

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA TUESDAY, MAY 27, 1997

The Council of the City of San Jose convened in regular session at 9:00 a.m. in City Council Chambers at City Hall.

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

Absent: Council Members: None.

Upon motion unanimously adopted, Council recessed at 9:05 a.m. to a Closed Session in Room 600 to discuss public employee performance evaluation pursuant to Government Code Section 54957: Title: City Auditor.

By unanimous consent, Council reconvened from the Closed Session and recessed at 10:55 a.m. a.m. and reconvened at 1:40 p.m. in the Council Chambers.

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

Absent: Council Members: None.

INVOCATION

Pastor Siasage Siamu, Epenesa Fou Samoan Church, delivered the Invocation. (District 5)

PLEDGE OF ALLEGIANCE

Mayor Hammer led the Pledge of Allegiance

ORDERS OF THE DAY

Upon motion by Council Member Fiscalini, seconded by Council Member Powers, and unanimously carried, Item 6d(1) was deferred to June 3, 1997, and the Orders of the Day and the Amended Agenda were approved. Vote: 11-0-0-0.

CEREMONIAL ITEMS

5b Presentation of a commendation to Steve Smith, former Almaden Valley resident and NASA astronaut. (Dando)

Documents filed: None.

Discussion/Action: Council Member Dando joined Mayor Hammer for presentation of a commendation to Astronaut Steve Smith, former San José resident. Astronaut Smith presented to Mayor Hammer a California flag carried on a space mission in February of 1997 as part of a commemorative plaque. Astronaut Smith thanked the Mayor and City Council for the recognition and thanked his father, Bob, who was in the audience and his mother, Lilly, who was unable to be present, for all they had done for him. He credited the San José community and his employer, IBM, for helping him accomplish his dreams and encouraged the youth in the

audience to aspire to their dreams. Ray Abuzayyad, Board Member of The Tech Museum of Innovation, Steve Tedesco of the San José Chamber of Commerce, and Sally Osberg, Executive Director of the Children's Discovery Museum each presented commendations to Astronaut Smith.

5a Presentation of proclamation declaring June 9-13, 1997 as Filipino-American Friendship Week. (City Manager's Office)

Documents filed: None.

Discussion/Action: Mayor Hammer made the presentation declaring June 9-13, 1997 as Filipino-American Friendship Week. Emily Briggs accepted on behalf of Rudy Torres, Public Relations Officer for the Filipino-American City Employees Association.

5c Presentation of plaques to Jason Garner for 3 years 10 months service and to Barbara Rodriguez for 2 years 10 months service on the Child Care Commission. (Mayor)

Documents filed: None.

Discussion/Action: Mayor Hammer presented a plaque to Jason Garner, who thanked the Mayor and Council for the recognition and for the opportunity to serve the City. A plaque will be mailed to Barbara Rodriguez, who was not present.

5d Presentation of proclamation declaring June 4, 1997 as "Law Enforcement Support Personnel Appreciation Day (LESPE)". (Police)

Documents filed: None.

Discussion/Action: Mayor Hammer called to the podium Kim Guzman and Eric Rodriguez from the Police Department, representing support staff who work behind the scenes and are essential to the work of the Police Department. The Mayor commended the support staff for their dedication and contribution to the safety and well-being of the City's residents.

5e Presentation of a commendation to the San José Conservation Corps for their work assisting in the flood emergencies earlier this year. (Fernandes)
(Rules Committee referral 5/21/97)

Documents filed: None.

Discussion/Action: Mayor Hammer was joined by Vice Mayor Fernandes, President of the San José Conservation Corps and Board Member George Shirakawa, Jr. for presentation of a commendation to Bob Hennessy, Executive Director of the San José Conservation Corps, who accepted on behalf of approximately 100 members in the audience. Vice Mayor Fernandes commended Mayor Hammer, who with former Council Member Shirley Lewis, founded the San José Conservation Corps, and thanked the members for their dedicated work on behalf of the residents of the City of San José, especially assistance rendered during flood emergencies.

GENERAL GOVERNMENT

9a Report on bids and award of contract for the Slurry Seal 1997 Project, to the low bidder, Valley Slurry Seal Company, in the amount of \$1,440,945 and approval of a contingency in the amount of \$159,054.90, for a total contract amount of \$1,600,000. CEQA: Exempt. (Streets and Traffic)

(Deferred from 4/29/97 - Item 9b and 5/13/97 - Item 9a)

(This item heard at time certain 2:00 p.m.)

