

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, MARCH 4, 1997

The regularly scheduled 9:30 a.m. Closed Session of the Council of the City of San Jose was cancelled. The City Council convened in regular session at 1:37 p.m. in the Council Chambers, City Hall.

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

Absent: Council Members: Shirakawa, Jr. (excused).

INVOCATION

Jorj Tilson, Rotary Club of Santa Clara County, Downtown San Jose Chapter, delivered the invocation entitled: "The Bees' Pastures", written by John Muir.
(District 3)

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 Diaz and unanimously carried, the Orders of the Day and the Amended Agenda, deferring Item 6e(3) to March 18, 1997, Item 7b(7)(a) to March 18, 1997, continuing to March 18, 1997 Item 15c, and canceling the evening session of the City Council, were approved.
Vote: 10-0-1-0. Absent: Shirakawa, Jr.

CEREMONIAL ITEMS

5a Presentation of a proclamation declaring the month of March 1997 Youth Month. (Parks, Recreation and Neighborhood Services)

Documents Filed: None.

Discussion/Action: Mayor Hammer presented the proclamation to Albert Balagso, Deputy Director, Youth Services Division, Parks, Recreation and Neighborhood Services, who invited the City Council to participate in the annual "Youth In Government Day", March 20, 1997, Civic Auditorium of the City of San José .

**5b Presentation of a proclamation to ACM declaring March 1-5, 1997 as ACM 50th Anniversary Week. (Mayor)
(Rules Committee referral 2/26/97)**

Documents Filed: None.

Discussion/Action: Mayor Hammer presented the proclamation to representatives of the first Scientific and Education Society in the field of Information Technology, ACM, in honor of their 50th Anniversary. ACM representatives presented to each Council Member a cap and to Mayor Hammer a tote bag, each displaying AMC's unique "polytechnic" logo.

**5c Presentation to the City Council by the San José Lasers Basketball team. (Mayor)
(Rules Committee referral 2/26/97)**

Documents Filed: None.

Discussion/Action: Mayor Hammer acknowledged the basketball team's outstanding accomplishments during the 1996-97 basketball season and introduced the members of the San José Lasers Basketball team, coaching staff, and General Manager, Christine Porter, who accepted the award and presented to each City Council Member a T-shirt displaying the words "San José Lasers' Proud Sponsor".

CONSENT CALENDAR

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

Minutes for Approval

6a(1) Regular Meeting of January 21, 1997

Documents Filed: Minutes of the regular meeting of January 21, 1997.

Discussion/Action: The Minutes were approved. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6a(2) Regular Meeting of January 28, 1997

Documents Filed: Minutes of the regular meeting of January 28, 1997.

Discussion/Action: The Minutes were approved. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6a(3) State of the City Meeting of February 3, 1997

Documents Filed: Minutes of the State of the City meeting of February 3, 1997.

Discussion/Action: The Minutes were approved. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

Ordinances for Final Adoption

**6b(1) ORD. NO. 25260 - Rezones certain real property situated on the southeast corner of Blossom River Way and Blossom River Drive. PDCSH 96-10-066
[Deferred from 2/18/97 - Item 6b(4)]**

Documents Filed: (1) Memorandum from Council Member Diquisto, dated February 25, 1997, removing from the recommendation the security component required as a condition of approval. (2) Proof of publication of the title of Ordinance No. 25260 submitted by the City Clerk.

Discussion/Action: Council Member Diquisto stated the PD rezoning and the condition to provide security personnel at the Blossom River Development site was approved by the City Council on February 4, 1997 during the public hearing; since that time, the District Nine Office has worked with the Housing Authority and the community to address the unique needs of the neighborhood residents. He advised Council that Santa Clara County Housing Authority has negotiated a contractual agreement with the Atrium to provide a drive-through security program for the Blossom River project for a period of one year. He asked that final adoption of the Ordinance include removal of the security patrol component from the PD rezoning. Ordinance No. 25260 was adopted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6b(2) ORD. NO. 25264 - Amends Title 1 of the San José Municipal Code by adding a new Chapter 1.18 to allow the delegation of authority to conduct collection and lien public hearings, designating the San José Appeals Hearing Board as hearing body, and adding various sections to allow a designated hearing body to conduct certain public hearings.

