1996, recommending approval to reject all bids for said purchase.

Discussion/Action: The rejection of all bids for the purchase of said equipment was approved. Vote: 11-0-0-0.

6e(5) Approval of an agreement with Skyhawks Sports Academy, Inc., for soccer, baseball and basketball summer camp programs at the Camden Lifetime Activities Center and the Berryessa Community Center, for the period June 1, 1996 to August 31, 1996, at no net cost to the City. (Parks, Recreation and Neighborhood Services)

Documents filed: Memorandum from Director of Parks, Recreation and Neighborhood Services, Ellis E. Mitchell, dated July 19, 1996, recommending approval of said agreement with Skyhawks Sports Academy, Inc.

Discussion/Action: The agreement with Skyhawks Sports Academy, Inc., was approved and its execution authorized. Vote: 11-0-0-0.

6e(6) Approval of an agreement with Catholic Charities for senior programs and services at the Eastside Community Center for the period July 1, 1996 to June 30,

1997, in an amount not to exceed \$105,090. CEQA: Exempt. (Parks, Recreation and Neighborhood Services)

Documents filed: Memorandum from Director of Parks, Recreation and Neighborhood Services, Ellis E. Mitchell, dated July 19, 1996, recommending approval of said agreement with Catholic Charities.

Discussion/Action: The agreement with Catholic Charities was approved and its execution authorized. Vote: 11-0-0-0.

Routine Legislation

6f(1) Approval of an ordinance amending Chapter 15.04 of the San José Municipal Code by adding Section 15.04.1220 authorizing the Director of Aviation to accept or amend avigation easements on behalf of the City. (Airport)

Documents filed: Memorandum from Airport Director Ralph G. Tonseth, dated July 19, 1996, recommending the approval of said ordinance.

Discussion/Action: Ordinance No. 25137, entitled: “An Ordinance of the City of San Jose Amending Part 5 of Chapter 15.04 of the San José Municipal Code by Adding a New Section 15.04.1220 Pertaining to the Authority of the Director of Aviation to accept or Amend Avigation Easements on Behalf of the City”, was passed for publication. Vote: 11-0-0-0.

6f(2) Adoption of an appropriation ordinance amendment to provide \$5,000 to the World Forum of Silicon Valley for its International Visitors Program. (City Manager’s Office)

Documents filed: Memorandum from Budget Director Larry D. Lisenbee, dated July 19, 1996, recommending the adoption of said resolution.

Discussion/Action: Ordinance No. 25138, entitled: “An Ordinance of the City of San José Amending Ordinance No. 25131 which Appropriates Moneys in the General Fund to Establish an Appropriation in the Amount of \$5,000 to the World Forum of Silicon Valley for its International Visitors Program; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, was adopted. Vote: 11-0-0-0.

- 6f(3)**
- (a) Adoption of a resolution accepting a donation in the amount of \$12,000 from Adobe Systems, Inc., for the purchase of 12 western saddles for the Police Department/Horse Mounted Unit. (Police)**
 - (b) Adoption of amendments to the appropriation ordinance and revenue resolution to allow the expenditure of \$12,000 for the purchase of 12**

western saddles for the Police Department/Horse Mounted Unit within the Gift Trust Fund. (City Manager's Office)

Documents filed: Memorandum from Chief of Police, Louis A. Cobarruviaz, and Budget Director Larry Lisenbee, dated July 19, 1996, recommending acceptance of the donation and adoption of said appropriation ordinance and revenue resolution amendments.

Discussion/Action: Resolution No. 66817, entitled: "A Resolution of the Council of the City of San José Accepting a Donation in the Amount of \$12,000 from Adobe Systems, Inc., for the Purchase of Saddles for the Police Department's Horse Mounted Unit"; Ordinance No. 25139, entitled: "An Ordinance of the City of San José Amending Ordinance No. 25131 which Appropriates Moneys in the Gift Trust Fund in the Amount of \$12,000, for the Purchase of Saddles for the Police Department/Horse Mounted Unit; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. 66818, entitled: "A Resolution of the Council of the City of San Jose Amending Revenue Resolution No. 66717 for the Fiscal Year 1996-97 to Adjust Revenues in the Gift Trust Fund", were adopted. Vote: 11-0-0-0.

- 6f(4) Adoption of a resolution authorizing the Director of General Services to execute all documents necessary for the donation of one (1) surplus fire truck to the Spring Valley Volunteer Fire Department at an estimated value of \$1,800. (General Services)**

Documents filed: Memorandum from Director of General Services, Ellis M. Jones, Jr., dated July 19, 1996, recommending the adoption of said resolution.

Discussion/Action: Resolution No. 66819, entitled: "A Resolution of the Council of the City of San José Approving the Donation of a Fire Truck to Spring Valley Volunteer Fire Department", was adopted. Vote: 11-0-0-0.

- 6f(5) Adoption of a resolution amending Resolution No. 66709, Section 2 "CNG Garbage Truck," increasing the requested Bay Area Air Quality Management District (BAAQMD) and Santa Clara County Transportation Authority grant funds from \$1,143,600 to \$1,174,100, and increasing the City match from \$178,400 to \$187,900. (General Services)**

Documents filed: Memorandum from Director of General Services, Ellis M. Jones, Jr., dated July 19, 1996, recommending the adoption of said resolution.

Discussion/Action: Resolution No. 66820, entitled: "A Resolution of the Council of the City of San José Amending the Amounts Set Forth in Section 2 of Resolution No. 66709, Which Approved a Proposed List of Projects for Submittal to the Bay Area Air

Quality Management District (BAAQMD) and Santa Clara County Transportation Authority (SCCTA)”, was adopted. Vote: 11-0-0-0.

6f(6) Adoption of resolutions to amend:

(a) Resolution No. 51872:

- (1) Exhibit 99, to create the class of Administrative Officer (1649) at a salary range of 63I.**
- (2) Exhibit 99, to change the Unit Designation of Landscape Maintenance Manager (3447) from Unit 21 to Unit 99.**

(b) Resolution No. 66092:

- (1) Exhibit 05, to create the class of Multicultural Arts Coordinator (6311) at a salary range of 57H, and Extra Help (9991) (FT) salary to be determined.**
- (2) Exhibit 05, to change the Unit Designation of Extra Help (9990) (PT) from Unit 16 to Unit 05.**

(Human Resources)

Documents filed: (1) Memorandum from Director of Human Resources, Nona Tobin, dated July 19, 1996, recommending the adoption of said resolution. (2) Memorandum from Senior Executive Assistant, Norberto L. Dueñas, dated July 28, 1996, amending the class of the Administrative Officer on the Staff report to 1649.

Discussion/Action: Resolution No. 66821, entitled: “A Resolution of the Council of the City of San Jose Amending Revenue Resolution No. 51872 to Amend Exhibit 99 to Create the Class of Administration Officer (1646) and to Change the Unit Designation of Landscape Maintenance Manager (3447) from Unit 21 to Unit 99, Effective August 12, 1996”, and Resolution No. 66822, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 66092 Amending Exhibit 1 of the Memorandum of Agreement Between the City of San José and Municipal Employees Federation (AFSCME) Local 101, Unit 5 (Administrative, Technical, Clerical and Custodial Employees) to (1) Create the Classes of Multicultural Arts Coordinator (6311) and Extra Help (9991) (FT), and (2) Change the Unit Designation of Extra Help (9990) (PT) from Unit 16 to Unit 5, Effective August 12, 1996”, were adopted. Vote: 11-0-0-0.

6f(7) Adoption of a resolution accepting a donation from Chevron and SocialTech, Inc., of a Technology to Recover Abducted Kids (TRAK) computer system valued at \$8,500 for the Police Department/Juvenile Crimes Unit, and authorizing the City Manager to negotiate and execute an agreement with SocialTech for use of the TRAK computer system. (Police)

Documents filed: Memorandum from Chief of Police, Louis A. Cobarruviaz, dated July 19, 1996, recommending the adoption of said resolution.

