

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, AUGUST 27, 1996

The Council of the City of San Jose was scheduled to convene in Closed Session at 9:30 a.m., in Room 600; the meeting was cancelled, and the City Council convened in regular session at 1:37 p.m., Council Chambers, City Hall.

Present: Council Members: Dando, Diaz, Diquisto, Fiscalini, Johnson, Pandori, Shirakawa, Jr., Woody.

Absent: Council Members: Fernandes, Powers (excused); Hammer.

INVOCATION

Performance by Vovinam dancers Cam Bing Nguyen, Kim Tran, Quyeh Vo, Phuong Tran, Pituona Nguyen, Thao Phan, and Tran Nguyen, Sylvandale Middle School students. (District 7).

PLEDGE OF ALLEGIANCE

Vice Mayor Johnson led in the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, the Orders of the Day and the Amended Agenda were approved. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

CEREMONIAL ITEMS

- 5a 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)
(Deferred from 8/6/96 - Item 5b)

Documents Filed: None.

Discussion/Action: Joining Vice Mayor Johnson at the podium, City Manager Regina Williams introduced the employee of the month, the Department Director Wayne Tanda, the honoree's mother Grace, husband Mike, and daughter Melanie, and

presented to Donna a monetary award and a plaque which will be displayed in the Lobby of City Hall. Vice Mayor Johnson presented to Donna the commendation in recognition of her exceptional abilities in executing her duties and responsibilities, and in recognition of her strong customer service commitment, and congratulated her on behalf of the Mayor and City Council.

CONSENT CALENDAR

Upon motion by Council Member Fiscalini, seconded by Council Member Dando and unanimously carried, the Consent Calendar was approved and the below listed actions were taken as indicated. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

Minutes for Approval

6a(1) Regular Meeting of June 11, 1996

Documents Filed: Minutes of the regular meeting of June 11, 1996.

Discussion/Action: The Minutes were approved. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

6a(2) Adjourned Regular Meeting of June 17, 1996

Documents Filed: Minutes of the adjourned regular meeting of June 17, 1996.

Discussion/Action: The Minutes were approved. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

Ordinances for Final Adoption

6b(1) ORD. NO. 25151 - Grants a Mixed Recyclables Collection Franchise to California Cleansweep Property Services, Inc.

Documents Filed: Proof of publication of the title of Ordinance No. 25151 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25151 was adopted. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

Plans and Specifications

- 6d(1) **TRACT NO. 8743 - Southerly terminus of Piercy Road, 1,000 feet easterly of U.S. Highway 101 - Shea/Gibson Speno III, a California Limited Partnership (Developer) - 101 single-family residential lots. Adoption of resolutions approving the plans, final map, and contract for Tract No. 8743. CEQA: Resolution No. 65660. District 2. (Public Works)**

Documents Filed: None.

Discussion/Action: This item was deferred to September 3, 1996.

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 75 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) and 8/6/96 - Item 6e(1)]

Documents Filed: (1) Memorandum from Director of Streets and Traffic, Wayne K. Tanda, dated August 20, 1996, noting the changes in the agreement requested by SPC and recommending Council approve said parking agreement with Software Publishing Corporation. (2) Memorandum from Director of Streets and Traffic, Wayne K. Tanda, dated May 30, 1996, recommending Council approve said parking agreement with SPC.

Discussion/Action: William J. Garbett spoke against the proposed action. The parking agreement with Software Publishing Corporation (SPC) was approved and execution of the agreement authorized. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

- 6e(2) **Adoption of a resolution authorizing the Director of Aviation to execute a grant amendment with the Federal Aviation Administration (FAA) in the amount of \$210,993 for the reconstruction of Taxiway Z. CEQA: ND. (Airport)**

Documents Filed: Memorandum from Director of Aviation, Ralph G. Tonseth, dated August 9, 1996, recommending Council adopt said resolution.