Documents Filed: Proof of publication of the title of Ordinance No. 25264 submitted by the City Clerk.

Discussion/Action: William J. Garbett spoke against the proposed action. Ordinance No. 25264 was adopted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6b(3) ORD. NO. 25265 - Rezones certain real property situated on the east side of Four Oaks Road, 120 feet southerly of Emerald Hills Circle. PDC 96-08-053

Documents Filed: Proof of publication of the title of Ordinance No. 25265 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25265 was adopted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6b(4) ORD. NO. 25266 - Rezones certain real property situated on the south side of West Humboldt Street between Lick Avenue and Palm Street. PDC 96-09-058

Documents Filed: Proof of publication of the title of Ordinance No. 25266 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25266 was adopted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6b(5) ORD. NO. 25267 - Rezones certain real property situated on the northwest corner of Snell Avenue and Capitol Expressway. PDC 96-07-035

Documents Filed: Proof of publication of the title of Ordinance No. 25267 submitted by the City Clerk.

Discussion/Action: William J. Garbett spoke against the proposed action. Ordinance No. 25267 was adopted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6b(6) ORD. NO. 25268 - Rezones certain real property situated on the northwest corner of Quimby Road and White Road. PDC 95-04-026

Documents Filed: Proof of publication of the title of Ordinance No. 25268 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25268 was adopted. Vote: 9-0-1-1. Absent: Shirakawa, Jr. Disqualified: Fiscalini, due to conflict of interest.

6b(7) ORD. NO. 25269 - Rezones certain real property situated 900 feet north of Story Road, 2,300 feet west of McLaughlin Avenue. PDC 96-07-043

Documents Filed: Proof of publication of the title of Ordinance No. 25269 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25269 was adopted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6b(8) ORD. NO. 25270 - Rezones certain real property situated on the north side of San Fernando Street between Los Gatos Creek and Highway 87. C 96-12-077.

Documents Filed: Proof of publication of the title of Ordinance No. 25270 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25270 was adopted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

Contracts/Agreements

6e(1) Approval of a Municipal Health Services Program (MHSP) grant agreement with Family Health Foundation Inc., for refurbishment of the St. James Health Center in a total amount not to exceed \$60,000. (City Attorney's Office)

Documents Filed: Memorandum from City Attorney, Joan R. Gallo, dated February 26, 1997, recommending Council approve said grant agreement with Family Health Foundation, Inc.

Discussion/Action: The Municipal Health Services Program grant agreement with Family Health Foundation Inc., was approved and execution of the agreement authorized. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

6e(2) Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the agreement with the City of Santa Clara for engineering, construction, and construction services to include customer retrofit engineering and administration for the South Bay Water Recycling Project (SBWRP), at no additional cost to the City. CEQA: Resolution No. 64667. (Environmental Services)

Documents Filed: (1) Memorandum from Director of Environmental Services, Louis N. Garcia, dated February 6, 1997, recommending Council approve the first amendment to said agreement. (2) Letter from Treatment Plant Advisory Committee, dated February 14, 1997, recommending approval of the amendment to said agreement.

Discussion/Action: Resolution No. 67178, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute a First Amendment to the Agreement for Engineering, Construction and Construction Services Between the City of San José and the City of Santa Clara Relating to Construction of Facilities for the South Bay Water Recycling Program Within the City of Santa Clara", was adopted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

- 6e(3) Approval of a second amendment to the agreement with Fortune 2 Design for graphic design services increasing the compensation by \$25,000, from \$50,000 to \$75,000, and extending the term of the agreement by seventy days, from November 15, 1997 to January 31, 1998. (Environmental Services)**

Documents Filed: None.