Discussion/Action: Resolution No. 66823, entitled: “A Resolution of the Council of the City of San José Accepting a Gift of Equipment and Services and for Use of the TRAK Computer System from Chevron and SocialTech, Inc. Valued at Approximately \$8,500 to be Used in the Investigation of Missing or Abducted Children and Other Mission Persons and Authorizing the City Manager to Negotiate and Execute an Agreement with SocialTech, Inc., for Use of the TRAK Computer System”, was adopted. Vote: 11-0-0-0.

6f(8) Adoption of a resolution ordering change and modification of reassessments pursuant to waiver of 100% of affected property owners for Reassessment District No. 94-215SJ (Silver Creek Refunding). (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated July 19, 1996, recommending the adoption of said resolution.

Discussion/Action: Resolution No. 66824, entitled: “A Resolution of the Council of the City of San José Ordering Change and Modification of Reassessments Pursuant to Waiver of 100% of Affected Property Owners, for Reassessment District No. 94-215SJ (Silver Creek Refunding)”, was adopted. Vote: 11-0-0-0.

6f(9) Approval of an ordinance amending Section 17.10.325 of Chapter 17.10 of Title 17 of the San José Municipal Code to correct a clerical error, amending Section 17.10.420 of Chapter 17.10 of Title 17 to modify the criteria for the alteration or construction of single family residences on existing lots, and amending Section 17.10.310 and Part 6 of Chapter 17.10 of Title 17 to establish procedures for the performance of additional regional studies within the special geologic hazard study area. (Public Works)

Documents filed: None.

Discussion/Action: This item was deferred to August 13, 1996.

6f(10) Approval for one (1) proposed City Event date, CPR Saturday, for the use of the San José Arena, as provided in the San José Arena Management Agreement. (San José Arena Authority)

Documents filed: Correspondence from the San José Arena Authority, dated July 19, 1996, recommending approval of proposed City event date, CPR Saturday.

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

6f(11) Adoption of an appropriation ordinance amendment for FY 1995-96 to amend

**Ordinance No. 25133, adopted by the City Council on June 25, 1996, to correct a mathematical error in the Budget Director's certification, nunc pro tunc. (City Manager's Office)
(Orders of the Day 4a)**

Documents filed: Memorandum from Budget Director Larry D. Lisenbee, dated August 2, 1996, recommending the adoption of said ordinance.

Discussion/Action: Ordinance No. 25140, entitled: "An Ordinance of the City of San José Amending Ordinance No. 25133 which Amended Ordinance No. 24945 to Appropriate Moneys in Various Funds to Reflect Estimated 1995-96 Revenue Receipts, Expenses and Encumbrances; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. Vote: 11-0-0-0.

**6f(12) Adoption of a resolution approving a technical revision to the City's Minority Business Enterprise/Women Business Enterprise (MBE/WBE) Construction Program requiring bidders to submit good faith efforts documentation with their bids at the time of bid opening. (Affirmative Action/Contract Compliance)
(Orders of the Day 4b)**

Documents filed: Memorandum from Director of Affirmative Action/Contract Compliance, Steven T. Wing, dated August 2, 1996, recommending the adoption of said resolution.

Discussion/Action: Resolution No. 66825, entitled: "A Resolution of the Council of the City of San José Approving a Technical Revision to the MBE/WBE Construction Program Requiring Bidders to Submit Good Faith Efforts Documentation with Bids at the Time of Bid Opening", was adopted. Vote: 11-0-0-0.

COMMISSION, COMMITTEE, AND STANDING REPORTS

7a Report of the Committee of the Whole (Cont'd.)

Documents filed: Committee of the Whole reports dated May 13, May 16, May 20 and May 23, 1996.

(1) Meeting of May 13, 1996

- (a) Public Safety Augmentation Plan. Attachments: (1) Agenda of the May 13, 1996, Committee of the Whole meeting. (2) Hard copies of the overhead transparency departmental presentations. (3) The Public Safety Augmentation Plan, Phase One, dated May 7, 1996, prepared by a joint effort of the Office of the City Manager, Police Department, Fire

Department, and Offices of Parks, Recreation and Neighborhood Services; Conventions, Arts and Entertainment; and Support Services Departments.

The Committee heard presentations from the Departments of Police; Fire; Conventions, Arts and Entertainment; and Parks, Recreation and Neighborhood Services relative to the Public Safety Augmentation Plan, Phase I. The Committee accepted the report, with the comments and recommendations made by the Council Members.

(2) Meeting of May 16, 1996

- (a) Proposed FY 1996-97 Operating Budget - Departmental Presentations. Attachments: (1) Memorandum from City Manager Regina V.K. Williams, dated May 9, 1996, regarding Committee of the Whole Budget Sessions. (2) Proposed FY 1996-97 Operating Budget document dated May 3, 1996. (3) Redevelopment Agency's Proposed FY 1996-97 Capital and Operating Budgets and FY 1997-2001 CIP (Capital Improvement Program) ; and (4) Hard Copy of transparencies pertaining to Proposed FY 1996-97 Operating Budget presentation.

The Committee accepted the report and directed Staff to review issues related to M/WBE (Minority and Woman-owned Business Enterprises), Police Department Bureau of Investigations, enhanced Council District services, and City of San José "Home Page".

(3) Meeting of May 20, 1996

- (a) Proposed FY 1996-97 Operating Budget - Departmental Presentations. Attachments: (1) Agenda of the May 20, 1996 Committee of the Whole meeting. (2) Memorandum from Council Member Shirakawa, Jr., regarding attendance at the Committee of the Whole meeting of May 20, 1996.

The Committee accepted the report, with the comments and recommendations made by the Council Members.

(4) Meeting of May 23, 1996

- (a) Proposed Fees and Charges for FY 1996-97 and Auditor's Report. Attachments: (1) Agenda of May 23, 1996 Committee of the Whole meeting. (2) Report on Proposed Fees and Charges for FY 1996-97. (3) Hard copy of overhead transparency presentation by Principal Budget Analyst Brooke Myhre. (4) See City Council minutes of June 18, 1996, for Manager's Budget Addendums (MBAs) pertaining to this meeting.

The Committee accepted the report, with the comments and recom-

mentations made by the Council Members.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Vice Mayor Johnson and unanimously carried, Committee of the Whole reports and actions of May 13, May 16, May 20 and May 23, 1996, were accepted. Vote: 11-0-0-0.

7d Report of the Finance Committee - June 26, 1996

Documents filed: Finance Committee report of June 26, 1996.

- (1) Oral petitions

None presented.

- (2) Monthly Auditor's Report for May 1996. Attachment: Auditor's Report for May 1996.

The Committee noted and filed the report.

7d Report of the Finance Committee - June 26, 1996 (Cont'd.)

- (3) Quarterly Audit Follow-up Report on Recommendations for the Period Ended April 30, 1996. Attachment: Quarterly Audit Follow-Up Report dated April 30, 1996.

The Committee noted and filed the report.

- (4) Auditor's Workplan for Fiscal Year 1996-97. Attachment: (1) Auditor's Workplan for FY 1996-97. (2) Memorandum from City Auditor Silva and City Manager Williams, dated June 21, 1996, recommending approval of conducting a management audit of the San José Police Department.

The Committee accepted the Auditor's Workplan, with the hierarchy of the workplan to be "Work in Progress", Police Department Management Audit, and Performance Review of the Vehicle Towing Service Contract; requests from Council Members next year to include back-up and rationale; Utility Billing to be part of the ESD audit; the first audit added to be Community Development Improvement Program after the Committee reviews the scoping; and the second to be Traffic Management Division.

- (5) Report on Project Innovation and Departmental Innovation Proposals. Attachment: Memorandum from Assistant to the City Manager, Nina S. Grayson, dated June 3, 1996, recommending approval of Staff recommendations for further action on (1) Project Innovation (Attachment A), and (2) Department Innovation Proposals (Attachment B).

The Committee accepted the report and directed the Administration to meet with the Mayor's Office to clarify the list.