Discussion/Action: William J. Garbett spoke against the proposed action. Resolution No. 66854, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Aviation to Execute a Grant Agreement Amendment for AIP 35 With the Federal Aviation Administration to Increase the Amount of Reimbursement for the Reconstruction of Taxiway Z", was adopted. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

- 6e(3) Approval of a first amendment to the consultant agreement with Environmental Science Associates, Inc., (ESA) for the preparation of an Environmental Impact Report and an Environmental Impact Statement, for the San José International Airport Master Plan Update Project, increasing the compensation by \$127,000, from \$960,000 to \$1,087,000. (Airport)**

Documents Filed: Memorandum from Director of Aviation, Ralph G. Tonseth, dated August 9, 1996, recommending approval of said amendment to the consultant agreement.

Discussion/Action: William J. Garbett spoke against the proposed action. The first amendment to the consultant agreement with Environmental Science Associates, Inc., (ESA)) was approved and execution of the amendment authorized. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

- 6e(4) Approval of a third amendment to the yard waste processing agreement with Guadalupe Rubbish Disposal Company to extend the deadline in the Failure to Compost clause by three (3) months, from August 31, 1996 to November 30, 1996, and authorize the City Manager to grant monthly extensions if continuous good faith efforts are met. CEQA: Resolution No. 66151. (Environmental Services)**

Documents Filed: (1) Supplemental memorandum from Director of Environmental Services, Louis N. Garcia, dated August 22, 1996, stating the amendment would extend the deadline in the Failure to Compost clause to allow Guadalupe not to compost until November 30, 1996, and recommending Council approve said amendment. (2) Memorandum from Director of Environmental Services, Louis N. Garcia, dated August 9, 1996, stating the amendment would accommodate the unanticipated delay in the issuance of the composting permit by extending the Failure to Compost period to September 30, 1996, and recommending Council approve said amendment to the agreement.

Discussion/Action: William J. Garbett spoke against the proposed action. The third amendment to the yard waste processing agreement with Guadalupe Rubbish Disposal Company was approved and execution of the amendment authorized. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

- 6e(5) Approval of an agreement with Howard E. Michaels, M.D., to provide medical control and oversight over emergency medical services and emergency medical dispatch for the Fire Department, for the period July 1, 1996 to June 30, 1997, in an amount not to exceed \$51,875. (Fire)**

Documents Filed: Memorandum from Fire Chief, Robert L. Dorman, dated August 9, 1996, recommending approval of said agreement.

Discussion/Action: The agreement with Howard E. Michaels, M.D., was approved and its execution authorized. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

- 6e(6) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 1996-97 #3, and authorization for the Director of General Services to execute the purchase orders. (General Services)**

Documents Filed: Memorandum from Director of General Services, Ellis M. Jones Jr., dated August 9, 1996, recommending Council award said open purchase orders list, and authorize the Director of General Services to execute the purchase orders

Discussion/Action: The award of open purchase orders List No. 3 for FY 1996-97 was approved and execution of the purchase orders authorized. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

- 6e(7) Adoption of a resolution authorizing the Director of General Services to execute a continuation agreement with AZTEC/MCE Corporation for San José Arena maintenance oversight services to extend the agreement for one (1) year, from July 1, 1996 to June 30, 1997, and to increase the compensation by \$37,000, from \$69,880 to \$106,880. (General Services)**

Documents Filed: Memorandum from Director of General Services, Ellis M. Jones Jr., dated August 9, 1996, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 66855, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of General Services to Execute a Continuation Agreement With Aztec Consultants/MCE Corporation for San José Arena Maintenance Oversight", was adopted. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

- 6e(8) Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the grant agreement with Concern for the Poor for bathroom renovations at the San José Family Shelter, increasing the grant by \$36,000, from \$60,000 to \$96,000. (Housing)**

Documents Filed: Memorandum from Director of Housing, Alex Sanchez, dated August 9, 1996, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 66856, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute An Amended Grant Agreement With Concern for the Poor in an Amount Not to Exceed \$36,000 for

Completion of the Renovation of the Bathrooms at the San José Family Shelter”, was adopted. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

- 6e(9) Approval of a three-year sublease with Barry and Molly Swenson, DBA 777 Associates, for 1,810 square feet of office space located at 777 North First Street, Suite 620, at a cost of \$2,534 per month during the first year, \$2,624.50 per month the second year and \$2,715 per month the third year. (Public Works)
[Deferred from 8/20/96 - Item 6e(5)]**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated August 2, 1996, recommending Council approve said sublease with Barry and Molly Swenson, DBA 777 Associates.