Documents filed: (1) Memorandum from Director of Streets and Traffic, Wayne K. Tanda, dated April 11, 1997, recommending award of said contract to the low bidder, Valley Slurry Seal Company. (2) Memorandum from Council Member Fiscalini, dated April 29, 1997, recommending the rejection of all bids and rebid the project utilizing bid specifications which do not result in a sole source vendor for products. Supplemental memorandum from Director of Streets and Traffic, Wayne K. Tanda, dated May 20, 1997, reporting on specification changes relating to use of a different type of aggregate and modifications to the asphalt emulsion.

Discussion/Action: Jeffrey Reed, Valley Slurry Seal Company, addressed the Council in support of the recommendation. Council Member Fiscalini thanked Equality Assurance Director Steve Wing and his staff for the report clarifying the rationale for the Staff recommendation for use of the special aggregate and the emulsion modification in response to questions raised on May 27, 1997 regarding those issues. Upon motion by Council Member Fiscalini, seconded by Council Member Johnson, and unanimously carried, the award of contract to the low bidder, Valley Slurry Seal Company, and said contingency, were approved and their execution authorized. Vote: 11-0-0-0.

CONSENT CALENDAR

Vice Mayor Fernandes thanked the San José Conservation Corps for their work on the Ultra Low Flow Toilet Program (Item No. 6e(12)). William Garbett spoke in opposition to Item Nos. 6b(2), 6e(6), and 6e(12). Robert Broom, Norseman Plastics, addressed the Council in opposition to the recommendation on Item 6e(8). Upon motion by Council Member Powers, seconded by Council Member Johnson, and unanimously carried, the Consent Calendar was approved and the below listed items taken as indicated. Vote: 11-0-0-0.

Ordinances for Final Adoption (Ord. Titles from Contracts)

6b(1) ORD. NO. 25302 - Adds a new Chapter 18.30 to Title 18 of the San José Municipal Code to establish a process for amendments to the Urban Growth Boundary established by the San José General Plan.

[Deferred from 5/13/97 - Item 6b(2)]

Documents filed: None.

Discussion/Action: This item was deferred to June 10, 1997.

6b(2) ORD. NO. 25353 - Amends Chapter 14.15 of Title 14 of the San José Municipal Code to conform the City's procedures for the formation of maintenance districts to the requirements of

Proposition 218, including the provision of annual inflation adjustments to the assessment, notice and ballot procedures, and deleting the Council's authority to override a majority protest of property owners

Documents filed: Proof of publication of title of Ordinance No. 25353, submitted by the City Clerk.

Discussion/Action: Ordinance No. 25353 was adopted. Vote: 11-0-0-0.

Public Hearings Set by Council

6c(1) Preliminary approval of the 1997-98 Budget Report; adoption of a resolution of intention to levy 1997-98 assessment in the Downtown Business Improvement District and setting a public hearing on June 10, 1997 at 1:30 p.m. for the levy of assessments. (Conventions, Arts and Entertainment)

Documents filed: Memorandum from Nancy Johnson, Director of the Department of Conventions, Arts and Entertainment, dated May 9, 1997, recommending preliminary approval of the 1997-98 Budget Report, setting a public hearing, adoption of said resolution.

Discussion/Action: Resolution No. 67318, entitled: "A Resolution of the Council of the City of San José Declaring Its Intent to Levy Assessments for Fiscal Year 1997-1998 in the Downtown Business Improvement District Pursuant to the Parking and Business Improvement Area Law of 1989", was adopted. Vote: 11-0-0-0.

6c(2) Adoption of a resolution setting a public hearing on August 5, 1997 at 1:30 p.m. on the Annual Sewer Service and Use Charge/Storm Drainage Service Charge Report of the Director of Finance, filed with the City Clerk, containing a description of each and every parcel of real property receiving sewer services and facilities pursuant to Chapter 15.12.550 and 15.16.1340 of the San José Municipal Code, and the amount of the sewer service and use charge and storm drainage service charge for each parcel to be collected on the FY 1997-98 County Tax Roll. (Finance)

Documents filed: Memorandum from Director of Finance, John V. Guthrie, dated May 9, 1997, recommending adoption of said resolution.

Discussion/Action: Resolution No. 67319, entitled: "A Resolution of the Council of the City of San José Setting a Public Hearing on the Annual Sewer Service and Use Charge and Storm Drainage Service Use Charge Report of the Director of Finance Pursuant to Part 3 of Section 15.12.550 of the San José Municipal Code and Section 15.16.1340 of the San José Municipal Code", was adopted. Vote: 11-0-0-0.