- (6) Report from the Federated Retirement Board on an Increase in the City's Retirement Contribution Rate. Attachment: Memorandum from Federated Retirement Board, dated June 19, 1996, transmitting the City of San José Federated City Employees' Retirement System (FCERS) Actuarial Valuation as of June 30, 1995 (Revised May 31, 1996), prepared by The Watson Wyatt Company.

The Committee accepted the informational report.

- (7) Committee Workplan for August-December 1996. Attachment: Workplan for August-December 1996.

The Committee accepted the Workplan for August-December 1996.

- (8) Committee schedule

The meeting was adjourned at 11:45 a.m.

Discussion/Action: Upon motion by Council Member Woody, seconded by Council Member Fiscalini, and unanimously carried, the Finance Committee report and actions of June 26, 1996, were accepted. Vote: 11-0-0-0.

LAND USE AND DEVELOPMENT

- 8a**
- (1) **Adoption of a resolution authorizing the Director of Public Works to execute agreements with 22 property owners to terminate the easements associated with the closure of the alley centered between Locust and Palm Streets extending north from Oak to West Virginia Streets. CEQA: Exempt.**
 - (2) **PUBLIC HEARING and adoption of a resolution vacating the alley between Locust and Palm Streets that extends between West Virginia and Oak Streets. CEQA: Exempt.
(Public Works)**

Documents filed: Memoranda from Director of Public Works, Ralph A. Qualls, Jr., dated July 19, 1996, recommending the adoption of said resolutions.

Discussion/Action: Mayor Hammer opened the public hearing. There was no discussion from the floor. Upon motion by Council Member Pandori, seconded by Vice Mayor Johnson, and unanimously carried, the public hearing was closed; Resolution No. 66826, entitled: "Resolution of the Council of the City of San José Approving the Agreements with Property Owners Along the Alley Located Between Locust and Palm Streets and Extending from Oak to West Virginia Streets Providing for, among other

things, the Closure of the Alley, and Authorizing the Director of Public Works to Execute Such Documents”, and Resolution No. 66827, entitled: “Resolution of the Council of the City of San José Approving the Vacation of a Portion of the Alley Between Locust and Palm Streets that Extends Between West Virginia and Oak Streets“, were adopted. Vote: 11-0-0-0.

- 8b PUBLIC HEARING and adoption of a resolution vacating a portion of Kirk Avenue, (also known as Fenton Street) immediately north of McKee Road. CEQA: ND. (Public Works) (Council Referral 6/18/96 - Item 15I)**

Documents filed: See minutes of August 20, 1996, for documents filed.

Discussion/Action: Mayor Hammer opened the public hearing; there was no testimony from the floor, and the hearing was continued to August 20, 1996.

GENERAL GOVERNMENT

- 9a Adoption of a resolution authorizing the issuance of multifamily housing revenue bonds and the loan of the proceeds thereof for the financing of the Siena at Renaissance Square Apartments including:**
- (1) Approving in substantial form the Bonds, Indentures of Trust, Loan Agreements, Regulatory Agreement and Declaration of Restrictive Covenants, Bond Purchase Agreements, the Official Statements, and authorization for the Director of Finance to negotiate, execute, and deliver those documents and other related documents as necessary.**
 - (2) Approval of an exception to the City’s Investment Policy to allow the proceeds of the Bonds to be invested in an investment agreement with an institution whose participation in the financing will not adversely affect the expected rating on the Bonds.**
 - (3) Approval of an agreement with CGMS Incorporated in an amount not to exceed \$90,000 for the provision of financial advisory services.**
 - (4) Approval of an agreement with Jones Hall Hill and White and the Law Offices of Leslie M. Lava in an amount not to exceed \$188,000, for the provision of co-bond counsel services.**
 - (5) Approval of a loan of 20% Housing Funds by the City to the borrower, FC Siena Associates, L.P. in a principal amount not to exceed \$5,696,000, to provide permanent financing for the Project.**
 - (6) Approval of an amendment to the Affordability Restriction for the Siena at Renaissance Square Housing Project.**
- (Finance/Housing)**
(Deferred from 6/18/96 - Item 9g)

Documents filed: None.

Discussion/Action: This item was deferred to August 13, 1996.

- 9b Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the County of Santa Clara for the purchase of real property rights located in the City of Milpitas on the west side of Abel Street, south of the Hetch-Hetchy Pipeline for the South Bay Water Recycling Project, in the amount \$265,750, including escrow and closing costs, and authorization for the Director of Public Works, or designee, to execute all necessary documents. (Public Works)
[Deferred from 6/18/96 - Item 9o(4)]**

Documents filed: None.

Discussion/Action: This item was deferred to August 13, 1996.

- 9c Discussion and approval of the City Administration's Workplan for the New Realities Task Force recommendations. (City Manager's Office)
(Deferred from 6/25/96 - Item 9h)**

Documents filed: Memorandum from Mayor Hammer, dated August 2, 1996, recommending deferral to August 13, 1996.

Discussion/Action: This item was deferred to August 13, 1996.

- 9d Report on bids and award of contract for the Installation of Traffic Signal Unit 95A Project to the low bidder, Rosendin Electric, Inc., in the amount of \$555,361.50, and approval of a contingency in the amount of \$55,000. CEQA: Exempt. (Public Works)
(Deferred from 6/25/96 - Item 9q)**

Documents filed: Memoranda from Director of Public Works, Ralph A. Qualls, Jr., dated June 6 and 19, 1996, recommending award of said contract to the low bidder, Rosendin Electric, Inc.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Vice Mayor Johnson, and unanimously carried, the award of contract to the low bidder, Rosendin Electric, Inc., was approved, with said contingency, and its execution authorized. Vote: 11-0-0-0.

- 9e Adoption of a resolution approving the award of the Terminal C Taxicab Services Concession to United Taxicab Corporation, and authorizing the Director of Aviation to execute the concession agreement. CEQA: Exempt. (Airport)**

Documents filed: Memorandum from Airport Director Ralph G. Tonseth, dated July 19, 1996, recommending adoption of said resolution.

Discussion/Action: Upon motion by Council Member Powers, seconded by Vice Mayor Johnson, and unanimously carried, Resolution No. 66828, entitled: "A Resolution of the Council of the City of San José to Award the On-Demand Taxicab Concession at Terminal C to United Taxicab Corporation and to Authorize the Director of Aviation to Negotiate and Execute a Concession Agreement with United Taxicab Corporation", was adopted. Vote: 11-0-0-0.

9f Adoption of a resolution calling and giving notice of an election on November 5, 1996, for the purpose of submitting to the electors ballot measures relating to the following subjects:

- (1) Independent Police Auditor - Charter Amendment**
 - (2) Unclassified employees - Charter Amendment**
 - (3) Referendum ballot measure - Rezoning on Senter Road, 500 feet south of Phelan Avenue, from Manufacturing to Planned Development, to allow an automobile recycling center.**
 - (4) Voluntary Campaign Spending Limits**
 - (5) Civic Center Relocation Criteria**
- (City Attorney's Office)**

Documents filed: (1) Memorandum from City Attorney Gallo, dated August 2 and 6, 1996, recommending language for the proposed ballot measures under consideration by the Council. (2) Memorandum from City Manager Williams, dated July 31, 1996, recommending a proposed charter amendment for unclassified positions. (3) Memoranda from Council Member Fernandes, dated July 30 and August 5, 1996, recommending ballot language regarding voluntary campaign spending limits. (4) Memoranda from Council Member Dando and Council Member Fiscalini, dated August 5 and August 6, 1996, recommending ballot language regarding the relocation of the Civic Center.

Discussion/Action: Mayor Hammer suggested that City Council Members vote on each issue separately, as follows:

(1) Independent Police Auditor/Charter Amendment - Upon motion by Council Member Fiscalini, seconded by Council Member Powers, and unanimously carried, Council approved the language proposed in Memorandum from City Attorney Gallo, dated August 2, 1996, under Item A, for placement on the Ballot for the November 5, 1996 Election, as follows: *Shall the San José City Charter be amended to include the Office of the Independent Police Auditor which reviews Police Department investigations of complaints against police officers and to provide that the employment of the Independent Police Auditor and office staff shall be the same as the City Auditor?* Vote: 11-0-0-0.