Discussion/Action: The three-year sublease with Barry and Molly Swenson, DBA 777 Associates, was approved and its execution authorized. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

- 6e(10) Report on and approval to reject all bids for the South Bay Water Recycling Program (SBWRP)/Golden Triangle-Northern Segment Project and authorization for the Director of Public Works to readvertise the project, subject to concurrence by the Treatment Plant Advisory Committee. CEQA: Resolution No. 64667. (Public Works)
(Rules Committee referral 8/21/96)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated August 21, 1996, reporting on and recommending approval to reject all bids for the South Bay Water Recycling Program, and authorize the Director of Public Works to readvertise the project.

Discussion/Action: Rejecting all the bids for the South Bay Water Recycling Program (SBWRP)/Golden Triangle-Northern Segment Project was approved and rebidding of the project authorized. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

Routine Legislation

- 6f(1) Approval of City Auditor, Gerald Silva’s travel to Reno, Nevada, September 11-13, 1996, to attend the Western Intergovernmental Audit Forum Fall meeting; travel to Kansas City, Missouri, November 18-19, 1996, to attend the Association of Government Accountants 4th Annual State & Local Government Leadership Conference; and travel to Phoenix, Arizona, January 31, 1997, to attend the Arizona Society of Certified Public Accountants 10th Annual Government Accounting Conference, at an estimated cost to the City of \$705. (City Auditor)**

Documents Filed: Letter from City Auditor, Gerald A. Silva, dated August 7, 1996, requesting approval of the travel calendar through January 31, 1997.

Discussion/Action: The City Auditor's travels to attend conferences in Reno, NV, Kansas City, MO, and Phoenix AZ, were approved. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

**6f(2) Adoption of a resolution revising the Recycle Plus service rate resolution effective July 1, 1996, to include services which were inadvertently omitted from the current resolution.
(Environmental Services)**

Documents Filed: Memorandum from Director of Environmental Services, Louis N. Garcia, dated August 9, 1996, recommending Council adopt said resolution.

Discussion/Action: William J. Garbett spoke against the proposed action. Resolution No. 66857, entitled: "Resolution of the Council of the City of San José Adopting Service Rates for the Recycle Plus! Program Effective July 1, 1996 and Superseding Resolution No. 66675", was adopted. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

**6f(3) Adoption of a resolution approving the dissolution of Maintenance District No. 3 (Remillard Court) and approving the refund of the balance remaining in the Maintenance District Fund to the property owners in the Maintenance District.
(Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated August 9, 1996, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 66858, entitled: **(Paperwork to follow!!)** adopted.

6f(4) Acceptance of the Second Quarter 1996 San José Arena Authority Ticket Distribution Program Report. (San José Arena Authority)

Documents Filed: Memorandum from San José Arena Authority Executive Director, Chris Morrissey, dated August 9, 1996, recommending acceptance of the 2Q96 Ticket Distribution Program Report.

Discussion/Action: The Second Quarter 1996 San José Arena Authority Ticket Distribution Program Report, was approved. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

- 6f(5) Approval of an ordinance amending Section 17.10.325 of Chapter 17.10 of Title 17 of the San José Municipal Code to make a technical correction, and amending Section 17.10.420 to modify the criteria for the alteration or construction of single family residences on existing lots within the Special Geologic Hazard Study Area. (Public Works)
[Deferred from 8/6/96 - Item 6e(9) et al., and 8/20/96 - Item 6f(1)]**

Documents Filed: (1) Supplemental memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated August 23, 1996, recommending approval of an ordinance modifying the criteria for the alteration of construction of single family residences on existing lots within the Special Geologic Hazard Study Area. (2) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated July 30, 1996, recommending approval of an ordinance modifying the criteria for the alteration or construction of single family residences on existing lots and establishing procedures for the performance of additional regional studies within the Special Geologic Hazard Study Area.