Plans and Specifications

6d(1) TRACT NO. 8950 - West side of Cottle Road, opposite Hospital Parkway - Brookfield Palmia, Inc. (Developer) - 132 detached residential lots. Adoption of resolutions approving the plans, final map, and contract for Tract No. 8950 and approval of the parkland agreement with

Brookfield Palmia, Inc. and Barbaccia Properties. CEQA: Resolution No. 66836. District 2. (Public Works)
[Deferred from 5/06/97 - 6d(1) and 5/13/97 - Item 6d(1)]

Documents filed: None.

Discussion/Action: This item was deferred to June 3, 1997.

6d(2) TRACT NO. 8893 - Southside of Lewis Road, approximately 150 feet westerly of Garden Avenue - Altura-San José, L.P., a California Limited Partnership, (Developer) - 93 detached residential lots. Adoption of resolutions approving the plans, final map, contract, and parkland agreement for Tract No. 8893. CEQA: ND. District 7. (Public Works)
(Rules Committee referral 5/21/97)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated May 15, 1997, recommending adoption of said resolutions.

Discussion/Action: Resolution No. 67320, entitled: "A Resolution of the Council of the City of San José Fixing Official Curb Grades and Position of Curbs, and Adopting Plans for Tract No. 8893"; Resolution No. 67321, entitled: "A Resolution of the Council of the City of San Jose Approving and Accepting Final Map of Tract No. 8893"; and Resolution No. 67322, entitled: "A Resolution of the Council of the City of San Jose Approving and Authorizing the Execution of Contract and Approving Bonds for the Improvement of Tract No. 8893"; were adopted. Vote: 11-0-0-0.

6d(3) TRACT NO. 8905 - Easterly side of Graystone Lane, northerly of Hill Lane - Pfeiffer Ranch Investors, Inc., a California Corporation, (Developer) - 6 detached residential lots. Adoption of resolutions approving the plans, final map, contract, and the parkland agreement for Tract No. 8905. CEQA: ND. District 10. (Public Works)
(Rules Committee referral 5/21/97)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated May 16, 1997, recommending adoption of said resolutions.

Discussion/Action: Resolution No. 67323, entitled: "A Resolution of the Council of the City of San José Fixing Official Curb Grades and Position of Curbs, and Adopting Plans for Tract No. 8905"; Resolution No. 67324, entitled: "A Resolution of the Council of the City of San Jose Approving and Accepting Final Map of Tract No. 8905,"; Resolution No. 67325, entitled: "A Resolution of the Council of the City of San Jose Approving and Authorizing the Execution of Contract and Approving Bonds for the Improvement of Tract No. 8905," were adopted. Vote: 11-0-0-0.

6d(4) TRACT NO. 8906 - Northeasterly side of Graystone Lane, 300 feet southerly of Pfeiffer Ranch Road - Paresh Patel (Developer) - 5 detached residential lots, a remainder lot and 64.18 acres of private open space. Adoption of resolutions approving the plans, final map, and contract

and approval of the parkland agreement for Tract No. 8906. CEQA: ND. District 10. (Public Works)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated May 16, 1997, recommending adoption of said resolutions.

Discussion/Action: Resolution No. 67326, entitled: "A Resolution of the Council of the City of San José Fixing Official Curb Grades and Position of Curbs, and Adopting Plans for Tract No. 8906"; Resolution No. 67327, entitled: "A Resolution of the Council of the City of San Jose Approving and Accepting Final Map of Tract No. 8906,"; Resolution No. 67328, entitled: "A Resolution of the Council of the City of San Jose Approving and Authorizing the Execution of Contract and Approving Bonds for the Improvement of Tract No. 8906," were adopted. Vote: 11-0-0-0.

6d(5) TRACT NO. 8967 - easterly terminus Port Way and Commodore Drive - SCS Development Company, A California Corporation, dba: Citation Homes Central (Developer) - 74 detached residential lots. Adoption of resolutions approving the plans, final map, contract, and approval of the parkland agreement for Tract No. 8967. CEQA: ND. District 4. (Public Works)
(Rules Committee referral 5/21/97)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated May 15, 1997, recommending adoption of said resolutions.

Discussion/Action: Resolution No. 67329, entitled: "A Resolution of the Council of the City of San José Fixing Official Curb Grades and Position of Curbs, and Adopting Plans for Tract No. 8967"; Resolution No. 67330, entitled: "A Resolution of the Council of the City of San Jose Approving and Accepting Final Map of Tract No. 8967"; Resolution No. 67331, entitled: "A Resolution of the Council of the City of San Jose Approving and Authorizing the Execution of Contract and Approving Bonds for the Improvement of Tract No. 8967," were adopted. Vote: 11-0-0-0.