(2) Unclassified employees/Charter Amendment - Upon motion by Council Member Fernandes, seconded by Vice Mayor Johnson, and carried, Council approved

language proposed in memorandum from City Attorney Gallo dated August 2, 1996, under Item B, for placement on the Ballot for the November 5, 1996 Election, as follows: *Shall Section 1101 of the City Charter be amended to place persons hired after this election as assistants to the Mayor and City Council, Assistant or Deputy Directors of departments (excluding the police department), attorneys and supervisors in the Office of the City Attorney, and temporary employees employed to fill positions for no more than two years, in the unclassified service of the Civil Service System?* Vote: 9-2-0-0. Noes: Diquisto, Woody.

(3) Referendum ballot measure - Rezoning on Senter Road, 500 feet south of Phelan Avenue, from Manufacturing to Planned Development, to allow an automobile recycling center - Upon motion by Council Member Powers, seconded by Council Member Dando, and unanimously carried, Council approved language proposed in memorandum from City Attorney Gallo, dated August 6, 1996, for placement on the Ballot for the November 5, 1996 Election, as follows: *Shall Ordinance No. 25016 which rezones real property, situated on Senter Road, 500 feet south of Phelan Avenue, from manufacturing to planned development to allow an automobile dismantling and recycling center be approved?* Vote: 11-0-0-0.

(4) Voluntary Campaign Spending Limits - Council Member Pandori expressed concerns about circumventing the Campaign Finance Review and Ethics Board, and the essence of the proposal is not clear and may include increasing contribution limits beyond the current limits. He stated ramifications of the measure would likely be debated by the voters and, therefore, he would support putting it on the ballot. Council Member Fernandes stated that this is the only opportunity the present Council has to put this issue on the ballot. For similar reasons Mayor Hammer expressed support for placing this issue on the November 1996 ballot as an advisory measure. Upon motion by Council Member Fernandes, seconded by Council Member Fiscalini, and unanimously carried, Council approved language proposed in memorandum from Council Member Fernandes, dated August 5, 1996, for placement on the Ballot for the November 5, 1996 Election, as follows: *Shall the City of San José adopt a Voluntary Campaign Spending Limits ordinance, wherein candidates for Mayoral and City Council Member elections who do not volunteer for spending caps will be subject to greater limitations on accepting individual donations than those that do? In setting the contribution limits, the Council will consider recommendations of the Campaign Finance Review and Ethics Board, which is made up of private citizens.* Vote: 11-0-0-0.

(5) Civic Center Relocation Criteria - Council Member Fiscalini stated moving City Hall to the downtown would eliminate office leasing costs in excess of \$3 million, and potentially save money in the long term and increase efficiency through centralization of City operations. Steve Tedesco, San José Metropolitan Chamber of Commerce, addressed the Council in support of the measure. Vice Mayor Johnson expressed concerns about the language, and stating it is only an assumption that costs could be paid for by the savings cited without knowing the cost of such a move and suggested adopting the less restrictive language in the proponents original recommendation dated August 5, 1996. Council Member Fiscalini stated the language had been carefully drafted, expressed confidence that the financing mechanisms would be adequate to replace the present Civic facilities, stated the language is satisfactory to achieve those purposes. Mayor Hammer stated that while she shares some concerns about the restrictions of the ballot measure, she will support the measure. Council Member Pandori expressed support for the language, stating the issue is to give the

voters a choice, not to mandate moving City Hall downtown. He expressed doubt that the voters would approve such a measure without knowing how the Council would pay for such a move, stated any delay will waste millions of dollars in leases, and the opportunity to act now should be taken. Council Member Woody stated she agrees with the need to consolidate facilities and eliminate leasing costs but did not think this measure is the right option to accomplish those goals. Vice Mayor Johnson stated she would support the motion in order to have the option of looking downtown, but thought it misleading to indicate if City Hall is moved downtown, the Council will restrict itself to stipulated funding sources and suggested language clarification on that issue. Upon motion by Council Member Dando, seconded by Council Member Fiscalini, and carried, Council approved language proposed in supplemental memorandum from Council Members Dando and Fiscalini dated August 6, 1996, for placement on the Ballot for the November 5, 1996 Election, as follows: *Without imposing additional taxes or taking money from other City programs, shall Ordinance No. 14224.1 be amended to permit the relocation and consolidation of civic offices in the downtown so long as the costs are paid by using the proceeds from the sale or lease of the old civic complex and other land, savings from elimination of leased office space, and consolidation of city facilities and services?* Vote: 10-1-0-0. Noes. Woody. Resolution No. 66829, entitled: "A Resolution of the Council of the City of San José Calling and Giving Notice of a General Election to be Held in the City of San José on November 5, 1996, for the Purpose of Submitting to the Electors of the City of San José Ballot Measure Proposals Including Proposals to Amend the City Charter, A Referendum Measure, an Advisory Measure and a Measure to Amend an Initiative Ordinance; Directing the City Clerk to Advertise the Proposals and Measures as Required by Law and to do all Other Things Required to Submit the Measures and Proposals to the Electors of the City of San José at the Election; Requesting Consolidation of the Election with the State General Election to be Held in Santa Clara County on November 5, 1996; Requesting the Board of Supervisors of the County of Santa Clara to Canvass the Returns of the Election and to Permit the County Registrar of Voters to Render Certain Services to the City of San José Relating to the Conduct of the Election; and Directing That Certain Other Actions be Taken with Regard to the Election", was adopted. Vote: 11-0-0-0. Noes: Diquisto and Woody on 9f(2), and Woody on 9f(5).

9g

Adoption of a resolution authorizing the Director of General Services to:

- (1) Award the purchase of self-contained breathing apparatus (SCBA) to the low bidder, Cascade Fire Equipment Company of Medford, Oregon, at a total cost of \$1,008,593.88, including tax.**
- (2) Execute all necessary documents to add the purchase price of \$1,008,593.88 for the self-contained breathing apparatus to the Master Equipment Lease with Access Public Funding.**

(General Services)

Documents filed: Memorandum from Director of General Services, Ellis M. Jones, Jr., dated July 22, 1996, recommending adoption of said resolution.

Discussion/Action: Upon motion by Council Member Shirakawa, Jr., seconded by Vice Mayor Johnson, and unanimously carried, Resolution No. 66830, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of General Services to Execute all Necessary Documents to Award the Purchase of Self-Contained Breathing Apparatus (SCBA) to the Low Bidder and to Execute All Documents Necessary to Add the Purchase to the Master Equipment Lease with Access Public Funding, Inc.", was adopted. Vote: 11-0-0-0.

9h Public Hearing and adoption of a resolution assessing a penalty of \$1,345 for a subcontractor listing violation against J.W. Ebert Corporation for the Senter-Monterey Sanitary Sewer Rehabilitation Phase I Project. CEQA: Exempt. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated July 19, 1996, recommending adoption of said resolution.

Discussion/Action: Upon motion by Council Member Shirakawa, Jr., seconded by Vice Mayor Johnson, and unanimously carried, Resolution No. 66831, entitled: "A Resolution of the Council of the City of San José Approving the Assessment of a Penalty for a Subcontractor Listing Violation by J.W. Ebert Corporation for the Senter-Monterey Sanitary Sewer Rehabilitation Phase I Project", was adopted. Vote: 11-0-0-0.

- 9i**
- (1) Report on bids and award of contract for the San José International Airport Taxiway Z Reconstruction - C to G Project to the low bidder, Serrano and Cone, Inc., in the amount of \$6,717,769. CEQA: ND. (Public Works)**
 - (2) Adoption of appropriation ordinance amendments in the Airport Passenger Facility Charge Fund in the amount of \$1,873,000, to provide additional funding for the Taxiway Z Reconstruction: C to G Project. (City Manager's Office)**

Documents filed: (1) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated July 19, 1996, recommending award of said contract. (2) Memorandum from Budget Director Larry D. Lisenbee, dated July 19, 1996, recommending adoption of said appropriation ordinance amendments.

