

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, FEBRUARY 4, 1997

The Council of the City of San Jose was scheduled to convene in Closed Session at 9:30 a.m., in Room 600; the Closed Session 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, Fernandes, Fiscalini, Johnson, Pandori, Powers, Shirakawa, Jr., Woody; Hammer.

Absent: Council Members: None.

INVOCATION

James Michael Day and Moses Garcia, Oak Grove High School students sang, "Lady In Red". (District 2)

PLEDGE OF ALLEGIANCE

Mayor Hammer 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, deferring to February 18, 1997 Item 11a, and the Amended Agenda were approved. Vote: 11-0-0-0.

CEREMONIAL ITEMS

- 5a Presentation of a donation to the San José Taiko Group by American Airlines in celebration of the 5-year Anniversary of the San José to Tokyo Service. (Airport) (Deferred from 11/26/96 - Item 5b)**

Documents Filed: None.

Discussion/Action: Mayor Hammer introduced Nick Hafner, Managing Director of Sales and Marketing for American Airlines, who presented an \$11,000 check to Roy Hirabayashi, Managing Director of San José Taiko.

- 5b Presentation of a proclamation to the San José Unified Council of PTA's declaring February 17 as Local PTA Day. (Mayor) (Rules Committee referral 1/19/97)**

Documents Filed: None.

Discussion/Action: Mayor Hammer presented the proclamation to Marilyn Berger, San José Unified Council of PTA's, who introduced Jan Bruner-Principal of Castillero Middle School, Lynne Kinsey-Past President, Council of PTA's and Parliamentarian, Jil Musco-President, San José Unified Council of PTAs, and her daughter Katrina, second

grade student at Simons Elementary School, and distributed invitations to the City Council and invited all to attend the “100 Moments of Sharing”, a tribute to PTA Founders, and “100 Years of Caring” festivities on Thursday, February 13, 1997 at 4:30 p.m. at San José Unified School District Office, 855 Lenzen Avenue.

**5c Recognition of Andre Carter, Oak Grove High School, for his selection as a Parade All-American Football player. (Powers)
(Rules Committee referral 1/19/97)**

Documents Filed: None.

Discussion/Action: Joined by Mayor Hammer, Council Member Powers presented an award to Andre Carter and congratulated the football player on his scholastic and athletic achievements.

CONSENT CALENDAR

Upon motion by Council Member, seconded by Council Member and unanimously carried, the Consent Calendar was approved and the below listed actions were taken as indicated. Vote: 11-0-0-0.

Minutes for Approval

6a(1) Regular Meeting of December 3, 1996

Documents Filed: Minutes of the regular meeting of December 3, 1996.

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

Ordinances for Final Adoption

6b(1) ORD. NO. 25241 - Makes technical corrections to Ordinance No. 25212 regarding acceptance of donations of personal property, to repeal Section 4.80.710 of Chapter 4.80 of Title 4 of the San José Municipal Code.

Documents Filed: Proof of publication of the title of Ordinance No. 25241 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25241 was adopted. Vote: 11-0-0-0.

6b(2) ORD. NO. 25245 - Amends Sections 3.50.020, 3.50.030, 3.50.040, and 3.50.120 of Chapter 3.50 of Title 3 of the San José Municipal Code to amend the PTC Deferred Compensation Plan, to implement changes in the Internal Revenue Code regarding the distribution election and maximum deferrals.

Documents Filed: Proof of publication of the title of Ordinance No. 25245 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25245 was adopted. Vote: 11-0-0-0.

- 6b(3) ORD. NO. 25247 - Amends Title 11 of the San José Municipal Code to add a new Chapter 11.38 prohibiting solicitation between vehicles in the roadway and pedestrians within the public right-of-way in zones that have been posted for that purpose.**

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

Discussion/Action: Ordinance No. 25247 was adopted. Vote: 11-0-0-0.

- 6b(4) ORD. NO. 25248 - Prezones certain real property situated on the southeast corner of Almaden Road and McKean Road.
PDC 96-09-059**

Documents Filed: Proof of publication of the title of Ordinance No. 25248 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25248 was adopted. Vote: 11-0-0-0.

- 6b(5) ORD. NO. 25249 - Rezones certain real property situated on the northwest corner of South First Street and Alma Avenue.
PDC 96-05-029**

Documents Filed: Proof of publication of the title of Ordinance No. 25249 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25249 was adopted. Vote: 11-0-0-0.

- 6b(6) ORD. NO. 25250 - Rezones certain real property situated on the northeast corner of West Julian Street and The Alameda.
PDC 96-08-048**

Documents Filed: Proof of publication of the title of Ordinance No. 25250 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25250 was adopted. Vote: 11-0-0-0.

- 6b(7) ORD. NO. 25251 - Rezones certain real property situated on the west side of Boynton Avenue, 150 feet southerly of Stevens Creek Boulevard.
PDC 96-08-054**

Documents Filed: Proof of publication of the title of Ordinance No. 25251 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25251 was adopted. Vote: 11-0-0-0.

- 6b(8) ORD. NO. 25252 - Rezones certain real property situated on the east side of North Fourth Street, 275 feet southerly of East Gish Road.
PDC 96-09-056**

Documents Filed: Proof of publication of the title of Ordinance No. 25252 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25252 was adopted. Vote: 11-0-0-0.

- 6b(9) ORD. NO. 25253 - Rezones certain real property situated on the southwest corner of Minnesota Avenue and Iris Court
PDC 96-10-061**

Documents Filed: Proof of publication of the title of Ordinance No. 25253 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25253 was adopted. Vote: 11-0-0-0.

- 6b(10) ORD. NO. 25254 - Rezones certain real property situated on both sides of Gateway Place, northwesterly of Airport Parkway.
PDC 96-10-063**

Documents Filed: Proof of publication of the title of Ordinance No. 25254 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25254 was adopted. Vote: 11-0-0-0.

Plans and Specifications

- 6d(1) TRACT NO. 8397 - North side of Foxworthy, 400 feet east of Meridian Avenue - Roem Development Corporation, a California Corporation (developer) - 8 detached residential lots. Adoption of resolutions approving the plans, final maps, and contract for Tract No. 8397. CEQA: ND. District 9. (Public Works)
[Deferred from 1/28/97 - Item 6d(1)]**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated January 21, 1997, recommending Council adopt said resolutions.