6d(6) TRACT NO. 8972 - King Road at Kammerer Avenue - Green Valley Corporation, A California Corporation, (Developer) - 67 detached residential lots. Adoption of resolutions approving the plans, final map, contract, and parkland agreement for Tract No. 8972. CEQA: ND. District 5. (Public Works)
(Rules Committee referral 5/21/97)

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated May 16, 1997, recommending adoption of said resolutions.

Discussion/Action: Resolution No. 67332, entitled: "A Resolution of the Council of the City of San José Fixing Official Curb Grades and Position of Curbs, and Adopting Plans for Tract No. 8972"; Resolution No. 67333, entitled: "A Resolution of the Council of the City of San Jose Approving and Accepting Final Map of Tract No. 8972"; Resolution No. 67334, entitled: "A Resolution of the Council of the City of San Jose Approving and Authorizing the Execution of

Contract and Approving Bonds for the Improvement of Tract No. 8972,” were adopted. Vote: 11-0-0-0.

Contracts/Agreements

6e(1) Approval of an amendment to the agreement for legal services with Gatzke, Mispagel and Dillon to increase the amount of compensation by \$130,000, for a total amount not to exceed \$250,000. (City Attorney’s Office)

Documents filed: Memorandum from City Attorney Joan R. Gallo, dated May 6, 1997, recommending approval of the amendment to said agreement with Gatzke, Mispagel and Dillon

Discussion/Action: The amendment to said agreement with Gatzke, Mispagel and Dillon was approved and its execution authorized. Vote: 11-0-0-0.

6e(2) Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the agreement with Baseball Acquisition Company, Inc. extending the time to complete improvements and permanent alterations to San José Municipal Stadium by eighteen (18) months, from June 30, 1996 to December 31, 1997, at no additional cost to the City. CEQA: Exempt. (Convention, Arts and Entertainment)

Documents filed: Memorandum from Nancy Johnson, Director of the Department of Conventions, Arts and Entertainment, dated May 9, 1997, recommending adoption of said resolution.

Discussion/Action: Resolution No. 67335, entitled: “A Resolution of the Council of the City of San José Delegating to the City Manager the Authority to Negotiate and Execute a First Amendment to the Agreement with Baseball Acquisition Company, Inc., Extending the Time to Complete Improvements and Permanent Alterations to San José Municipal Stadium at No Additional Cost to the City”, was adopted. Vote: 11-0-0-0.

6e(3) Report on bids and award of purchase of tanks and compartments for three (3) 2,500 gallon Fire Department water tenders to the low bidder, Westates Truck Equipment, Inc., at a total cost of \$167,792.91, including tax, and authorization for the Director of General Services to execute the purchase order. (General Services)

Documents filed: Memorandum from Director of General Services, Ellis M. Jones, Jr., dated May 9, 1997, recommending award of said purchase to the low bidder, Westates Truck Equipment, Inc.

Discussion/Action: The award of purchase to the low bidder, Westates Truck Equipment, Inc., was approved and execution of the purchase order authorized. Vote: 11-0-0-0.

6e(4) Report on bids and award of purchase of one (1) 56,000 pound cab and chassis with dump body for the Department of Streets and Traffic to the lowest responsive bidder, Mission Valley Ford, at a total cost of \$88,565.55, including tax, and authorization for the Director of General Services to execute the purchase order. (General Services)

Documents filed: Memorandum from Director of General Services, Ellis M. Jones, Jr., dated May 9, 1997, recommending award of said purchase to the lowest responsive bidder, Mission Valley Ford.

Discussion/Action: The award to the lowest responsive bidder, Mission Valley Ford, was approved and execution of the purchase order authorized. Vote: 11-0-0-0.

6e(5) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 1996-97 #24, 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 May 9, 1997, recommending award of said purchase to the lowest responsive bidder, Mission Valley Ford.

Discussion/Action: Open purchase order List #24 was approved and the Director of General Services authorized to execute the purchase orders. Vote: 11-0-0-0.

6e(6) (a) Approval of a fifth amendment to the consultant agreement with Kutzman and Associates for building plan check services, increasing the compensation by \$30,000, from \$179,000 to \$209,000

(b) Approval of a sixth amendment to the consultant agreement with Linhart, Peterson, Powers, Associates for building plan and inspection services, increasing the compensation by \$45,000, from \$294,000 to \$339,000
(Planning, Building and Code Enforcement).

Documents filed: Memorandum from Director of Planning, Building and Code Enforcement, James R. Derryberry, dated May 9, 1997, recommending approval of a fifth amendment to said agreement with Kutzman and Associates and approval of a sixth amendment to said agreement with Linhart, Peterson, Powers, Associates.