Discussion/Action: Director of Public Works Qualls corrected the Cost Implications on page 2 of the Staff report under Item 2--Cost of Project to read: "Design and Construction Management costs: \$1,800,000; Contingency: \$335,000; Total: \$8,852,769". Upon motion by Vice Mayor Johnson, seconded by Council Member Fiscalini, the recommended award of contract to the low bidder, Serrano and Cone, Inc., was approved and Ordinance No. 25141, entitled: "An Ordinance of the City of San Jose Amending Ordinance No. 24945 which Appropriates Moneys in the Airport Passenger Facility Charge Fund to Provide Additional Funding in the Amount of \$1,873,000 for the Taxiway Z Reconstruction: C to G Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. Vote:

10-0-1-0. Absent: Diquisto.

The City Council convened the San José Financing Authority at 2:35 p.m. to consider Council Item 9f and San José Financing Authority Item 2 in joint session.

**2 Adoption of a resolution by the City of San José Financing Authority authorizing the Treasurer to cancel bonds in connection with the City of San José Seismic Resistance Improvement District No. 93-211 SJ.
(Rules in Lieu referral 7/31/96)**

9j (1) Adoption of a resolution approving the restructuring of the City of San José Seismic Resistance Improvement District No. 93-211 SJ and authorizing the Director of Finance to negotiate and execute the Third Supplemental Fiscal Agent Agreement with First Trust California and all other documents necessary to such restructuring.
**(2) Adoption of an amendment to the appropriation ordinance increasing the Finance Department's Non-personal appropriation by \$3,000 to pay for the ongoing fiscal agent fees for the Seismic Resistance Improvement District.
(Finance)
(Rules in Lieu referral 7/31/96)**

Documents filed: (1) Memorandum from Director of Finance, John V. Guthrie, dated July 30, 1996, recommending adoption of said City of San José Financing Authority and City of San José resolutions; and said appropriation ordinance amendment. (2) Memorandum from Budget Director Larry D. Lisenbee, dated August 2, 1996, recommending approval of said appropriation ordinance amendment.

Discussion/Action: William Garbett addressed the Council on this item. Upon motion by Vice Mayor Johnson, seconded by Council Member Fiscalini, and unanimously carried, Resolution No. 66832, entitled: "A Resolution of the Council of the City of San José Approving the Restructuring of the City of San José Seismic Improvement District No. 93-211 SJ"; Ordinance No. 25142, entitled: "An Ordinance of the City of San José Amending Ordinance No. 25131 to Appropriate Moneys in the General Fund to Increase the Non-Personal Appropriation of the Finance Department in the Amount of \$3,000 for Fiscal Agent Costs Associated with Restructuring Improvement District No. 93-211 SJ; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. SJFA 20, entitled: "A Resolution of the Council of the City of San José Financing Authority Authorizing the Cancellation of Bonds in Connection with the City of San José Seismic Improvement District No. 93-211 SJ", were adopted. Vote: 11-0-0-0.

The San José Financing Authority portion of the meeting was adjourned at 2:38 p.m.

9k Adoption of a resolution waiving the bidding requirements of the City Charter as authorized by Section 1217 for the award of contract for the Younger Street

**Sewer Emergency Repair Project to Stacy and Witbeck & Ramirez in the amount of \$79,536. CEQA: Exempt. (Public Works)
(Rules in Lieu referral 7/31/96)**

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated August 1, 1996, recommending adoption of said resolution waiving the bidding requirements of the City Charter for the award of said contract for emergency repair on the Younger Street Sanitary Sewer because of the potential threat to public health and safety caused by a sewer failure and pavement collapse.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Vice Mayor Johnson, and unanimously carried. Resolution No. 66833, entitled: "A Resolution of the Council of the City of San José Waiving the Bidding Requirements of the City Charter as Authorized by Section 1217 for the Award of Contract for the Younger Street Sewer Emergency Repair Project to Stacy and Witbeck & Ramirez in the Amount of \$79,536.00", was adopted. Vote: 11-0-0-0.

FISCAL AFFAIRS

- 10a PUBLIC HEARING on the Annual Sewer and Use Charge/Storm Drainage Service Charge Report of the Director of Finance, filed with the City Clerk, containing a description of each and every parcel of real property receiving sewer services and facilities pursuant to Chapter 15.12.550 and 15.16.1340 of the San José Municipal Code, and approving the placement of the amount of the sewer service and use charge and storm drainage service charge for each parcel to be collected on the FY 1996-97 County Tax Roll. (Finance)**

Documents filed: (1) Memorandum from Director of Finance, John V. Guthrie, dated July 19, 1996, recommending approval of the report and placement of the Sewer Service and Use Charge and Storm Drainage Service Charges on the tax roll. (2) Affidavit of Posting and Proof of Publication of Notice of Hearing, submitted by the City Clerk.

Discussion/Action: Mayor Hammer opened the public hearing on the Annual Sewer and Use Charge/Storm Drainage Service Charge Report. There was no testimony from the floor. Upon motion by Vice Mayor Johnson, seconded by Council Member Powers, and unanimously carried, the public hearing was closed, the Annual Sewer and Use Charge/Storm Drainage Service Charge Report of the Director of Finance, and the placement of the Sewer Service and Use Charge and Storm Drainage Service Charges on the FY 1996-97 County Tax Roll, were approved. Vote: 11-0-0-0.

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

Documents filed: (1) Memorandum from Director of Finance, John V. Guthrie, dated July 19, 1996, recommending adoption of said resolution. (2) Supplemental memorandum from Director of Finance, John V. Guthrie, dated August 1, 1996, reporting that no Recycle Plus customers attended the Administrative Hearing scheduled at the offices of the Utility Billing Services on July 31, 1996, and that Utility Billing Services Staff conducted a telephone hearing on July 24, 1996, with Mr. Anthony Corwin, after which his account was removed from the lien process pending account research and receipt of his payment. (3) Affidavit of Mailing, submitted by the City Clerk. (4) Sample Notice of Intent to Lien, dated July 19, 1996, and Lien Candidate Certification of Mailing Group L97A, submitted by the Director of Finance.

Discussion/Action: Mayor Hammer opened the public hearing on the Report of Unpaid Recycle Plus Bills. William Garbett addressed the Council regarding the City's lien procedures. Council heard testimony from Ruth DeSando, regarding the proposed lien against her property at 1571 Curtner Avenue, and directed the Staff to remove said property from the lien list and to meet with the customer to review the account (APN 446-29-001). Council Member Diquisto requested a report back from the Staff on disposition of this issue. Upon motion by Vice Mayor Johnson, seconded by Council Member Powers, and unanimously carried, the public hearing was closed; Resolution No. 66834, entitled: "A Resolution of the Council of the City of San José Confirming the Report of Unpaid Recycle Plus Bills and Direction to Place a Special Assessment Lien Against Property", was adopted. Vote: 11-0-0-0.

10c PUBLIC HEARING and adoption of a resolution confirming the Weed Abatement Cost Report of the Director of Planning for the costs and expenses incurred to abate weeds pursuant to Chapter 9.12 of the San José Municipal Code during the 1995-96 season, and directing the Director of Finance to file a certified copy of the Weed Abatement Cost Report with the County Assessor, pursuant to Section 9.12.530 of the San José Municipal Code, no later than August 10, 1996. CEQA: Exempt. (Planning, Building and Code Enforcement)

Documents filed: (1) Memorandum from Director of Planning, Building and Code Enforcement, Gary J. Schoennauer, dated July 19, 1996, recommending adoption of said resolution. (2) Proof of Publication of Notice of Hearing, submitted by the City Clerk.