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

- 6d(2) TRACT NO. 8882 - Northwest corner of Capitol Avenue and Mabury Road - Pfeiffer Ranch Investors II, Inc., a California Corporation (Developer) - 41 single family detached units. Adoption of a resolution approving the final map and**

**approval of the Parkland Agreement for Tract No. 8882. CEQA: ND. District 4.
(Public Works)
(Rules Committee referral 1/29/97)**

Documents Filed: None.

Discussion/Action: This item was deferred to February 11, 1997.

Contracts/Agreements

- 6e(1) Adoption of a resolution authorizing the City Manager to negotiate and execute a master agreement with the San José Conservation Corps, Inc. (SJCC), to carry out community improvement activities for the period February 10, 1997 to February 9, 1998. (City Manager's Office)**

Documents Filed: Memorandum from Assistant to the City Manager, Nina S. Grayson, dated January 16, 1997, recommending Council approve said master agreement with the San José Conservation Corps, Inc.

Discussion/Action: Resolution No. 67136, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a One-Year Master Agreement With the San José Conservation Corps. to Carry Out Community Improvement Activities for the Period February 10, 1997 to February 9, 1998", was adopted. Vote: 11-0-0-0.

- 6e(2) Approval of the purchase of an insurance policy providing automobile liability for vehicles at San José International Airport from Northbrook Property and Casualty Company, for the period January 25, 1997 to January 24, 1998, in an amount not to exceed \$55,000. (Finance)**

Documents Filed: Memorandum from Director of Finance, John V. Guthrie, dated January 16, 1997, recommending Council approve said purchase.

Discussion/Action: William J. Garbett spoke against the proposed action. The purchase of an insurance policy from Northbrook Property and Casualty Company was approved. Vote: 11-0-0-0.

- 6e(3) Approval of the purchase of an insurance policy providing physical damage and liability for the Notar Police helicopter from Old Republic Insurance Company, for the period January 18, 1997 to January 17, 1998, in an amount not to exceed \$53,000. (Finance)**

Documents Filed: Memorandum from Director of Finance, John V. Guthrie, dated January 16, 1997, recommending Council approve said purchase.

Discussion/Action: William J. Garbett spoke against the proposed action. The purchase of an insurance policy from Old Republic Insurance Company was approved. Vote: 11-0-0-0.

- 6e(4) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 1996-97 #14, 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 January 16, 1997, 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. 14 for FY 1996-97 was approved and execution of the purchase orders authorized. Vote: 11-0-0-0.

- 6e(5) Approval of award of Light Emitting Diodes (LED) traffic signal modules for the Streets and Traffic Department to the lowest responsive bidder, and authorization for the Director of General Services to execute the purchase order. (General Services)**

Documents Filed: Memorandum from Director of General Services, Ellis M. Jones Jr., dated January 16, 1997, recommending Council award said purchase to the lowest responsive vendor and authorize the Director of General Services to execute the purchase order.

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

- 6e(6) Approval of a consultant agreement with Biggs Cardosa Associates for design and construction services for the Oakland Road Bridge Replacement Project in an amount not to exceed \$240,000. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated January 16, 1997, recommending Council approve said consultant services agreement.

Discussion/Action: The consultant services agreement with Biggs Cardosa Associations was approved and its execution authorized. Vote: 11-0-0-0.

- 6e(7) Approval of a first amendment to the consultant agreement with CH2M Hill for design services for the San José International Airport Airfield Projects, extending the term of the agreement to December 31, 1998, and increasing the compensation by \$100,000, from \$200,000 to \$300,000. CEQA: ND. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated January 16, 1997, recommending Council approve the first amendment to said consultant services agreement.

Discussion/Action: The first amendment to the consultant services agreement with CH2M Hill was approved as amended to delete the words “by two (2) years from December 31, 1997 to December 31, 1999”, and to extend the term of the agreement to “December 31, 1998”, and execution of the amendment authorized. Vote: 11-0-0-0.

- 6e(8) (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with the History Museums of San José for the period of January 1, 1997 to June 30, 1997.**
- (b) Adoption of an appropriation ordinance in the amount of \$81,000 in the General Fund to the History Museums of San José.**
- (City Manager’s Office)**
(Rules Committee referral 1/29/97)

Documents Filed: Memorandum from Budget Director Larry D. Lisenbee, and Deputy City Manager Adriana M. Garza, dated February 4, 1997, recommending Council adopt said resolution and appropriation ordinance.

Discussion/Action: Resolution No. 67137, entitled: “A Resolution of the Council of the City of San José Delegating to the City Manager the Authority to Negotiate and Execute a Grant Agreement With the History Museums of San José in an Amount Not to Exceed \$81,000”; and Ordinance No. 25256, 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 \$81,000, for the History Museums of San José; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, were adopted. Vote: 11-0-0-0.

- 6e(9) Approval of Contract Change Order No. 2 for the San José Arena Multipurpose Room Project in the amount of \$41,659.22, for a total contract amount of \$275,099.22, and a time extension of 14 calendar days, from March 1, 1997 to March 15, 1997. CEQA: Exempt. (Public Works)**
- (Rules Committee referral 1/29/97)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated January 29, 1997, providing the reason for addendum and recommending Council approve said contract change order

Discussion/Action: Contract Change Order No. 2 for the San José Arena Multipurpose Room Project was approved and its execution authorized. Vote: 11-0-0-0.

- 6e(10) Report on emergency to clear mudslide on McKean Road. (General Services)**
- (Orders of the Day 4a)**

Documents Filed: Memorandum from Director of General Services, Ellis M. Jones, Jr., dated February 4, 1997, providing the reason for addendum and recommending Council approve said report

Discussion/Action: Council approved the report of the City Manager and ratified the approval of award of emergency service order to Granite Construction for the re-grading of the hill above McKean Road. Vote: 11-0-0-0.