Discussion/Action: The amendment to said agreements with Kutzman and Associates and Linhart, Peterson, Powers, Associates was approved and its execution authorized. Vote: 11-0-0-0.

6e(7) Approval of an agreement with Cottong and Taniguchi for consultant services for the Aborn Park Site Development Plan and Contract Documents and for the Edenvale Garden Park Master Plan Update Projects, for the period June 1, 1997 to April 30, 1998, in the amount of \$60,000, and additional services in the amount of \$3,000. (Public Works)

Documents filed: Memorandum from Director of Public WorksQualls, dated May 9, 1997, recommending approval of said agreement with Cottong and Taniguchi

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

6e(8) Report on bids and approval of award of contract for backyard compost bins to the lowest responsive bidder, Harmonious Technologies, in the amount of \$45,000, including freight, and authorization for the Director of General Services to execute the purchase order. (General Services)
[Deferred from 5/20/97 - Item 6e(8)]

Documents filed: Memorandum from Director of General Services, Ellis M. Jones, Jr., dated May 14, 1997, recommending award of said contract to the lowest responsive bidder, Harmonious Technologies.

Discussion/Action: The award of said contract to the lowest responsive bidder, Harmonious Technologies, was approved and its execution authorized. Vote: 11-0-0-0.

6e(9) Report on bids and approval of award of contract for the construction project entitled "San José/Santa Clara Water Pollution Control Plant, No. 1 Substation 115 kV Circuit Switcher Upgrade" to the lowest responsive bidder, Northern Industrial Electric, in the amount of \$202,314. CEQA: Exempt. (Environmental Services) [Deferred from 5/20/97 - Item 6e(9)]

Documents filed: None.

Discussion/Action: This item was deferred to June 3, 1997.

6e(10) Report on bids and authorization to rebid for the construction project entitled "San José/Santa Clara Water Pollution Control Plant, Electric Cart Storage Buildings" and to rebid the project at a future date. CEQA: Exempt. (Environmental Services) [Deferred from 5/20/97 - Item 6e(10)]

Documents filed: None.

Discussion/Action: This item was deferred to June 3, 1997.

6e(11) Adoption of a resolution authorizing the City Manager to negotiate and execute agreement(s) with Eligible Youth Employment Service Provider(s) for the provision of services that would place youth in unsubsidized employment, in an amount not to exceed \$100,000. (Parks, Recreation and Neighborhood Services)
[Deferred from 5/20/97 - Item 6e(11)]

Documents filed: None.

Discussion/Action: This item was deferred to June 3, 1997.

6e(12) Adoption of a resolution authorizing the City Manager to negotiate and execute:
(a) A first amendment to the agreement with the San José Conservation Corps for the Ultra-Low Flush Toilet (ULFT) Installation Project, extending the term of the agreement by two (2) months, from July 1, 1997 to August 31, 1997, at no additional cost to the City.

- (b) Grant agreements with participating school districts to pay for installation of Ultra-Low Flush Toilets at public school facilities, at a cost not to exceed \$90,000
- (c) First amendments to the agreements with plumbing wholesalers revising the scope to allow commercial, industrial and institutional property owners/managers to participate in the Voucher Program, and extending the terms of the agreements by one (1) year, from July 1, 1997 to June 30, 1998, at an additional cost to the City not to exceed \$300,000
(Environmental Services)
(Rules Committee referral 5/21/97)

Documents filed: Memorandum from Director of Environmental Services, Louis N. Garcia, dated May 21, 1997, recommending adoption of said resolution.

Discussion/Action: Resolution No. 67336, entitled: "A Resolution of the Council of the City of San José Delegating to the City Manager the Authority to Execute a First Amendment to the Agreement with the San José Conservation Corps to Extend the Contract Term Through August 31, 1997, at No Additional Cost to the City; to Negotiate and Execute Agreements to Provide a Total of Not to Exceed \$90,000 in Funding for the Installation of Ultra Low Flow Toilets in Schools; and to Negotiate and Execute Amendments to Existing Agreements with Qualified Plumbing Wholesalers to Extend the Term of the Agreements Through June 30, 1998 and to Provide for Payment of Ultra Low Flush Toilet Vouchers for Commercial Properties in an Amount Not to Exceed \$150 Per Voucher", was adopted. Vote: 11-0-0-0.