Discussion/Action: Mayor Hammer opened the public hearing on the Weed Abatement Cost Report. There was no testimony from the floor. Upon motion by Council Member Fiscalini, seconded by Vice Mayor Johnson, and unanimously carried, the public hearing was closed, and Resolution No. 66835, entitled: "A Resolution of the Council of the City of San José Confirming the 1996 Cost Report for Weed Abatement Upon Private Property and Directing the Director of Finance to File a Certified Copy of the Cost Report with the County of Santa Clara", was adopted. Vote: 11-0-0-0.

RECESS/RECONVENE

The City Council recessed at 2:43 p.m. and reconvened at 7:10 p.m., Council Chambers, City Hall.

PUBLIC HEARINGS

- 15a PUBLIC HEARING ON APPEAL OF THE PLANNING COMMISSION'S DECISION to deny a Conditional Use Permit for a project located at the east side of Chapman Street, approximately 100 feet northerly of McKendrie Street, on a 0.50 gross acre site in the R-1 Residence Zoning District, for expansion of church uses to add off-street parking and expand the festival area (St. Nicholas Greek Orthodox Church of San José, Owner; Michael Prokopakis, Developer). CEQA: ND. Staff recommends upholding Planning Commission's decision.
CP 95-03-018 - District 6
(Continued from 11/7/95 - Item 15b, et al., and 6/4/96 - Item 15d)**

Documents filed: None.

Discussion/Action: This item was continued to August 20, 1996.

- 15b PUBLIC HEARING and adoption of an ordinance amending the L-R, IP-a, IP-b, IP-c, IP-d, I, M-1, and M-4 Industrial Zoning Districts of Title 20 of the San José Municipal Code, to make certain Permitted Uses Conditional Uses, add Permitted Uses and Conditional Uses, delete Conditional Uses, and other changes to conform with the SJ2020 General Plan. (Planning, Building and Code Enforcement)
(Continued from 2/20/96 - Item 15b, et al. and 6/18/96 - Item 15a)**

Documents filed: None.

Discussion/Action: This item was continued to September 17, 1996.

- 15c PUBLIC HEARING ON THE APPEAL OF THE PLANNING COMMISSION'S DECISION to grant a Conditional Use Permit for a project located on the west side of Lincoln Avenue and the south side of Lennon Way, approximately 100 feet northerly of Malone Road, on a 0.42-gross-acre site in the R-1 & R-2 Residence Zoning Districts, to allow the renewal of a previously approved Conditional Use Permit for a child day care center for up to 24 children (Jon & Julie Rymer, Owner/Developer). CEQA: ND. Staff recommends upholding Planning Commission's decision to approve the Conditional Use Permit with modification of the conditions to delete the five-year time limit.
CP 96-03-026 - District 6
(Continued from 6/25/96 - Item 8a)**

Documents filed: (1) Memorandum from Director of Planning, Building and Code Enforcement, Gary J. Schoennauer, dated July 19, 1996, recommending Council uphold the decision of the Planning Commission and approve the above referenced Conditional Use Permit (CUP) and include in its resolution the findings contained in the attached Planning Commission Resolution, with the modification to delete the five-year time limit condition. (2) Declaration of Mailing of Notice of Hearing submitted by the Planning Director.

Discussion/Action: Gerry de Young addressed the Council on behalf of the applicant and requested granting of the CUP without the five-year time limit. Council Member Fiscalini stated that no complaints had been received about the facility from the neighborhood. He recommended the Conditional Use Permit be issued without the five-year condition and recommended eliminating the requirement for compliance reviews, which are expensive and ineffective. He moved approval of the Staff recommendation with the five-year time limit condition eliminated, and directing the Administration to eliminate the requirement for multiple compliance reviews. Council Member Powers seconded the motion. Vice Mayor Johnson suggested referring the issue of time limits and performance reviews for child care centers to the Transportation, Development and Environment Committee for policy formulation. Council Member Fiscalini amended his motion to include that referral. On a call for the question, and carried unanimously, the Staff recommendation to uphold the decision of the Planning Commission to approve the Conditional Use Permit, was approved, with the conditions modified to delete the five-year time limit, and the issue of time limits and compliance review for child care centers was referred to the Transportation, Development and Environment Committee, and Resolution No. 66836, entitled: "A Resolution of the Council of the City of San José Granting a Conditional Use Permit, Subject to Conditions, to Use Certain Real Property Described Herein for the Purpose of Renewal of a Permit for a Child Day Care Center.", was adopted. Vote: 11-0-0-0.

15d PUBLIC HEARING ON THE APPEAL OF THE PLANNING COMMISSION'S DECISION to deny a Conditional Use Permit for a project located on the southeast corner of Harwood Road and Little Branham Lane, on a 0.56-gross-acre site in the C-1 Commercial Zoning District, to allow a cellular transeiving facility and to increase the maximum height from 35 to 65 feet for a monopole, and for a 144-square-foot equipment building (George Penz, Owner; GTE Mobilnet, Developer). CEQA: ND. Staff recommends upholding Planning Commission's decision.

CP 96-03-019 & V 96-03-010 - District 9
(Continued from 6/25/96 - Item 8b)

Documents filed: Correspondence from JM Consulting Group, Inc., as an authorized agent of GTE Mobilnet, requesting deferral to September 17, 1996.

Discussion/Action: This item was continued, at the request of the applicant, to September 17, 1996, to be heard at time certain of 7:00 p.m.

- 15e PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING** of the property located on the east side of Monterey Highway, approximately 500 feet southerly of Richmond Avenue, from R-1:B-1 to A(PD), to allow a recreational vehicle park on 3.0 gross acres (Ming Tree Realty, Inc., Owner; Henry Baba, Developer). Director of Planning recommends approval. Planning Commission recommends approval (7-0-0).
PDC 95-05-030 - District 2
(Continued from 2/6/96 - Item 15e, et al., and 6/4/96 - Item 15e)

Documents filed: None.

Discussion/Action: This item was continued to August 20, 1996.

- 15f PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING** of a portion of Kirk Avenue, for the property located on the north side of McKee Road, 100 feet west of Toyon Avenue, from C-1 and C-L Commercial Zoning Districts to A(PD) Planned Development Zoning District, to allow an addition to and remodeling of the existing shopping center, for a net increase of 46, 970 square feet of commercial buildings, including a new drive-thru restaurant on 10.7-gross-acres. (Country Club Villa, Owner) CEQA: ND. Director of Planning recommends approval. Planning Commission recommends approval (5-1-1).
PDC 95-07-036 - District 5
(Continued from 6/18/96 - Item 15l)

Documents filed: None.

Discussion/Action: This item was continued to August 20, 1996.

- 15g PUBLIC HEARING ON CONVENTIONAL REZONING** for the property located on the east side of Lincoln Avenue, 480 feet southerly of Willow Street from C-2 Commercial Zoning District to C-3 Commercial Zoning District to allow commercial uses on 0.2-gross-acres (R & S Properties, Inc., Owner; Willow Glen Billiard & Brew, Inc.). CEQA: Exempt. Director of Planning recommends approval. Planning Commission recommends approval (5-2-0).
C 96-05-025 - District 6

Documents filed: (1) Memorandum from the Planning Commission, dated July 19, 1996, recommending approval subject to the conditions contained in the staff report. (2) Memorandum from Council Member Fiscalini, dated August 1, 1996, recommending Council: (a) approve the proposed conventional rezoning as recommended by the Director of Planning and the Planning Commission, (b) refer to the Director of Planning the issue of making billiard halls allowable uses within a C-2 zone with the requirement of a Conditional Use Permit; and (c) give direction to the

Director of Planning to initiate a rezoning to redesignate this property as C2 if and when the change in (b) takes place. (3) Proof of Publication of Notice of Hearing, dated June 10, 1996, submitted by the City Clerk.