Routine Legislation

**6f(1) Adoption of a resolution accepting a progress report demonstrating achievement of the January 28, 1997 New Realities Suspension Triggers and Goals.
(City Manager's Office)**

Documents Filed: Memorandum from City Manager, Regina V.K. Williams, dated January 17, 1997, recommending Council accept certain documents as notification of the Administration's compliance with the New Realities suspension goals and triggers related to multi-jurisdictional purchasing opportunities and the appointment of a Retirement Reform Task Force.

Discussion/Action: In response to Council Member Diquisto's statement regarding the name of the Fire Department's representative, City Manager, Regina V.K. Williams stated the roster for the Retirement Reform Task Force included the name change and filed with the City Clerk. Resolution No. 67138, entitled: "A Resolution of the Council of the City of San José Accepting a Progress Report Demonstrating Achievement of the January 28, 1997 New Realities Suspension Triggers and Goals", was adopted. Vote: 11-0-0-0.

END OF CONSENT CALENDAR

COMMISSION, COMMITTEE, AND STANDING REPORTS

7b Report of the Rules Committee - January 22, 1997

Documents Filed: Rules Committee Report of January 22, 1997.

(1) Review February 4 Council Agenda

The Committee approved the February 4, 1997 Council Agenda with one deletion.

(2) Add New Items to January 28 Amended Council Agenda

The Committee recommended seven additions to the January 28, 1997 Amended Council Agenda.

(3) The Public Record. Attachments: (1) Memorandum from City Clerk, Patricia L. O'Hearn, dated January 16, 1997, listing the items transmitted to the Administration for the period January 8-14, 1997. (2) Memorandum from Assistant to the City Manager, Nina S. Grayson, dated January 21, 1997,

summarizing the actions taken on items transmitted to the Administration and the items filed for the Public Record for the period January 8-14, 1997

The Committee noted and filed the Public Record for the period January 8-14, 1997.

- (4) Request to use Council General Funds to attend League of California Cities' Public Safety Program Committee meeting in Los Angeles, January 23, 1997. Attachments: (1) Memorandum from Council Member Woody, dated January 13, 1997, requesting authorization for use of Council General Funds to attend said meeting. (2) Memorandum from City Clerk, Patricia L. O'Hearn, dated January 22, 1997, complying with Council Policy 9-5 regarding requests to use Council General Funds.

The Committee approved the use of Council General funds for Council Member Alice Woody to attend the League of California Cities' Public Safety Program Committee meeting in Los Angeles on January 23, 1997.

- (5) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee. Attachments: (1) Memorandum from Vice Mayor Fernandes and Council Member Shirakawa, Jr., dated January 10, 1997, requesting referral of the Kings Row Auto Shops issue to the Administration with direction to develop and implement a plan to address the serious deficiencies. (2) Memorandum from Council Member Shirakawa, Jr., dated January 13, 1997, requesting funding for a minimum of two additional full-time inspector positions for the Code Enforcement Division.
 - (a) Recommendation for plan to deal with auto-related businesses, which are operating illegally on Kings Row
 - (b) Recommendation for minimum of two additional Code Enforcement inspectors to bring auto wrecking yards and auto body shops into code compliance

The Committee referred Items (a) and (b) to the Budget Process for FY 1997-98.

- (c) Recommendation for budget augmentation to provide tree pruning assistance to limited income elderly or disabled citizens. Attachment: Memorandum from Council Member Shirakawa, Jr., dated January 13, 1997, requesting the Rules Committee direct Staff to augment the FY 1996-97 Operating Budget to allocate ongoing funding to provide contractual tree trimming or removal assistance to qualified limited income elderly or disabled citizens, and to survey the Council Offices to determine the funding needs Citywide in order to provide this services for FY 1997-98.

The Committee referred this item to the Budget process and requested a timeline for submitting suggestions to both the mid-year and the new fiscal year budgets.

- (d) Recommendation to form a Spartan Stadium Task Force. Attachment: Memorandum from Council Member Pandori, dated January 15, 1997, recommending Council form a task force to address impacts created by Spartan Stadium, and direct the City Manager to designate appropriate staff to develop a work plan and budget for the work of the task force.

The Committee referred this item to the Administration with direction to return to the Rules Committee with an assessment of the time and resources involved to complete the request.

- (e) Recommendation to address issue of scavenging from recycling bins. Attachment: Memorandum from Council Member Pandori, dated January 16, 1997, requesting Council refer to the Transportation, Land Use Planning, and Environment Committee the recommendations contained therein .

The Committee referred this item to the Transportation, Land Use Planning and Environment Committee.

- (f) Recommendation regarding Parkland Dedication Fee Ordinance. Attachment: Memorandum from Council Member Pandori, dated January 15, 1997, recommending referral of the Parkland Dedication Fee Ordinance issues to the Administration.

The Committee referred this issue to the Administration.

- (g) Recommendation regarding public nuisance on City-owned property on Old Hillsdale Avenue. Attachments: (1) Memorandum from Council Member Shirakawa, Jr., dated January 16, 1997, requesting this issue be referred to the City Manager's Office or the appropriate working committee for resolution. (2) Letter from Irv Karbouski, dated January 22, 1997, requesting long-term and permanent actions to mitigate the public nuisance and potential safety hazard on City-owned property along the south side of Old Hillsdale Avenue, east of the Narvaez Avenue intersection.

The Committee referred this item to the Administration for report back to the Rules Committee on January 29, 1997.

- (6) City Council and Rules Committee meeting schedules

None presented.

(7) Oral Communications

None presented.

(8) Adjournment

The meeting was adjourned at 3:10 p.m.

Discussion/Action: Upon motion by Vice Mayor Fernandes, seconded by Council Member Johnson and unanimously carried, the Rules Committee Report and Actions of January 22, 1997 were accepted. Vote: 11-0-0-0.

LAND USE AND DEVELOPMENT

**8a PUBLIC HEARING and approval of an ordinance amending Title 20 of the San José Municipal Code by adding Chapter 20.38 to establish special zoning provisions for the Downtown. (City Attorney's Office)
(Continued from 5/21/96 - Item 15d et al., and 1/21/97 - Item 8b)**

Documents Filed: None.