Discussion/Action: This item was deferred to March 18, 1997.

- 6e(4) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 1996-97 #16, 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 February 13, 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. 16 for FY 1996-97 was approved and execution of the purchase orders authorized. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

- 6e(5) Adoption of a resolution declaring a parcel of City-owned land surplus to the needs of the City, located on the north side of Keyes Street between 11th and 12th Streets, approving the agreement for sale of surplus City-owned real property to Robert W. Rodrigues in the amount of \$1,795, and authorizing the City Clerk to execute the necessary documents on behalf of the City. CEQA: Exempt. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated February 14, 1997, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 67179, entitled: "A Resolution of the Council of the City of San José Declaring a Parcel of City-Owned Land, Located on the North Side of Keyes Street Between 11th and 12th Streets, Surplus to the Needs of the City, Approving the Agreement for Sale of Surplus City-Owned Real Property to Robert W. Rodrigues in the Amount of \$1,795.00, and Directing the City Clerk to Execute the Necessary Documents", was adopted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

- 6e(6) Approval of a first amendment to the agreement with County of Santa Clara for the Camden Pool Renovation Project, extending the term of the agreement by six (6) months, from January 1, 1997 to June 30, 1997. CEQA: Exempt. (Public Works)**

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated February 14, 1997, recommending Council approve the first amendment to said agreement.

Discussion/Action: The first amendment to the agreement with County of Santa Clara approved and its execution authorized. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

**6e(7) Approval of an employment agreement with Vincent E. Cantore. (Woody)
(Rules Committee referral 2/26/97)**

Documents Filed: None.

Discussion/Action: The employment agreement with Vincent E. Cantore was approved and its execution authorized. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

**6e(8) Adoption of a resolution authorizing the City Manager to execute a third amendment to the agreement with R.V. Goebel Family, Inc. (RVG) for Airport shuttle bus services adjusting the operator's compensation and incorporating provisions that the operator is responsible for all labor and equipment costs resulting from any future increase in annual service hours up to 100,000 hours of service per year, and adding the Green Overflow and Westside Employee Parking Facilities. (Airport)
(Rules Committee referral 2/26/97)**

Documents Filed: None.

Discussion/Action: This item was deferred to March 18, 1997.

**6e(9) Approval of an employment agreement with Carolina Camarena. (Mayor)
(Orders of the Day 4a)**

Documents Filed: None.

Discussion/Action: The employment agreement with Carolina Camarena was approved and its execution authorized. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

Routine Legislation

6f(1) Adoption of a resolution to convey an easement for a vault and water meter box for Fire Station No. 28 to the San Jose Water Company, and authorization for the Director of Public Works to sign the necessary documents. CEQA: ND. (Public Works)

Documents Filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated February 14, 1997, recommending Council adopt said resolution.

Discussion/Action: Resolution No. 67180, entitled: "A Resolution of the Council of the City of San José Authorizing the Conveyance of an Easement to San José Water

Company for a Water Meter Box for Fire Station No. 28 and Authorizing the Director of Public Works to Execute the Easement Deed and All Related Documents”, was adopted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

- 6f(2) Approval of Council Member Alice Woody’s travel to West Palm Beach, Florida, on April 2-6, 1997, to attend the MIG Realty Advisors’ 1997 Client Real Estate Education Conference for the Police and Fire Retirement Board. Funding: Police and Fire Retirement Fund. (Woody)**

Documents Filed: None.

Discussion/Action: The travel for Council Member Woody to attend the conference in West Palm, Beach, FL was approved. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

END OF CONSENT CALENDAR

GENERAL GOVERNMENT

- 9b Presentation by Judge Leslie Nichols, Presiding Judge of the Superior Court, on the work of the Superior Court and the administration of justice in Santa Clara County. (Mayor)
(Rules Committee referral 2/26/97)**

Documents Filed: None.