Discussion/Action: Ordinance No. 25159, entitled: “An Ordinance of the City of San José Amending Section 17.10.325 of Chapter 17.10 of Title 17 of the San José Municipal Code to Make a Technical Correction and Amending Section 17.10.420 of Chapter 17.10 of Title 17 of the San José Municipal Code to Modify the Criteria for the Alteration or Construction of Single Family Residences on Existing Lots Within the Special Geologic Hazard Study Area”, was passed for publication. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

- 6f(6) Adoption of appropriation ordinance and funding sources resolution amendments in the City-side Redevelopment Capital Fund for various capital projects. (City Manager’s Office)
(Rules Committee referral 8/21/96)**

Documents Filed: Memorandum from Budget Director, Larry D. Lisenbee, dated August 16, 1996, recommending Council adopt said appropriation ordinance and funding sources resolution amendments in the City-Side Redevelopment Capital Fund.

Discussion/Action: Ordinance No. 25160, entitled: “An Ordinance of the City of San José Amending Ordinance No. 25131 Which Appropriates Moneys in the Services for Redevelopment Capital Projects Fund in the Amount of \$2,004,883 for Various Capital Projects; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”; and Resolution No. 66859, entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 66717 Setting Forth the Estimated Sources of Funds for the Fiscal Year 1996-97 to Adjust Revenues in the Services for Redevelopment Capital Projects Fund”, were adopted. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

END OF CONSENT CALENDAR

COMMISSION, COMMITTEE, AND STANDING REPORTS

7b Report of the Rules Committee - August 14, 1996

Documents Filed: Rules Committee Report of the meeting on August 14, 1996

- (1) Review of August 27 Council Agenda

The Committee recommended approval of the August 27, 1996 Council Agenda with one addition and one change.

- (2) Add New Items to August 20 Amended Council Agenda

The Committee recommended eight additions to the August 20, 1996 Amended Council Agenda.

- (3) The Public Record. Attachments: (1) Memoranda from City Clerk, Patricia L. O'Hearn, dated August 1, 1996 and August 8, 1996, listing the items transmitted to the Administration and the items filed for the Public Record. (2) Memorandum from Assistant to the City Manager, Nina S. Grayson, dated August 12, 1996, summarizing actions taken on the items transmitted to the Administration and those items filed for the Public Record for the period July 24-30, 1996 and July 31, 1996 - August 6, 1996.

The Committee noted and filed the Public Records for the period July 24, 1996 to August 6, 1996.

- (4) Boards and Commissions
(a) CDBG Steering Committee

The Committee deferred this item to August 21, 1996 Rules Committee meeting.

- (5) Request to use Council General Funds to attend LCC Policy Committee and Subcommittee meetings on Housing, Community and Economic Development in Los Angeles, CA, September 6, 1996. Attachments: (1) Memorandum from Council Member Powers, dated August 7, 1996, submitting an authorization to travel to Los Angeles, CA. (2) Memorandum from City Clerk, Patricia L. O'Hearn, dated August 9, 1996, submitting to Rules Committee an accounting of the Council General Travel Budget pursuant to a request to use Council General Funds.

The Committee recommended approval for Council Member Powers to use Council General funds to attend the League of California Cities Policy

Committee and Subcommittee meetings on Housing, Community and Economic Development in Los Angeles, CA, on September 6, 1996.

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

None presented.

- (7) City Council and Rules Committee meeting schedules. Attachment: Memorandum from Mayor Hammer, dated August 14, 1996, requesting approval to hold two meetings of the City Council in the Neighborhood.

The Committee recommended approval to hold the following two City Council meetings in the Neighborhood:

Tuesday, October 1, 1996, District One
Tuesday, November 19, 1996, District Four

- (8) Oral communications

William Garbett commented on the Project Diversity process for appointing citizens to City Boards and Commissions.