Discussion/Action: In response to Council Member Pandori's request for an explanation of the recommended deferral of this item to April 15, 1997, Dennis Korabiak, Redevelopment Agency, stated the deferral will provide Staff with additional time to complete responses to concerns expressed by Council Members and the Urban Design Review Board, and for review of the reporting relationship of the UDR Board to the current review process, and to determine whether the two issues can be combined. Council Member Pandori stated the relevancy of the UDR Board's involvement in amending the Ordinance is unclear and should be clarified. He requested Agency Staff provide Council with an interim report, which identifies specific issues and concerns to be addressed and to present an update on those issues within two weeks. By unanimous consent, the recommendation to continue this item to April 15, 1997 was approved and Redevelopment Agency Staff directed to submit a status report on February 18, 1997.

GENERAL GOVERNMENT

9a Approval of an ordinance amending Chapter 12.06 of Title 12 of the San José Municipal Code to amend the City's Campaign Contribution Ordinance in accordance with changes directed by the City Council and in order to comply with Proposition 208. (City Attorney's Office)

Documents Filed: (1) Memorandum from City Attorney, Joan R. Gallo, dated February 3, 1997, recommending Council adopt said ordinance at this time, and direct the City Attorney's Office to offer assistance to the attorneys defending specific aspects of Proposition 208. (2) Memorandum from City Attorney, Joan R. Gallo, dated January 29, 1997, recommending Council approve said ordinance and that the Ethics Board review

the City's Lobbyist Ordinance in light of Proposition 208 as well as current provisions in the Campaign Ordinance relating to specific definitions.

Discussion/Action: In addition to the lawsuit filed by the California ProLife Council Political Action Committee, City Attorney, Joan R. Gallo, stated the City Attorney's Office has received copies of lawsuits filed challenging Proposition 208; some of them will attempt to invalidate the Proposition as a whole and others will attempt to invalidate particular provisions of the Proposition. She stated the outcome of the cases is unpredictable, and unless and until it is invalidated, the City of San José must comply with Proposition 208; therefore, adoption of the amendments to the City's Campaign Ordinance is appropriate at this time. She stated further amendments can be determined, if portions of the ordinance are called into serious question by decisions in the Proposition 208 cases. In addition to the unresolved issues already referred to the Ethics Board, she suggested the City's Lobbyist Ordinance be referred to the Board for review, in light of Proposition 208, and that the Board review the differences between the City's current ordinance and state law requirements with regard to independent expenditure committees and the definition of "committee" under the current ordinance, to see if any change is warranted. She requested Board review of additional Council referrals, including the Voluntary Contribution ordinance, the Business Contributions provision, and the appropriate uses of officeholder funds, which will result in further amendments to the Ordinance in the future. She requested Council direct the City Attorney's Office to assist the attorneys defending Proposition 208 on those aspects of the Proposition, which were part of Council direction prior to adoption of the Proposition. In conclusion, she advised Council to proceed with approval of the ordinance, which becomes effective in 45 days, with the understanding that changes will occur after court decisions are made on the cases. Following extensive Council discussion on the proposed amendments to the City's campaign contribution ordinance, in light of Proposition 208, the City Council referred to the City Attorney for legal interpretation the issues pertaining to pre-election polling as a political expenditure and definitive explanation of "campaign expenditures", options on independent expenditures and what control mechanisms can be imposed, clarification of exploratory campaign contributions, and applicability of pre-election cut-off periods to candidates as well as independent committees. Council directed the City Attorney to respond, if possible, to some of the concerns at the second reading of the ordinance, and to submit a comprehensive report on the remaining issues at a future date. Upon motion by Vice Mayor Fernandes, seconded by Council Member Shirakawa, Jr., and unanimously carried, Ordinance No. 25257, entitled: "An Ordinance of the City of San José Amending Chapter 12.06 of Title 12 of the San José Municipal Code to be Consistent With Proposition 208; to Limit the Pre-Election Fund Raising Period to 6 Months; to Add New Disclosure Requirements; to Prohibit Contributions From Cardrooms; to Establish a Contribution Receipt Cutoff; and to Delete the Debt Retirement Contribution Period", was passed for publication; the Ethics Board was directed to review the City's Lobbyist Ordinance in light of Proposition 208 as well as current provisions in the Campaign Ordinance relating to the definition of a candidate's committee and the expenditure threshold for regulating independent expenditure committees; the City Attorney's request to offer assistance to the attorneys defending Proposition 208 on those aspects of the Proposition, such as voluntary expenditure limits,

which were part of Council direction even prior to adoption of the Proposition, was approved; and referral to the City Attorney for legal evaluation the issues of (a) polling, (b) independent expenditures and what controls can be imposed, (c) applicability of pre-election cut-off periods to candidates as well as independent committees; and (d) clarification of exploratory campaign contributions, was approved. Vote: 11-0-0-0.

- 9b**
- (1) Adoption of a resolution authorizing the Director of Housing to:**
 - (a) File an application with the California Debt Limit Allocation Committee (CDLAC) by February 15, 1997 for a \$19,729,000 multi-family housing bond allocation for issuance of private activity tax-exempt bonds to finance and refinance approved loans which are made from 20% Housing Funds.**
 - (b) Authorizing the Director of Housing to pay the \$300 application fee, make the required deposit not to exceed \$150,000, and execute all necessary documents on behalf of the City related to the subject CDLAC.**
 - (2) Adoption of Inducement Resolutions for the projects listed in Exhibit A for expenditure or refunding of City Funds from tax-exempt bond issues.**
 - (3) Adoption of Reimbursement Resolutions for reimbursement of City Funds for the projects listed in Exhibit B from tax-exempt bond issues.**

(Housing)

(Renumbered to Item 11b)

Documents Filed: Memorandum from Director of Housing, Alex Sanchez, dated January 16, 1997, recommending Council adopt said resolutions.

Discussion/Action: This item renumbered to Item 11b. See Item 11b for Council action taken.

The Redevelopment Agency Board convened at 2:39 p.m. to consider Items 11a and 11b in a joint session with the City Council.