Discussion/Action: Judge Leslie Nichols, Presiding Judge of the Superior Court, presented an overview of the work of the Santa Clara County Superior Court and the administration of justice in Santa Clara County court system. He stated the State of California boasts of a population in excess of 30 million people in 58 counties, one of the largest judicial systems in the world, and San José as the third largest City in the State, in the fourth largest County. He stated Santa Clara County’s 44 Superior Court Judges and 5 Commissioners are employed by the Court to perform important judicial tasks for approximately 2 million people—49 individuals responsible for approximately 50,000 case filings annually. He stated the State Judicial Council is the constitutionally empowered body responsible for the court system: one Supreme Court with 7 Supreme Court Justices, chaired by Chief Justice Ronald George; and an Intermediate Appellate Court and the Sixth Appellate District created in San José in the 1980s. He stated the cases involving \$25,000 disputes and lead to incarceration in State Prison from one year to the death penalty reside in the Court of General Jurisdiction. In California, he stated there are 100 Appeals Court Justices, 800 General Judge Jurisdictions, and 700 Municipal Court Judges to serve the needs of the people. On a local level, he stated the work of the 49 judicial officers is divided into three resource divisions: Civil Division, Criminal Division, and Family Resources, and fall into four main categories: Probate and Mental Health, Probate and Conservatorships, Family

Court and Dependency Court, and Delinquency Court. With respect to prevention, he commended the City on its formation of the San José Female Gang Prevention Unit which recently addressed the Juvenile Court Committee and which will serve as a role model for other cities as they intervene in the lives of young people; noted the efforts of trained volunteers who work with Court-designated Child Advocates to help young people; commented on the Alternate of Dispute Resolution (ADR) Agency, and the right to a fair and public trial with issues adjudicated and decided under the rule of law; and discussed the review of the Juvenile Dependency Mediation programs to intervene in family unification and resolution of disputes short of trial. Through the efforts of two Santa Clara County Judges and the Bi-Court Cooperation, he stated a \$400,000 grant was awarded by the Department of Justice to Santa Clara County for the Drug Treatment Court, a portion of which is already utilized in the Juvenile Delinquency Court. He noted the urgent necessity for trial court funding and underscored the importance for legislators to work toward immediate resolution of the fiscal issues. He stated facilities planning is continuing toward development of a downtown family court which will incorporate the needs of the municipal and superior court into the next century. He stated cases from the “right-to-die” to securities litigation come into the Courts and the Judges attempt to adjudicate those cases fairly and honestly through an open, public, accessible system; as part of the outreach efforts in that regard, he noted his enthusiasm in addressing elected officials in Santa Clara County in an effort to educate the public about the Judicial System. Council Member Powers stated the Mock Trials, as mentioned by Judge Nichols, involves 26 of 33 high schools in Santa Clara County and approximately 58 Judges who have contributed many hours presiding over the trials—a program which provides many opportunities and exceptional educational benefits to all students who elect to participate. On behalf of the City Council, Mayor Hammer thanked Judge Leslie Nichols for the presentation and the innovative programs which have been implemented by the Courts, and offered the assistance of the Mayor’s Office to continue participating in the facilities planning process for development of a court Downtown.

COMMISSION, COMMITTEE, AND STANDING REPORTS

7b Report of the Rules Committee - February 19, 1997

Documents Filed: Rules Committee Report of February 19, 1997

(1) Review March 4 Council Agenda

The Committee approved the March 4, 1997 Council Agenda with one addition.

(2) Add New Items to February 25 Amended Council Agenda

The Committee recommended six additions to the February 25, 1997 Amended Council Agenda.

- (3) The Public Record. Attachment: Memorandum from City Clerk, Patricia L. O'Hearn, dated February 13, 1997, listing the items transmitted to the Administration for the period February 5-11, 1997.

The Committee referred Item (a) to the City Manager's Office for report back to Vice Mayor Fernandes' Office and noted and filed the remainder of the Public Record for the period February 5-11, 1997.