- (9) Adjournment

The meeting was adjourned at 2:55 p.m.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Council Member Shirakawa, Jr., and unanimously carried, the Rules Committee Report and actions of August 14, 1996 were accepted. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

7d Report of the Finance Committee - August 14, 1996

Documents Filed: Finance Committee Report of the meeting on August 14, 1996

- (1) Oral petition

William Garbett addressed the Committee regarding the City's practice of continuing to exceed the California debt limits.

- (2) Monthly Investment Report for May 1996. Attachment: May 1996 Investment Report, prepared by the Finance Department - Treasury Division, submitted by the Director of Finance, John V. Guthrie via memorandum dated June 21, 1996.

The Committee accepted the reports.

- (3) Monthly Financial Report for May 1996
- (a) Supplemental Information on Sales Tax Collection. Attachments: (1) Memorandum from Budget Director, Larry D. Lisenbee, dated July 31, 1996, submitting the Monthly Finance Report for May of 1996, jointly prepared by the City Manager's Budget Office and the Finance Department. (2) Memorandum from Budget Director, Larry D. Lisenbee, dated August 1, 1996, responding to the direction to report back, annually, with a comparison of sales tax growth rates from surrounding cities for sales activity from the first quarter of each calendar year.

The Committee accepted the reports.

- (4) Monthly Auditor's Report for June 1996. Attachment: Letter from City Auditor, Gerald A. Silva, dated August 7, 1996, submitting a written report of the Office of the City Auditor's activities for the month of June 1996.

The Committee accepted the reports.

- (5) Quarterly Sales Tax Report on Sales and Business Tax Audit Results. Attachment: Letter from City Auditor, Gerald A. Silva, dated August 9, 1996, transmitting a report on the *Sales and Business Tax Audit Results For The Quarter Ended June 30, 1996*, in accordance with the City Auditor's 1996-97 Audit Workplan.

The Committee accepted the reports.

- (6) Minutes of June 26, 1996 Investment Committee meeting. Attachment: Memorandum from Director of Finance, John V. Guthrie, dated July 10, 1996, transmitting a summary of the Committee's meetings pursuant to Section IV.F of the City's Investment Policy.

The Committee accepted the minutes.

- (7) Report on Business License Tax Results of the City Auditors Lead Identification Efforts. Attachments: (1) Memorandum from Director of Finance, John V. Guthrie, dated August 7, 1996, responding to the Finance Committee's request for a report on revenue collected from the business license tax leads provided by the City Auditor. (2) Letter from City Auditor, Gerald A. Silva, dated August 8, 1996, transmitting the City Auditor's response to the Finance Director's August 7, 1996 memorandum on the subject of *Business License Tax Results of the City Auditor's Lead Identification Efforts*.

The Committee accepted the reports.

- (8) Committee schedule
(a) Reschedule of Special Meeting for Municipal Water Audit

The August 21, 1996 Special Meeting scheduled for the Municipal Water audit has been rescheduled. The Audit is incomplete. Committee Chair to canvass Committee on a convenient date to schedule the presentation.

- (9) Adjournment

The meeting was adjourned at 10:30 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 August 14, 1996 were accepted. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

GENERAL GOVERNMENT

- 9a Adoption of a resolution to oppose on the November 5, 1996 Ballot:**
(1) **State Proposition 207 (Frivolous Lawsuit Limitation Act). (Dando/Pandori); and**
(2) **State Proposition 211 (Retirement Savings and Consumer Protection Act). (City Attorney)**

Documents Filed: None.

Discussion/Action: This item was deferred to September 3, 1996.

- 9b PUBLIC HEARING on the Commercial Solid Waste Collection Franchise application of AAA Express Roll-off Disposal, approval of an ordinance granting the franchise, and approval of Commercial Solid Waste Collection Franchise Agreement with AAA Express Roll-off Disposal, to be effective October 10, 1996. (Environmental Services)**

Documents Filed: (1) Memorandum from Director of Environmental Services, Louis N. Garcia, dated August 9, 1996, recommending Council approve said ordinance. (2) Notice of Public Hearing on the Commercial Solid Waste Franchise, dated August 9, 1996, and Proof of Publication submitted by the City Clerk.