Discussion/Action: The Mayor opened the public hearing. The Council heard testimony from June Cooley, Jerry Reiton, John Kouretas, Shannon Westlake, in support of the proposed rezoning. Kris Cunningham, Willow Glen Neighborhood Association, supported the rezoning, but stated concerns about setting a precedent by having C3 zoning at this location. Stella Karamanos, the property owner, and Spiros Stanlos, Vice President and General Manager of the Willow Glen Billiard and Brew, expressed their intent to work with the neighborhood to provide an establishment which would be a credit to the area. Steve Kovacs expressed concerns about impacts to traffic on Blewett Avenue. Council Member Fiscalini stated C3 is the only zoning which would allow this usage, but that it is too broad a zoning for this area; he recommended Staff review the issue of allowing billiard halls under the C2 zoning and subsequently return this property to C2 zoning. Vice Mayor Johnson recommended directing Staff to address parking issues in the area at the PD permit stage. Upon motion by Council Member Fiscalini, seconded by Council Member Dando, and unanimously carried, the public hearing was closed, the recommendations in Council Member Fiscalini's memorandum of August 1, 1996 to refer to Staff the issue of making billiard halls allowable uses within a C2 Zone with a Conditional Use Permit, to be followed by a Staff-initiated rezoning to redesignate this property as C2, if and when the change above takes place, and to refer the issue of parking for Staff review at the permit stage, were approved; and Ordinance No. 25143, entitled: "Ordinance of the City of San José Rezoning Certain Real Property Situated on the East Side of Lincoln Avenue, 480 Feet Southerly of Willow Street", was passed for publication. Vote: 11-0-0-0.

15h PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the north side of Pleasant Knoll Drive, 100 feet easterly of Estate View Way from A-Agricultural to A(PD) Planned Development, to allow up to 7 single-family detached residential units on 2.45-gross-acres. (Thelma Drybread, Owner; Dividend Homes, Inc., Developer). CEQA: ND. Director of Planning recommends approval. Planning Commission recommends approval (7-0-0).

PDC 96-03-012 - District 8

Documents filed: Memorandum from Planning Commission, dated July 19, 1996, recommending approval subject to the conditions contained in the staff report.

Discussion/Action: The Mayor opened the public hearing. There was no testimony from the floor. Upon motion by Council Member Woody, seconded by Council Member Diaz, and unanimously carried, the public hearing was closed, and Ordinance No. 25144, entitled: "Ordinance of the City of San José Rezoning Certain Real Property Situated on the North Side of Pleasant Knoll Drive, 100 Feet Easterly of Estate View Drive", was passed for publication. Vote: 11-0-0-0.

Items 15i and 15j were considered together:

15i PUBLIC HEARING ON PLANNED DEVELOPMENT PREZONING of the property located on the west side of Cottle Road, 400 feet southerly of Highway 85, from County to A(PD) Planned Development Zoning District, to allow up to 122 single-family attached and 202 single-family detached residential units on 40.4-gross-acres. (Testamentary Trust, Owner; MacKay & Somps, Developer). CEQA: EIR Resolution to be adopted. Director of Planning recommends approval. Planning Commission recommends approval (6-0-1). PDC 93-06-025 - District 2

15j PUBLIC HEARING ON PLANNED DEVELOPMENT PREZONING of a portion of State Route 85 right-of-way and the property located on the southwest corner of Cottle Road and State Route 85, from County District to A(PD) Planned Development Zoning District, to allow public right-of-way uses and up to 90 single-family detached residential units, 1,098 multi-family attached residential units, 18,500 square feet of retail/service uses and a 2.1 acre public park on 54.7 gross acres (Cyril & Lena Barbaccia, Owner; Barbaccia Properties, Developer). CEQA: Resolution to be adopted. Director of Planning recommends approval. Planning Commission recommends approval (6-0-1). PDC 95-05-027 - District 2

Documents filed: (1) Memorandum from Planning Commission, dated July 25, recommending approval of PDC 93-06-025, subject to the conditions contained in the staff report. (2) Proof of Publication of Notice of Public Hearing for PDC 93-06-025 and PDC 95-05-027, submitted by the City Clerk. (3) Memorandum from Planning Commission, dated July 25, 1996, recommending approval of PDC 95-05-027, subject to the conditions contained in the staff report. (4) Memoranda from Council Member Powers, dated August 6, 1996, recommending Council approve the Master Plan III (Staff recommended alternative, June 26, 1996, Planning Commission Staff Report) as approved by Planning Commission on July 24 with the clarification and modifications contained therein.

Discussion/Action: The Mayor opened the public hearing. Council Member Powers stated Council gave direction in 1993 to bring to the Council an integrated plan for the entire 95-acre site, and following many proposals, there are now two developers involved with different products and completion dates, making it difficult to develop an integrated plan. She advised that neighborhood meetings were held and the neighborhood is now in support of the integrated development plan agreed to by both developers, as outlined in her memorandum. Council Member Powers moved to approve Items 15i and 15j with the conditions included in her memorandum, dated August 6, 1996, and to ask the City to expedite the annexation process for the Rangeland Project without delaying the Palmia Project, and that a revised map be submitted prior to second reading of the ordinance. Council Member Fiscalini seconded the motion. Hank Young, MacKay

& Soms, spoke on behalf of the applicant for the Palmia Project, and Mr. Norm Matteoni, on behalf of the Barbaccia/Rangeland project, addressed the Council. The Director of Planning, Building and Code Enforcement, Gary Schoennauer, advised the Council that the plan before the Council at this time is not the plan that was recommended by the Staff or the Planning Commission, since there were several very significant last-minute changes to the plan, which his office had only seen that afternoon. He stated for that reason and because the public had not had an opportunity to review the proposal, nor does it meet the Council's intent on the integrated plan, Staff could not support the project, and recommended that it either be deferred or denied. Council Member Pandori stated that since these proposals represent the largest single development that will occur in the Santa Teresa area for a long time, and because of changes made to the initial plan, there should be an opportunity for Staff to do a thorough review, prepare a written report, and give their comments to the Council, and recommended a two-week deferral. He also questioned the issue of the park size being reduced from 6 to 4 acres, considering the recommendation from the Staff report, calling for a minimum of 8-10 acres, based on population projections. Director Schoennauer advised that several standards are involved in evaluating a project of this kind and the reference made by the Parks Planning Unit reflected the number of units and population that would be generated from that property using the General Plan standard. He noted that fees in the City's Park Dedication ordinance are outdated and as a result, the amount of acreage that the City can actually obtain is substantially less than any of the planning standards in either the General Plan or the ordinance itself. He stated that had there been a cooperative integrated planning process undertaken in this property, the six-acre park could have been provided for future residents of this project as well as the community; however, lacking that cooperative effort, the project is left with the four acres recommended by the applicants and which the parkland ordinance would generate. In response to Council Member Pandori, he stated the four-acre park does not meet the General Plan standards for the area. Vice Mayor Johnson raised the issue of integration between the two projects, and suggested the development of a landscape motif that would tie the projects together. Director of Public Work, Ralph Qualls, advised the Council and applicants that configuration of the four-acre park presents some design challenges in the areas of ball fields, soccer fields, etc., because of the effect of the size limitation on required buffer zones. Mayor Hammer stated there are many things which still have to be worked out before the PD permit stage, which will require refining the plan and working with the surrounding neighborhoods. Council Member Powers stated several community meetings were held on the projects and the neighbors were clear in terms of what they wanted to see, including the size of the park, and advised there will be open space within the project. Mayor Hammer stated that while she was glad to see this project come forward and she would support the motion, she indicated the proposal minimally achieves what she had envisioned for this area, and there are many problems still to be worked out. Nevertheless, she stated that on balance, the project would benefit the neighborhood and urged continued cooperation of all participants toward that goal. On a call for the question, the public hearing was closed; the City Council made findings of overriding