- (4) Report back on issue of scavenging from recycling bins
The Committee deferred this item to February 26, 1997 Rules Committee meeting.
- (5) Request to use Council General funds for travel to Los Angeles to attend League of California Cities Environmental Quality Committee Meeting, January 24, 1997. Attachments: (1) Memorandum from Council Member Johnson, dated February 11, 1997, requesting authorization to use Council General Funds for said travel. (2) Memorandum from City Clerk, Patricia L. O'Hearn, dated February 14, 1997, complying with City Council Policy 9-5 requirement when requests to use Council General Funds are considered by the Rules Committee.

The Committee recommended approval for Council Member Johnson to use Council General Funds to attend the League of California Cities Environmental Quality Committee Meeting, January 24, 1997, in Los Angeles, CA.

- (6) Approve City-sponsored State legislation in 1997:
- (a) Local property tax base restoration under the Educational Revenue Augmentation Fund
 - (b) Voting membership for local government representatives on the California Tax Credit Allocation Committee
 - (c) Eligibility of bicycle facilities for funding under the Clean Air Grant Program

Discussion/Action: This item was heard by Council on February 25, 1997.

- (7) Direct City Administration to pursue legislative alternatives to secure funding for:
- (a) Implementation of river and stream trail projects along Coyote Creek
 - (b) The City of San Jose-San Jose State University Joint Library

Discussion/Action: This item was heard by Council on February 25, 1997; at the request of Council Member Pandori, Item 7b(7)(a) was referred to the Administration for further consideration by the City Council on March 18, 1997.

- (8) Report back on referral of Child Care program priorities

The Committee deferred this item to February 26, 1997 Rules Committee meeting.

- (9) Council Referrals for Assignment to Appropriate Committee, Administration or Council Appointee
- (a) Recommendation to implement an action plan for the revitalization of the Campus Environs Neighborhood

The Committee deferred this item to February 26, 1997 Rules Committee meeting.

- (10) City Council and Rules Committee Meeting Schedules

None presented.

- (11) Oral Communications

None presented.

- (12) Adjournment

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

Discussion/Action: Council Member Pandori stated the implementation of river and stream trail projects along Coyote Creek as part of the River Parkway Program in the amount of \$1 million under the Safe Clean Reliable Water Supply Act, Proposition 204, was passed by California voters in November 1996. He stated the Governor's January Proposed FY 1997-98 Budget did not include funding for any San José or Santa Clara County River Parkway projects. He expressed the need to discuss further the funding for San José projects and the identification in order of priority the river projects for the focus of the advocacy efforts. He asked Council to refer this item for appropriate rescheduling. Upon motion by Vice Mayor Fernandes, seconded by Council Member Woody and unanimously carried, the Rules Committee Report and Actions of February 19, 1997 were accepted with Item 7b(7)(a) referred to March 18, 1997 for Council discussion of legislative alternatives to secure funding. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

LAND USE AND DEVELOPMENT

8a Adoption of a resolution to:

- (1) **Inform the Moreland Elementary School District that the City has no current interest in the acquisition of the following surplus school district properties in accordance with the provision of the Naylor Legislation.**
- (a) **The 10.1 acre Bucknall School site located on the Southwest corner of San Tomas Aquino Road and Bucknall Road.**

- (b) **The 4.5 acre property Moreland School District Administration offices and maintenance facility located on the southwest corner of Campbell Avenue and Woodglen Drive.**
 - (c) **The westerly 3.9 acre portion of the Phelan Elementary School site located on the west side of Hibiscus Lane approximately 350 feet southerly of Blackford Avenue.**
- (2) **Amend the City's School Site Reuse Plan to reflect this action.**
CEQA: Exempt.
(Planning, Building and Code Enforcement)

Documents Filed: Memorandum from Director of Planning, Building and Code Enforcement, Gary J. Schoennauer, dated February 13, 1997, recommending Council adopt said resolution and direct the Administration to convey to the School District the City Council's position regarding surplus school sites.