- 11a**
- (1) Approval of an ordinance amending Title 12 of the San José Municipal Code by adding a new Chapter 12.15 imposing regulations with regard to prospective employment.**
 - (2) Adoption of a resolution by the Redevelopment Agency Board accepting the applicability of the ordinance adding a new Chapter 12.15 imposing regulations with regard to prospective employment.**

(City Attorney's Office)

Documents Filed: None.

Discussion/Action: City Manager, Regina V.K. Williams requested a two-week deferral of this item. Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, this item was deferred to February 18, 1997. Vote: 11-0-0-0.

- 11b (1) Adoption of a resolution authorizing the Director of Housing to:**
- (a) File an application with the California Debt Limit Allocation Committee (CDLAC) by February 15, 1997 for a \$19,729,000 multi-family housing bond allocation for issuance of private activity tax-exempt bonds to finance and refinance approved loans which are made from 20% Housing Funds.**
 - (b) Authorizing the Director of Housing to pay the \$300 application fee, make the required deposit not to exceed \$150,000, and execute all necessary documents on behalf of the City related to the subject CDLAC.**
- (2) Adoption of Inducement Resolutions for the projects listed in Exhibit A for expenditure or refunding of City Funds from tax-exempt bond issues.**
- (3) Adoption of Reimbursement Resolutions for reimbursement of City Funds for the projects listed in Exhibit B from tax-exempt bond issues.**
- (Housing)**
(Renumbered from Item 9b)

Documents Filed: Memorandum from Director of Housing, Alex Sanchez, dated January 31, 1997, advising Council of the reasons for the supplemental report and recommending the City Council/Agency Board adopt said resolutions.

Discussion/Action: William J. Garbett spoke against the proposed action. Upon motion by Council Member Powers, seconded by Council Member Diaz and unanimously carried, Resolution No. 67139, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of Housing to Take Actions Regarding a CDLAC Application for Certain Multi-Family Housing Projects in an Amount Not to Exceed \$19,729,000"; Resolution No. 67140, entitled: "A Resolution of the Council of the City of San José Declaring the Official Intent to Reimburse Expenditures From the Proceeds of Tax Exempt Multi-Family Housing Bonds"; and Resolution No. 67141, entitled: "A Resolution of the Council of the City of San José Declaring the Official Intent to Reimburse Expenditures From the Proceeds of Tax Exempt 501(C)(3) Bonds", were adopted. Vote: 11-0-0.

The Redevelopment Agency Board Portion of the meeting was adjourned at 2:40 p.m.

ORAL COMMUNICATIONS

- (1) Cathy Brandhorst addressed Council on homelessness in San José.
- (2) Bill Chew spoke in support of combining City Library Services with those of San José State University and in support of disseminating library service information through local telecommunications infrastructure.
- (3) Bill Reynolds addressed Council on illegal towing of his vehicles. City Manager to follow up.

RECESS/RECONVENE

Following Oral Communications, the City Council recessed at 2:50 p.m. and reconvened at 7:08 p.m., Council Chambers, City Hall.

Present: Council Members: Dando, Diaz, Diquisto, Fernandes (entered the meeting at 7:15 p.m.), Fiscalini, Johnson, Pandori, Powers, Shirakawa, Jr., Woody; Hammer.

Absent: Council Members: None.

City Clerk, Patricia L. O'Hearn, read the requests for continuances of applications and other actions as recommended. Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, the below noted continuances and other actions were granted. Vote: 10-0-1-0. Absent: Fernandes.

PUBLIC HEARINGS

- 15b PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the southwest corner of De Anza Boulevard and Kentwood Avenue, from C-1 Commercial to A(PD) Planned Development to allow a new service station and car wash facility on 0.61 gross acre (Groner Limited Partnership, Owner; Encabo, Inc., Developer).**

PDC 96-02-006 - District 1

(Continued from 1/21/97 - Item 15c)

Documents Filed: None.

Discussion/Action: This item was continued to March 4, 1997.

- 15d PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the east side of Four Oaks Road, 120 feet southerly of Emerald Hills Circle, from A-Agricultural to A(PD) Planned Development, to allow up to 40 single-family detached residential units on 6.8 gross acres (Amelia Battaglia Trustee, Owner; Braddock & Logan, Developer). CEQA: ND.**

PDC 96-08-053 - District 4

(Continued from 1/21/97 - Item 15g)

Documents Filed: None.

Discussion/Action: This item was continued to February 18, 1997.

- 15e PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the south side of W. Humboldt Street between Lick Avenue and Palm Street, from A(PD) Planned Development to A(PD) Planned Development, to allow up to 66 multi-family attached residential units of senior housing on 1.3 gross acre (Lick Associates, Owner; Core Development, Inc., Developer). CEQA: ND.**

PDC 96-09-058 - District 3

(Continued from 1/21/97 - Item 15j)

Documents Filed: None.

Discussion/Action: This item was continued to February 18, 1997.

Council Member Woody left Council Chambers at this point in the meeting.

- 15a PUBLIC HEARING on the Report of Seasonal and Recurrent Weeds and Refuse, adoption of a resolution confirming the Report, as may be amended by Council, and directing the abatement of public nuisances resulting from these weeds and refuse. CEQA: Exempt. (Planning, Building and Code Enforcement)
(Continued from 12/17/96 - Item 15b)**

Documents Filed: (1) Memorandum from Director of Planning, Building and Code Enforcement, Gary J. Schoennauer, dated November 26, 1997, recommending Council adopt a resolution ordering the abatement of public nuisances on those properties included on the Weed Abatement Master List. (2) Public Hearing Notice and Proof of Publication filed November 26, 1996, Item 6e(9), minutes of the City Council meeting.

Discussion/Action: Mayor Hammer opened the public hearing. William J. Garbett spoke against the proposed action. Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, the public hearing was closed and Resolution No. 67142, entitled: "A Resolution of the Council of the City of San José Overruling Objections to the Abatement of Nuisances Consisting of Seasonal and Recurrent Weeds and Refuse, and Ordering the Santa Clara County Fire Marshal to Abate Said Nuisances", was adopted. Vote: 9-0-2-0. Absent: Fernandes, Woody.