Routine Legislation

6f(1) Approval of an ordinance amending Ordinance No. 20822 allowing a four (4) month extension, from July 1, 1997 to November 7, 1997, to the Nitrogen Gas Franchise with Air Products and Chemicals, Inc. CEQA: Exempt. (Public Works)

Documents filed: (1) Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated May 9, 1997, recommending approval of said ordinance amendment. (2) Memorandum from Assistant to the City Manager, Nina S. Grayson, dated May 21, 1997, to amend CEQA Section of the Staff report dated May 9, 1997 to read: Exempt (PP97-05-114) May 8, 1997"

Discussion/Action: Ordinance No. 25358, entitled: "An Ordinance of the City of San José Amending Ordinance No. 20822 as Amended, Extending the Term for Four Months of the Nonexclusive Franchise Granted to Air Products and Chemicals, Inc. and/or any Wholly-Owned Subsidiary Thereof for Conveyance of Nitrogen Gas Through Pipelines Under, Along and Across Public Streets in the City of San José, as the Same Now or May Hereafter Exist", was passed for publication. Vote: 11-0-0-0.

6f(2) Approval of the FY 1996-97 Normal Capital Repairs and Replacements and Parking Capital Repairs and Replacements Budget Submittals recommended by the San José Arena Authority Board of Directors. (San José Arena Authority)

Documents filed: Memorandum from San José Arena Authority, dated May 9, 1997, recommending approval of said budget submittals

Discussion/Action: The FY 1996-97 Normal Capital Repairs/Replacements and Parking Capital Repairs/Replacements Budget Submittals were approved. Vote: 11-0-0-0.

6f(3) Approval of City's participation in the International City Management Association's (ICMA) International Resource Cities Program
(City Manager's Office)
(Rules Committee referral 5/21/97)

Documents filed: Memorandum from City Manager Regina V.K. Williams, dated May 22, 1997, recommending approval of the City's participation in the International City Management Association's (ICMA) International Resource Cities Program.

Discussion/Action: The recommended participation in the ICMA's International Resource Cities Program was approved. Vote: 11-0-0-0.

6f(4) (a) Adoption of a resolution accepting a United States Department of Justice grant in the amount of \$975,000 for the hiring of thirteen (13) Police Officers, over three (3) years, under the Universal Hiring Program
(b) Authorization for the addition of thirteen (13) sworn Police positions
(c) Adoption of proposed appropriation ordinance and funding sources resolution amendments in the General Fund and State Drug Forfeiture Fund increasing the Police Department's personal services, non-personal and equipment appropriation for expenses related to the Universal Hiring Program Grant as part of the United States Department of Justice Office of Community Oriented Policing
(Police/City Manager's Office)
(Rules Committee referral 5/21/97)

Documents filed: Memorandum from Chief of Police Cobarruviaz and Budget Director Lisenbee, dated May 23, 1997, recommending acceptance of said Universal Hiring Program grant, authorization for 13 sworn Police positions, and adoption of said appropriation ordinance and related revenue resolution amendments.

Discussion/Action: Acceptance of the Universal Hiring Program grant was approved, thirteen sworn Police positions authorized, and Resolution No. 67337, entitled: "A Resolution of the Council of the City of San José Accepting a United States Department of Justice Grant in the Amount of \$975,000 for the Hiring of Thirteen (13) Police Officers, Over Three (3) Years Under the Universal Hiring Program"; Ordinance No. 25359, entitled: "An Ordinance of the City of San José Amending Ordinance No. 25131 which Appropriates Moneys in the General Fund in the Total Amount of \$260,046 and Appropriates Moneys in the State Drug Forfeiture Fund in the Total Amount of \$310,370, Increasing the Police Department's Personal Services, Non-Personal Expenses and Equipment Appropriations for Expenses Related to the Universal Hiring Program Grant as Part of the U.S. Department of Justice Office of Community-Oriented Policing; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", and Resolution No. 67338, 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 General Fund and in the State Drug Forfeiture Fund” were adopted.
Vote: 11-0-0-0.

6f(5) Approval of travel for Regina V.K. Williams, City Manager, to Washington, D.C. for the period May 29 to June 1, 1997 to attend the International City Management Association’s International Resource Cities Program
(City Manager’s Office)
(Rules Committee referral 5/21/97)

Documents filed: Memorandum from City Manager Regina V.K. Williams, dated May 22, 1997, requesting approval of said travel for City Manager Williams to attend the International City Management Association’s International Resource Cities Program in Washington, D.C.

Discussion/Action: The travel for City Manager Williams was approved. Vote: 11-0-0-0.

END OF CONSENT CALENDAR
COMMISSION, COMMITTEE, AND STANDING REPORTS
7b Report of the Rules Committee - May 14, 1997

Documents filed: Rules Committee report of May 14, 1997

(1) Review May 27 Council Agenda

The Committee approved the May 27, 1997 Council Agenda with two additions.