Discussion/Action: Upon motion by Council Member Johnson, seconded by Council Member Woody and unanimously carried, Resolution No. 67181, entitled: "Resolution of the Council of the City of San José Amending the School Site Reuse Plan and Surplus School Property Plan", was adopted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

GENERAL GOVERNMENT

- 9a Report on bids and adoption of a resolution authorizing the Director of General Services to:**
- (1) **Award the purchase of four (4) 1,500 gallons per minute fire engines for the Fire Department to the lowest responsive bidder, Hi-Tech Vehicle Service, Inc., at a total cost of \$1,299,831.35, including tax.**
 - (2) **Execute all necessary documents to add four (4) engines to the Master Equipment Lease Agreement for an estimated annual cost of \$307,000 for five (5) years.**
 - (3) **Exercise an option to purchase an additional eleven (11) 1,500 gallons per minute fire engines at the same unit price (\$324,957.84, including tax) for one (1) year, not to exceed \$3,574,536.24, only after sufficient funds have been appropriated.**
- (General Services)**

Documents Filed: Memorandum from Director of General Services, Ellis M. Jones Jr., dated February 13, 1997, recommending Council approve said purchase and award, and authorize the Director of General Services to execute the purchase orders and related documents.

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

- 9c (1) Authorize the City Manager and Redevelopment Agency staff to work with San José State University in developing a joint library plan.**

- (2) **Approval of Mayor Hammer's appointments to the Library Advisory Committee for the proposed San José State University/City of San José Library.**

(Mayor)

(Rules Committee referral 2/26/97)

Documents Filed: See item 11b.

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

FISCAL AFFAIRS

- 10a Adoption of a resolution establishing the wholesale rates for recycled water produced by the South Bay Water Recycling Project (SBWRP), including discounted rates for water retailers who adopt discounted retail rate structures. (Environmental Services)
(Deferred from 2/25/97 - Item 10a)**

Documents Filed: (1) Memorandum from Council Liaison, Norberto Duenas, dated February 28, 1997, transmitting additional information on various marketing strategies implemented to expedite connection of new customers to the South Bay Water Recycling System. (2) Supplemental memorandum from Director of Environmental Services, Louis N. Garcia, dated February 27, 1997, providing additional information on the discounted pricing structure and other marketing strategies implemented to expedite connection of new customers to the System. (3) Memorandum from Director of Environmental Services, Louis N. Garcia, dated February 7, 1997, recommending Council adopt said resolution. (4) Letter from Treatment Plant Advisory Committee, dated February 14, 1997, recommending Council adopt said resolution.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Council Member Powers and unanimously carried, Resolution No. 67182, entitled: "A Resolution of the Council of the City of San José Adopting Wholesale Recycled Water Rates for the South Bay Water Recycling Program", was adopted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

The Redevelopment Agency Board convened at 1:30 p.m. to consider Items 11a and 11b in a joint session with the City Council.

- 11a (1) Approval of a modification to the permanent loan to Stonegate Housing Investors, LP, for the proposed Stonegate Apartments affordable family housing development and Villa Savannah Housing Investors, LP, for the proposed Villa Savannah Apartments affordable family housing development to allow the subordination of the City/Agency 15% deed restriction to other public financing liens that require affordability**

restrictions that provide equal or more affordable units or are for a longer period.

- (2) **Adoption of a resolution amending the City/Agency Inclusionary Housing Requirement to allow subordination of the 15% affordability restriction when other governmental financing regulations require subordination.**

(Housing)

(Rules Committee referral 2/26/97)

Documents Filed: Memorandum from Director of Housing, Alex Sanchez, dated February 28, 1997, recommending the City Council/Agency Board approve modifications to said documents and adopt said resolution.