Council Member Woody returned to Council Chambers at this point in the meeting.

- 15c PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the southeast corner of San Felipe Road and Silver Estates Drive, from A-Agricultural to A(PD) Planned Development, to allow up to 18 single-family detached residences on 4.88 gross acres (Chao Wu, c/o STOA International, Owner/Developer). CEQA: ND. Director of Planning recommends approval. Planning Commission recommends approval (7-0-0).
PDC 95-06-034 - District 8
(Continued from 1/21/97 - Item 15e)**

Documents Filed: (1) Memorandum from the Planning Commission, dated January 16, 1997, recommending Council adopt an ordinance approving the subject rezoning. (2) Public Hearing Notice to consider a change in Zoning for PDC 95-06-034, dated November 20, 1996, and Proof of Publication submitted by the City Clerk

Discussion/Action: Mayor Hammer opened the public hearing on the planned development rezoning of the subject property. There was no discussion from the Floor.

Upon motion by Council Member Woody, seconded by Council Member Johnson and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Ordinance No. 25258, entitled: "Ordinance of the City of San José Rezoning Certain Real Property Situated on the Southeast Corner of San Felipe Road and Silver Estates Drive", was passed for publication. Vote: 10-0-1-0. Absent: Fernandes.

Council Member Diaz left Council Chambers at this point in the meeting.

**15f PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the west side of Nieman Boulevard, 600 feet southerly of Golden Dew Drive, from R-1: B-1 Residence to A(PD) Planned Development, to allow up to 52 single-family detached residential units on 39 gross acres (Joseph P. Soto, Owner; Greystone Homes, Developer). CEQA: ND. Director of Planning recommends approval. Planning Commission recommends approval (7-0-0).
PDC 96-08-047 - District 8**

Documents Filed: (1) Memorandum from the Planning Commission, dated January 16, 1997, recommending Council adopt an ordinance approving the subject rezoning. (2) Public Hearing Notice to consider a change in Zoning for PDC 96-08-047, dated January 16, 1997, and Proof of Publication submitted by the City Clerk

Discussion/Action: Mayor Hammer opened the public hearing on the planned development rezoning of the subject property. There was no discussion from the Floor. Upon motion by Council Member Woody seconded by Council Member Johnson and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Ordinance No. 25259, entitled: "Ordinance of the City of San José Rezoning Certain Real Property Situated on the West Side of Nieman Boulevard, 600 Feet Southerly of Golden Dew Drive", was passed for publication. Vote: 9-0-2-0. Absent: Diaz, Fernandes.

Vice Mayor Fernandes entered the meeting at 7:15 p.m.

**15g PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the southeast corner of Blossom River Way and Blossom River Drive, from A(PD) Planned Development to A(PD) Planned Development, to allow up to 144 multi-family attached units on 5.75 gross acres (B.R.U.S.A. Corporation, Owner; Housing Authority of the County of Santa Clara, Developer). CEQA: ND. Director of Planning recommends approval. Planning Commission recommends approval (7-0-0).
PDCSH 96-10-066 - District 9**

Documents Filed: (1) Memorandum from the Planning Commission, dated January 16, 1997, recommending Council adopt an ordinance approving the subject rezoning. (2) Public Hearing Notice to consider a change in Zoning for PDCSH 96-10-066, dated December 17, 1996, and Proof of Publication submitted by the City Clerk. (3) A petition

dated January 28, 1997 bearing approximately 70 signatures of residents protesting the January 15, 1997 decision of the Planning Commission to recommend to the City Council the building of a development of 144 low-cost rental units on Blossom River Way.

Discussion/Action: Mayor Hammer opened the public hearing on the planned development rezoning of the subject property. Representing the Atrium housing complex, Attorney Chuck Reed of Reed, Elliot, Creech & Roth stated the senior citizens have expressed concern for their personal safety and security. Unable to negotiate an agreement with the developer to provide nighttime security patrol for the project, he stated the elderly residents of the complex request Council approval of the project subject to the condition the developer provide 24-hour on-site security patrol service. Shirley Lucas spoke against the proposed development and presented for the public record a petition from residents protesting the development of 144-unit, low-income housing project. The following spoke in support of the proposed development: Phyllis A. Ward, representing Affordable Housing Network and Housing Action Coalition of the San José Manufacturing Group; Forrest Crumpley, Federation of Retired Union Members; and Leslee Coleman, representing the Santa Clara Valley Manufacturing Group and Housing Action Coalition. Representing the applicant, Jan Lindenthal, Housing Development Officer, Housing Authority of the County of Santa Clara, addressed each of the concerns expressed by residents opposed to the development, including the duties and responsibilities of a full-time on-site property manager, the Housing Authority's opposition to hired security patrol and the potential liability associated with security personnel, the traffic issues, and conformance of the proposed use to the General Plan. She stated the Housing Authority has agreed to enter into a covenant with Atrium residents wherein the Housing Authority will maintain intensive management for the life of the property. She assured Council the Housing Authority will work closely with the seniors to ensure their safety and the safety of all parties concerned. With respect to traffic issues, Director of Planning, Building and Code Enforcement, Gary J. Schoennauer, stated the traffic analysis indicated there would be no intersections operating below the City's LOS policy requirements and that traffic capacity available for the project will not negatively impact neighborhood streets. Speaking in support of the proposed development, Mayor Hammer reiterated Council Member Johnson's opposition to the on-site security guard. Council Member Woody asked the Housing Authority to add to the covenant regularly scheduled meetings with the Atrium management, the 24-hour on-site managers, and the Housing Authority to address issues which may arise during the first six months; if the issues identified through the meetings cannot be resolved, then the Housing Authority can enter into an agreement for security patrol service. Council Members supporting the proposed development with the addition of the security patrol system, encouraged the Housing Authority to provide security patrol for a one-year period, after which, evaluate and analyze the results and if unwarranted, dispense with the system. Council Member Diquisto recommended approval of the subject rezoning with the condition the Housing Authority negotiate a contract for security patrol service for one year. Upon motion by Council Member Diquisto, seconded by Council Member Diaz and unanimously carried, the public hearing was closed, the Planning Commission recommendation approved, and Ordinance No.