(2) Add New Items to May 20 Amended Council Agenda

The Committee recommended eleven additions to the May 20, 1997 amended Council agenda

(3) The Public Record

None filed.

(4) Legislative Report 97-03
AB 97 (Fruesetta) Water: Flood Control Subventions
AB 323 (Baca) Community Care Facilities: Group Homes
AB 431 (Baldwin) Pupil Expulsion
AB 1436 (Cardoza) Public Safety Officers: Procedural Bill of Rights
AB 1512 (Shelley) Beverage Containers: Recycling
SB 1018 (Leslie) Private Property: Illegal Dumping
SB 1109 (Costa) Housing: Rent Control

This item was heard by the Council on May 20, 1997.

(5) Boards and Commissions. Attachments: (1) Memoranda from City Clerk O’Hearn dated May 2, 1997 forwarding 14 lists of qualified applicants as submitted by the Project Diversity

Screening Committee. (2) Memoranda from City Attorney Gallo regarding potential conflicts of interest. (3) Memoranda from Council Member Woody dated May 14, 1997 recommending appointments to the Advisory Commission on Rents and the Senior Citizens Commission. (4) Memoranda from Council Member Shirakawa dated May 14, 1997 recommending appointments to the Advisory Commission on Rents, CDBG Steering Committee, Library and Parks and Recreation Commissions and San José Appeals Hearing Board. (5) Memoranda from Council Member Powers dated May 12 and 14, 1997 recommending appointments to the Airport and Library Commissions and recommending an appointment to the Arts Commission and readvertising the two remaining positions. (6) Memoranda from Council Member Dando dated May 8 and 13, 1997 recommending appointments to the Child Care Commission and the Traffic Appeals Commission and readvertising the remaining positions. (7) Memorandum from Council Member Diaz dated May 13, 1997 recommending retaining the four vacancies on the MBE/WBE/DBE Committee until changes approved by Council April 1, 1997 have been enacted. (8) Memoranda from Council Member Diquisto dated May 8 and 13, 1997 recommending appointments to the Parks and Recreation Commission and recommending an appointment to the Disadvisory Commission and extension of two commissioners' terms. (9) Memoranda from Council Member Johnson dated May 13, 1997 recommending appointments to the Historic Landmarks Commission and recommending Council interviews for the four qualified candidates for the San José Hearing Appeals Board. (10) Memorandum from Council Member Pandori dated May 14, 1997 recommending appointments to the Parking Advisory Commission.

(a) Advisory Commission on Rents.

The Committee recommended appointment of Dawn Marie Hutchinson to the landlord position for a term ending December 31, 1999.

(b) Airport Commission

The Committee recommended appointment of Theodore Lopez and Brooks Mancini to terms ending June 30, 2001.

(c) Arts Commission

The Committee recommended reappointment of Joanna Phillips to a term ending June 30, 2001 and deferred the remaining appointments to the May 21, 1997 Rules Committee meeting.

(d) Child Care Commission

The Committee recommended reappointment of Diane Jantzen and Louis Towner and appointment of Alexis Bischoff to terms ending June 30, 2001 and directed the City Clerk to advertise for the remaining positions during the Fall Project Diversity cycle.

(e) CDBG Steering Committee

The Committee recommended appointment of Nina Mazzo, as the City-wide representative, to a term ending June 30, 1999.

(f) Committee on M/W/D Business Development

The Committee recommended retaining the four vacancies on this Committee until the changes approved by Council April 1, 1997 have been enacted.

(g) Disability Advisory Commission

The Committee recommended appointment of Lila Kraai to a term ending June 30, 2001 and extended to December 31, 1997 the terms of Commissioners Tim Fitzgerald and Randy Tamez.

(h) Historic Landmarks Commission

The Committee recommended reappointment of Craig Tanaka and appointment of Mildred Bloom and Mark Lazzarini to terms ending June 30, 2001.

(i) Library Commission

The Committee recommended reappointment of Lillian Jones and appointment of Winston Chew to terms ending June 30, 2001 and Gordon Holmes to an unexpired term ending June 30, 1999.

(j) Parking Advisory Commission

The Committee was informed the Parking Advisory Commission will be disbanded and a Downtown Parking Board will be established with its membership to be appointed by the Mayor.

(k) Parks and Recreation Commission

The Committee recommended reappointment of Kathryn Joesten and appointment of Ann Marquino and Jeffry Ota for terms ending June 30, 2001 and Michele Lew for an unexpired term ending June 30, 1998.