Discussion/Action: William J. Garbett spoke against the proposed action. Upon motion by Vice Mayor Fernandes, seconded by Council Member Johnson and unanimously carried, the modification to the permanent loan to Stonegate Housing Investors, LP, and Villa Savannah Housing Investors, LP, for said housing developments, was approved, and Resolution No. 67183, entitled: "A Resolution of the Council of the City of San José Approving: (i) the Subordination of the 15% Affordability Restrictions to be Recorded on the Property for the Villa Savannah and Stonegate Housing Projects and (ii) a Modification to the Inclusionary Housing Requirement to Allow Subordination of the 15% Affordability Restriction When Other Governmental Financing Requires Subordination", was adopted. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

- 11b
- (1) **Authorize the City Manager and Redevelopment Agency staff to work with San José State University in developing a joint library plan.**
 - (2) **Approval of Mayor Hammer's appointments to the Library Advisory Committee for the proposed San José State University/City of San José Library.**

(Mayor)

(Rules Committee referral 2/26/97)

Documents Filed: (1) Memorandum from Mayor Hammer, dated February 28, 1997, recommending Council authorize the City to work with the University in developing said plan, and approve said appointments. (2) Memoranda from Mayor Hammer, each dated March 3, 1997, recommending additional appointments to the Committee.

Discussion/Action: This item was renumbered from Item 9c. William J. Garbett spoke against the proposed action. Upon motion by Council Member Fiscalini, seconded by Council Member Johnson and unanimously carried, the City Manager and Redevelopment Agency Staff authorized to work with San José State University in developing a joint library plan; the following appointments to the Library Advisory Committee were approved: Committee Chair - Council Member Powers; Ed Davila, Georgie Huff, James Kenny, Thuan Nguyen, Mike Patterson, Linda Veenker, Jim Webb, Sue Williams, Pat Wolfe, Rosaleen Zlatunich, Chuck Toenisketter, and Bonnie Blacklaw; Appointments to be determined: two San José State faculty representatives,

San José State student representative, and Municipal Employees Federation representative. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

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

Mayor Hammer introduced Carolina Camarena, Legislative Correspondent, Public Information Office, and asked her to stand and be recognized.

By unanimous consent, the evening session of the City Council was canceled under Orders of the Day and the below noted continuances and other actions were approved as recommended. Vote: 10-0-1-0. Absent: Shirakawa, Jr.

PUBLIC HEARINGS

- 15a 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 and 2/4/97 - Item 15b)**

Documents Filed: Public Hearing Notice to consider a change in Zoning for PDC 96-02-006, dated November 20, 1997.

Discussion/Action: This item was dropped from the Agenda and will be renoticed.

- 15b PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the southwest corner of Tennant Avenue and Piercy Avenue, from A-Agriculture to A(PD) Planned Development, to allow up to 84 single-family detached residential units on 16 gross acres (Pinn Bros. Construction, Owner/Developer). CEQA: ND.
PDC 96-05-022 - District 2
(Continued from 2/18/97 - Item 15e)**

Documents Filed: None.

Discussion/Action: This item was continued to April 1, 1997.

- 15c PUBLIC HEARING ON CITY-COUNCIL INITIATED CONFORMING PREZONING of 0.31 acre located in the public right-of-way on the north side of East Hamilton Avenue, extending from approximately 60 feet westerly of Norman Avenue to the east side of Norman Avenue, from County to A-Agricultural Zoning District. (Planning, Building and Code Enforcement)
CC 96-12-079 - District 6**

Documents Filed: None.

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

- 15d PUBLIC HEARING ON CONFORMING REZONING of the property located on the northwest corner of San Antonio Street and McCreery Avenue, from R-1:B-6 Residence to R-2 Residence for the subdivision of 3 lots on .44 gross acre (James Bettencourt and Suzanne Clark, Owner; Ben Antonio, Developer). CEQA: Exempt.
C 96-11-070 - District 5**

Documents Filed: None.

Discussion/Action: This item was continued to April 1, 1997.

ADJOURNMENT

The Council of the City of San José adjourned at 2:41 p.m. to meet again on Thursday, March 6, 1997, in joint session with the Redevelopment Agency.

SUSAN HAMMER, MAYOR

ATTEST:

PATRICIA L. O'HEARN, CITY CLERK

RT