25260, entitled: "Ordinance of the City of San José Rezoning Certain Real Property Situated on the Southeast Corner of Blossom River Way and Blossom River Drive", was passed for publication. Vote: 11-0-0-0. Upon motion by Council Member Diquisto, seconded by Council Member Shirakawa, Jr., and carried, the condition of approval to request the Housing Authority to provide increased security patrol service for one year and that the Atrium senior complex share in the cost of those services, was approved. Vote: 9-2-0-0. Noes: Johnson, Woody.

Item 7d(6) heard concurrently with Item 9c during the evening session.

7d Report of the Housing and Community Services Committee - Meeting of November 4, 1996

Documents Filed: Housing and Community Services Committee Report of the meeting of November 4, 1996.

(6) 1997-98 Festival, Parade and Celebration Grant Program. Attachments: (1) Memorandum from Council Member Powers, dated January 30, 1997, recommending Council (a) approve mitigation measures developed by the Special Events Task Force and approved by the Housing and Community Services Committee; (b) refer the issue of alcohol permits in the Guadalupe River Park area adjacent to CDM to the Parks and Recreation Commission for study and recommendation; and (c) refer the applicable events and the City Attorney for review as to the need for revision and update, and report back to Council regarding potential cost and time requirements necessary to complete the revision. (2) Memorandum from Acting Director of Conventions, Arts and Entertainment, dated October 23, 1996, recommending approval of the Arts Commission recommendations.

(b) Approval of Mitigation Measures for 1997-98 events season

[1] Approve recommendations from Downtown Special Events Committee

[2] Approve Traffic Diversion Measures

[Deferred from 11/19/96 - Item 7c(6)(b) et al., and 1/21/96 - Item 7c(1)(f)(2)]

The Committee approved recommendations at its November 4, 1996 meeting and forwarded same to Council for consideration on November 19, 1996: (1) Section I of Downtown Special Event Committee's recommendations for mitigation measures for the 1997 season; (2) refer the issue of alcohol permits, etc., in the Guadalupe River Park area adjacent to the Children's Discovery Museum to the Parks and Recreation Commission for study and recommendations and then to return to the Committee; and (3) refer enforcement measures, traffic issues, and a cost analysis of official City events to City staff and the City Attorney for review and recommendations to return to Committee in February 1997.

9c Approval and recommendations of the Traffic Diversion Measures and Mitigation Measures for 1997-98 events from the Downtown Special Events Committee. [Housing and Community Services Committee referral 11/4/97 - Item 7d(1)(f)]

Documents Filed: See Housing and Community Services Committee Report of November 4, 1997, Item 7d(1)(f).

Discussion/Action: Director of Conventions, Arts and Entertainment, Nancy Johnson, stated the Council approved in 1993 the formation of a task force to review special event grant guidelines, special event venues guidelines and permits, and event fees and official City event criteria; and as contained in the Staff report of October 23, 1996 and reiterated in Council Member Powers' memorandum of January 30, 1997, the results of the Downtown Special Event Committee's work is provided in the three general areas. She stated the seven Mitigation Measures as proposed by the Task Force were successfully implemented—four during the 1996 season and the remaining three after the mid-July evaluation of the guidelines. She stated the Task Force reviewed the Performance Measures and progressive enforcement areas related to festival promoters, as identified in Section II, and continues to support the referral of legal issues regarding enforcement measures, traffic issues, and cost analysis of official City events to Staff and the City Attorney for review. Regarding the sale of alcohol at Guadalupe River Park and other outdoor events, she stated the Task Force discussed this issue and recommended referral to the Parks & Recreation Committee for appropriate public hearings. She stated the report will be presented at the February 12, 1997 meeting of the Parks & Recreations Commission and the outstanding referral of traffic diversion and mitigation plans will be discussed at the March 3, 1997 meeting of the Housing and Community Services Committee. Approximately fifteen citizens addressed Council on various aspects of the downtown special events proposal, including the following:

Constance Eichhorn and Angela Kirkner, representing Tapestry In Talent; Bill Kiley, Gay Pride Celebration Committee; Gerry Pigham, Paseo Plaza Homeowners' Association; Frank Hublou; Mona Onstead; Stephanie Schiro, Executive Director of Cleveland Ballet; Scott Knies, San José Downtown Association; Adeli Poenisch, Shasta Neighborhood Association; John Devencenzi; and Troy Brown, Jr., Chair, Special Events Task Force. Sally Osberg, Children's Discovery Museum, asked that Council ban the sale and consumption of alcohol in the Guadalupe Meadow Park. Shirley Lewis, Executive Director of San José Symphony and former council member, addressed Council on the issues of insufficient noticing of tonight's public hearing; possibility of limiting the number and magnitude of festivals and parades and the capacity of Downtown to accommodate large festivals; should a greater limit be imposed on the sale of alcohol at festivals, or should alcohol sales and/or consumption be eliminated; and the potential threat to residents and property owners and operators. In reviewing background information on special events guidelines which were developed by the Council-approved task force and the task force formed by the Arts Commission, Council Member Powers stated the report on "Section I. Mitigation Measures" was accepted by the Arts Commission and forwarded to the Housing and Community Services Committee for review and recommended Council approval, and "Section II", involving performance