Discussion/Action: Vice Mayor Johnson opened the public hearing on the franchise application of AAA Express Roll-Off Disposal. There was no discussion from the Floor. Upon motion by Council Member Fiscalini, seconded by Council Member

Woody and unanimously carried, the public hearing was closed and Ordinance No. 25161, entitled: "An Ordinance of the City of San José Granting a Commercial Solid Waste Collection Franchise to AAA Express Roll-Off Disposal", was passed for publication. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

9c Adoption of a resolution:

- (1) Approving the substitution of HOME funds for 20% Tax Increment Funds for the 112-unit Sands Drive rental housing project for very low and low-income households on the 2.66 acre rental housing parcel of the site located on the south side of Sands Drive west of Canoas Gardens Avenue. (Housing)**
- (2) Authorizing the Director of Housing to negotiate and execute all documents necessary to use HOME funds for the project. (Housing)**
- (3) Adoption of appropriation ordinance and funding sources resolution amendments in the HOME Investment Partnership Program Fund. (City Manager's Office)**

Documents Filed: Memorandum from Director of Housing Alex Sanchez, and Budget Director Larry D. Lisenbee, dated August 16, 1996, recommending Council adopt said resolution and adopt the funding sources resolution and appropriation ordinance amendments in the HOME Investment Partnership Program Fund.

Discussion/Action: William J. Garbett spoke against the proposed action. Upon motion by Council Member Fiscalini, seconded by Council Member Woody and unanimously carried, Resolution No. 66860, entitled: "A Resolution of the Council of the City of San José (i) Approving the Substitution of Home Funds for 20% Tax Increment Funds for the 112-Unit Sands Drive Rental Housing Project for Very Low and Low-Households on the 2.66 Acre Rental Housing Parcel of the Site Located on the South Side of Sands Drive West of Canoas Gardens Avenue; and (ii) Authorizing the Director of Housing to Negotiate and Execute All Necessary Documents on Behalf of the City"; Ordinance No. 25162, entitled: "An Ordinance of the City of San José Amending Ordinance No. 25131 Which Appropriates Moneys in the Home Investment Partnership Program Fund in the Amount of \$62,242 for the Sands Drive Housing Project Being Developed by Community Housing Developers (CHD); and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. 66861, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 66717 Setting Forth the Estimated Sources of Funds for the Fiscal Year 1996-97 to Adjust Revenues in the Home Investment Partnership Program Fund", were adopted. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

**9d Report on bids and award of contract for the South Bay Water Recycling Program (SBWRP) Pump Stations and Reservoir Project to the low bidder, subject to the concurrence by the Treatment Advisory Committee. CEQA: Resolution No. 64667. (Public Works)
(Deferred from 8/20/96 - Item 9c)**

Documents Filed: None.

Discussion/Action: This item was deferred to September 3, 1996.

FISCAL AFFAIRS

- 10a Adoption of a resolution amending the Administrative Citation Schedule of Fines to set forth Administrative Citation Fine amounts for certain violations of Chapter 7.04 and 7.08 of the San José Municipal Code in connection with Animal Control, effective August 28, 1996.
(Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement, Gary J. Schoennauer, dated August 9, 1996, recommending Council adopt said resolution.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Council Member Diquisto and unanimously carried, Resolution No. 66862, entitled: "A Resolution of the City of San José Setting Forth the Administrative Citation Schedule of Fines for Certain Violations of the San José Municipal Code, Effective August 28, 1996", was adopted. Vote: 8-0-3-0. Absent: Fernandes, Powers; Hammer.

ORAL COMMUNICATIONS

David Wall addressed Council on two issues: Provisional appointments and their reflection on the City Charter; and the parking of City-owned vehicles at metered parking areas.

ADJOURNMENT

The Council of the City of San José adjourned at 2:12 p.m. in memory of Lillian Moore, founder of NOW, the National Organization for Women, in San José and community activist; and in memory of City Council Member and former Mayor of Morgan Hill, Janet Smith, wife of Evergreen School District Superintendent, James F. Smith.

SUSAN HAMMER, MAYOR

ATTEST:

PATRICIA L. O'HEARN, CITY CLERK

RT