considerations, as follows: “The Environmental Impact Reviews for these two projects identify land use, air quality, and cumulative land use and air quality impacts as significant and unavoidable--these zonings offer the opportunity for a high quality residential development of homes in a variety of densities ranging from single family to transit corridor high density, consistent with the General Plan’s policies for higher densities in proximity to planned job development in Edenvale and to a light rail station, benefits which outweigh the significant and unavoidable impacts”; the recommendations in the memorandum by Council Member Powers, dated August 6, 1996, were approved; Staff was directed to expedite the annexation process for the Rangeland Project without delaying the Palmia Project and to submit a revised map prior to the second reading of the ordinance; Resolution No. 66836.1, entitled “Resolution of the City Council of the City of San José Making Certain Findings Required by the California Environmental Quality Act in Connection with a Project Consisting of a Planned Development Rezoning of the Approximately 40.4 Acres on the West Side of Cottle Road, Approximately 400 Feet Southerly of State Route 85, to Allow Up to 108 Single Family Detached and Up to 202 Single Family Detached Residential Dwelling Units, for Which an Environmental Impact Report has been Prepared”, was adopted; Ordinance No. 25146, entitled: “Ordinance of the City of San José Rezoning Certain Real Property Situated on the West Side of Cottle Road, 400 Feet Southerly of State Route 85”; was passed for publication; Resolution No. 66836.2, entitled “Resolution of the City Council of the City of San José Making Certain Findings Required by the California Environmental Quality Act in Connection with a Project Consisting of a Planned Development Rezoning of the Northerly 54 Acres of the Former Oakridge Golf Course, Located at the Southwest Corner of the Intersection of State Route 85 and Cottle Road to Allow the Construction of Up to 90 Single Family Detached Residential Units, 500 Garden Apartments, 598 Podium Apartments, 15,000 Square Feet of Commercial Uses and 3,500 Square Feet of Day Care Facilities, for Which an Environmental Impact Report has been Prepared”, was adopted; Ordinance No. 25145, and entitled: “Ordinance of the City of San José Rezoning Certain Real Property Situated on the Southwest Corner of Cottle Road and State Route 85”, was passed for publication. Vote: 10-1-0-0. Noes: Pandori.

- 15k PUBLIC HEARING ON CONFORMING PLANNED DEVELOPMENT REZONING of the property located on the northwesterly corner of State Route 87 and Capitol Expressway Auto Mall, from A-Agriculture and R-1: B-1 Residential Zoning District to A(PD) Planned Development Zoning District, to allow an approximately 68,000 square feet commercial development, including retail sales, restaurants (including a drive-through window), gas station, car wash, and auto sales on 6.6 gross acres (San José Unified School District & County of Santa Clara, Owner/Developer). CEQA: ND. Director of Planning recommends approval. No Planning Commission action required.
PDC 96-04-015 - District 6

Documents filed: (1) Staff Report, dated July 19, 1996, recommending approval subject

to the conditions contained in the staff report. (2) Proof of Publication of Notice of Public Hearing, submitted by the City Clerk.

Discussion/Action: The Mayor opened the public hearing. Jerry Strangis, Capital Auto Dealers Association, addressed Council in support of the proposal. Director Qualls reported the Administration expects to report back to Council in September or October with the Assessment District proposal, and noted that this project is conditioned on the approval of the Assessment District, and the relinquishment of Capital Expressway Auto Mall, which the City is attempting to gain from the County. He advised the County is not in agreement with the present access requirements, but willing for the City to proceed with the relinquishment to allow that to occur. He stated there are serious issues associated with the relinquishment to the City of the Capital Expressway Auto Mall, which the County does not seem prepared to deal with at this time, and which include the condition of the expressway, the condition of the flooding at Almaden, the street lighting in the area, and the Guadalupe River Bridge Retrofit, and advised that some means of dealing with those issues need to be resolved before accepting the Capital Expressway Auto Mall. He advised that issues relating to traffic impacts still need to be resolved with Caltrans and, while he expected those issues to be resolved, it is important Council and the applicant understand the issues that have to be resolved before work can begin on this project. Council Member Fiscalini moved approval of the Staff recommendation. Council Member Dando seconded the motion. Council Member Dando thanked the auto dealers for their cooperation and thanked the Administration for their efforts to resolve the issues with the County and recommended those efforts be continued to enable the project to go forward as quickly as possible, due to its importance to the City and to the area. Mayor Hammer suggested that the City Manager follow-up with the County Executive Officer on this issue. On a call for the question, the public hearing was closed, and Ordinance No. 25147, entitled: "Ordinance of the City of San José Rezoning Certain Real Property Situated on the Northwestern Corner of State Route 87 and Capitol Expressway Auto Mall", was passed for publication. Vote: 11-0-0-0.

CLOSED SESSION REPORT

City Attorney Gallo disclosed the following Closed Session actions of August 6, 1996:

A. Authority to Enter Litigation Cases as Amicus Curiae:

1. Case Name: *Kavanau v. Santa Monica Rent Control Board*

Adverse party or parties: Kavanau

Substance of litigation: This lawsuit involves whether inverse condemnation damages are available in rent control cases and other regulatory cases.

Council Vote: Ayes: Dando, Diaz, Diquisto, Fernandes, Fiscalini, Johnson, Pandori, Powers, Shirakawa, Woody; Hammer.
Noes: None.
Absent: None.
Abstain: None.

A. Authority to Enter Litigation Cases as Amicus Curiae: (Cont'd.)

2. Case Name: Suter, et al. v. City of Lafayette

Adverse party or parties: Suter

Substance of litigation: The issue before the court is whether state litigation preempts a local agency's ability to regulate the sale of firearms within its jurisdiction.

Council Vote: Ayes: Dando, Diaz, Diquisto, Fernandes, Fiscalini, Johnson, Pandori, Powers, Shirakawa, Woody; Hammer.
Noes: None.
Absent: None.
Abstain: None.

3. Case Name: Nordyke v. County of Santa Clara

Adverse party or parties: Nordyke

Substance of litigation: This lawsuit challenges on First Amendment grounds the County's ability to prohibit gun shows at its fairgrounds.

Council Vote: Ayes: Dando, Diaz, Fernandes, Johnson, Pandori, Powers, Shirakawa, Woody; Hammer.
Noes: Diquisto, Fiscalini.
Absent: None.
Abstain: None.

4. Case Name: Tily B. v. City of Newport

Adverse party or parties: Tily B.

Substance of litigation: This lawsuit challenges the validity of a provision of the city's sex-oriented business licensing ordinance.

Council Vote: Ayes: Dando, Diaz, Diquisto, Fernandes, Fiscalini, Johnson, Pandori, Powers, Shirakawa, Woody; Hammer.

Noes: None.
Absent: None.
Abstain: None.

5. Case Name: Tomlinson v. City of Long Beach

Adverse party or parties: Tomlinson

Substance of litigation: This lawsuit involves whether the police pursuit immunity applies to pursuits which leave a city.

Council Vote: Ayes: Dando, Diaz, Diquisto, Fernandes, Fiscalini, Johnson, Pandori, Powers, Shirakawa, Woody; Hammer.

Noes: None.
Absent: None.
Abstain: None.

ORAL COMMUNICATIONS

Esther Osai, resident of the Blossom Hill Apartments, addressed Council about pending changes in HUD regulations which will affect tenants.

ADJOURNMENT

The City Council adjourned at 8:37 p.m. to Friday, August 9, 1996, at 8:30 a.m. at the Hayes Mansion, to meet in Closed Session pursuant to GC Section 54957 to discuss Public Employee Performance Evaluation: Title: City Manager.

The City Council adjourned in memory of Edmund Mirassou, vineyardist, vintner, and wine advocate; in memory of Don Sagatun Edwards, son of Judge Leonard E. Edwards and Dr. Inger Sagatun, and grandson of former Congressman Don Edwards; in memory of Alma Ribbs Wyckoff, sister of Phillip H. Ribbs, Chief Inspector, and Victoria Ribbs, Senior Permit Technician in Planning, Building and Code Enforcement Department; and in memory of Theodore Ted Alanis, father of Rosalinda Perez in the Office of Affirmative Action/Contract Compliance.

SUSAN HAMMER, MAYOR

ATTEST:

PATRICIA L. O'HARE, CITY CLERK