measures and progressive enforcement actions, was referred to the City Attorney for clarification of legal issues. She stated the Housing and Community Services Committee took action on November 4, 1996 to recommend to Council (1) approval of Section I of Downtown Special Event Committee's recommendations for mitigation measures for the 1997 seasons, (2) to refer the issue of alcohol permits in the Guadalupe River Park area adjacent to Children's Discovery Museum to the Parks and Recreation Commission for study and recommendation and then to return to Committee, and (3) to refer enforcement measures, traffic issues, and cost analysis of official City events to City Staff and the City Attorney for review and recommendation and to return to Committee in February, 1997. She stated items #1 and #2 are similar in both the Committee recommendation and in her January 30, 1997 memorandum, however, the intent of item #3 in her memorandum is to coordinate existing regulations with the City's ordinances and is recommended for Council approval. She stated the issue of cruising in the downtown will be reviewed separate from festival events; and at the March 27, 1997 meeting of the Housing and Community Services Committee, the Police Department is scheduled to discuss ways traffic controls can be implemented and made more user friendly. City Attorney, Joan R. Gallo, advised Council of the complex legal challenges resulting from enforcement of sign regulations; noted legal problems associated with progressive discipline in light of First Amendment rights; and pointed out festivals are protected under the State and Federal Constitution, and the City is limited in its regulation and enforcement abilities of such laws. She stated the City is prohibited by law from disciplining festival organizers for the behavior of festival attendees; and to the extent enforcement can be predicated on the use of alcohol, the City can limit the sale and/or consumption of alcoholic beverages at festivals. Noting the City's competing policies and complexity of integrating certain laws into the City's ordinance, she stated the project of drafting a single ordinance will be extremely difficult, and therefore the City Attorney's Office can come back to Council with specific time element and staffing requirements necessary to complete the project. Stephanie Schiro, Executive Director of Cleveland Ballet, Arts Roundtable, spoke regarding City sanctioned events and festival scheduling conflicts. Mona Onstead conveyed to Council the frustrations of being denied access to her home during downtown special events. For purposes of Council discussion, Council Member Powers recommended approval of the recommendations contained in her January 30, 1997 memorandum. Speaking to the recommendation for approval, Council Member Fiscalini expressed concern that noise, traffic and legal issues attendant to the mitigation and enforcement measures have not been addressed. He stated the City should not sanction or condone consumption or serving of alcoholic beverages in Guadalupe Meadow Park, and that that direction should be referred to the Parks and Recreation Committee as a policy matter. He requested Staff prepare a synopsis of the Council discussion of the meeting and forward it to the Commission. Objecting to the process, Council Member Pandori stated the review of special events in the downtown venues should have occurred months ago during an evening public hearing so that members of the community could have presented their concerns to Council. He objected to the manner in which elements of the program have been removed from mitigation measures and referred to Staff for additional review, while only one section of the program is recommended for implementation. He stated the issue of alcohol consumption in the park adjacent to the Children's Discovery Museum transcends the Parks and Recreation Commission and should be referred to City

Staff with direction to draft a proposal, to notify all interested parties, and to report back to Council during a public hearing. With respect to the items involving legal issues recommended for referral to City Staff and the City Attorney, he suggested that Staff report back on the following: (1) Development of a process which will provide public reporting of criminal activities after each special event. (2) Ascertain noise levels from loud speakers, amplifiers, and microphones used at festivals and determine whether the devices can be oriented away from residential areas in the Downtown. (3) Identify ways of minimizing impacts on the Center For Performing Arts, e.g., move festivals off Park Avenue and limit activities to Almaden Boulevard, redirect vehicles to reserve parking adjacent to the Center For Performing Arts. (4) Report back on regulations applicable to possession of alcoholic beverages by individuals either seated or walking around within the boundaries of the festival site. Given the City's diverse population, Council Member Diaz suggested City Staff coordinate major festivals with neighboring cities, which could reduce the impact on San José. With respect to financial impacts on festival holders, Council Member Johnson stated the sale of alcoholic beverages provides financial support for some of the festivals, as such, Staff should explore alternative means whereby groups can provide for their financial support and are not negatively impacted by alcohol service. As part of the referral to the Parks and Recreations Commission, she suggested City Staff consult with the groups already holding festivals in the downtown regarding financial impacts and identifying alternative locations for festivals. Council Member Dando agreed with the suggestions to eliminate alcohol from the Discovery Meadow site and to eliminate the sale/consumption of alcohol or limit the number of hours alcohol can be served during festivals. Mayor Hammer underscored the necessity for the City to be consistent in regulating times and places of alcohol sales for all festivals—large or small—and in establishing designated places where alcohol will be served. Regarding the suggestion to coordinate festivals with other cities, she stated the Mayor's Office will invite the mayors of San Francisco, Fresno and Oakland to work together in coordinating festivals on the same dates. In response to Council's questions regarding the expected response schedule on the referrals to the Parks and Recreations Commission, Council Member Powers stated February 12, 1997 will provide for setting of the public hearing on March 12, 1997; and the presentation of a report to Council in April, 1997, with reporting on the items discussed by Council during this meeting completed prior to the beginning of the 1997 festival season. Upon motion by Council Member Powers, seconded by Council Member Diaz and unanimously carried, (1) the recommendations as contained in Council Member Powers' memorandum of January 30, 1997, (a) to approve Section I, mitigation measures developed by the Special Events Task Force and approved by the Housing and Community Services Committee; (b) to refer the issue of alcohol permits in the Guadalupe River Park area adjacent to Children's Discovery Museum to the Parks and Recreation Commission for study and recommendation; and (c) to refer the applicable events ordinances to City Staff and the City Attorney for review as to the need for revision and update, and to report back to Council regarding potential cost and time requirements necessary to complete those revisions, were approved; and (2) referrals to City Staff and the City Attorney for a report back during a public hearing responses to the following issues: (a) banning the sale and serving/consumption of alcoholic beverages in Meadows Park; (b) legal ramifications of designating areas for alcoholic consumption and/or limiting hours alcohol can be served within festival sites; (c) timely reporting on

criminal activity occurring during special events; (d) controlling volume levels and orienting microphones and loud speakers away from residents during special events in the Downtown; (e) minimizing impact on CPA and loss of revenue resulting from City sanctioned events in the Downtown; (f) resolve scheduling conflicts by consulting with community groups and members regarding times and locations of festivals; (g) Mayor Hammer to contact mayors of other jurisdictions in order to coordinate festivals on same dates; and (h) Staff directed to prepare and forward to the Parks and Recreation Commission a synopsis of Council discussion of the issues, concerns and directions. Vote: 11-0-0-0.

ADJOURNMENT

The Council of the City of San José adjourned at 9:10 p.m. in memory of Joseph O’Kane, Commissioner Emeritus of the City of San José Senior Citizens’ Commission.

SUSAN HAMMER, MAYOR

ATTEST:

PATRICIA L. O’HEARN, CITY CLERK