(l) San José Appeals Hearing Board

The Committee directed the City Clerk to inform the four qualified applicants of the recently approved changes to the Board and that, if they wish to continue as an applicant for the two vacancies, they will be scheduled for an interview by the Council Members at a meeting in June.

(m) Senior Citizens Commission

The Committee recommended appointment of Don Blankenship, Tito Cortez, Roberto Glass, Arlene Wagner and Donice Wagner to terms ending June 30, 2001 and Herman Janzen and Patricia Moriarty to unexpired terms ending June 30, 1998.

(n) Traffic Appeals Commission

The Committee recommended appointment of Sheri Stonier-Montoya to a term ending June 30, 2001 and directed the Office of the City Clerk to readvertise the two remaining positions during the Fall Project Diversity cycle.

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

(a) Recommendations regarding over-concentration of liquor outlets. Attachment: Memorandum from Council Members Diaz, Shiraka, Jr. and Woody dated May 8, 1997 recommending four proposals regarding retail alcoholic beverage licenses and over-concentration of liquor outlets be referred to the Administration for report back to the City Council.

The Committee referred this recommendation to the Administration for a report back to Rules Committee with an assessment of the time and resources involved to complete the request.

(b) Request to review possibility of joint partnership with County of Santa Clara and East Side Union High School District to develop a community library. Attachment: Memorandum from Council Member Diaz dated May 12, 1997 regarding a proposed public library and community center on the James Lick High School campus.

The Committee referred the item to the Library Master Plan Task Force.

(c) Request for report on existing City policy and recommendations for future policy regarding window bars

The Committee deferred this item to the May 21, 1997 Rules Committee meeting.

(7) City Council and Rules Committee Meeting Schedules. Attachment: Memorandum from Mayor Hammer dated May 14, 1997 tentatively proposing an evening Council session on June 10, 1997 to continue discussion on the Airport Master Plan.

The City Clerk stated Executive Sessions will start at 9:00 a.m. each Tuesday, from May 20, 1997 through June 17, 1997; the Committee approved a Public Hearing at 7:00 p.m., May 29, 1997 on the Proposed Operating and Capital Budgets for Fiscal Year July 1, 1997 to June 30, 1998; and deferred to the May 21, 1997 Rules Committee a discussion of scheduling an evening Council meeting on June 10, 1997.

(8) Oral Communications

None presented.

(9) Adjournment

The meeting was adjourned at 3:40 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 May 14, 1997, were accepted. Vote: 11-0-0-0.

7c Report of the Finance/Agency Finance Committee - May 14, 1997

Documents filed: Finance/Agency Finance Committee report of May 14, 1997.

- (1) Monthly Investment Report for March, 1997. Attachment: Memorandum from Finance Director Guthrie dated April 25, 1997 transmitting the March 1997 Investment Report
- (2) Monthly Financial Report for March, 1997. Attachment: Memorandum from Budget Director Lisenbee dated April 21, 1997 transmitting the March 1997 Financial Report.

The Committee accepted the reports.

- (3) Housing Rehabilitation Audit. Attachment: Report and Executive Summary, entitled: *An Audit of the Housing Rehabilitation Program*, submitted by City Auditor Silva.

The Committee recommended: (a) approval of Recommendation Nos. 1, 2, 3, 6, 7, 12, 13, 14, 15, 17, 19, 22 and 23, (b) referral of Recommendation No. 4 to the City Attorney to work with the Housing Department and City Auditor, (c) referral of Recommendation No. 20 to the Housing & Community Development Committee for evaluation as to whether additional performance measures are necessary and report back to the Finance Committee, (d) that Recommendation Nos. 8, 9, 11, 16 and 21 be moved into the Agreed Category and approved and Staff directed to work with the Housing & Community Development Committee on those recommendations; (e) referral of Recommendation No. 5 to the Housing Department for further review and report back to the Finance Committee in six months; (f) that Recommendation No. 10 be eliminated; (g) that the Housing Department develop a policy on Recommendation No. 18 for the taking of photos and report back to the Finance Committee in six months; and (h) that the City Council address additional staffing for the Housing Department

- (4) Report on Business Tax Liability Applicable to Independent Contractors (New Realities TF Recommendation #3.05).

This item was deferred to the May 28, 1997 Committee meeting.

- (5) Amendment to Business License Tax Ordinance (Hardship Rates). Attachment: Memorandum from Finance Director Guthrie, dated May 8, 1997 recommending direction for City Attorney to draft an ordinance providing for a 2-year pilot program to grant business tax refunds to "single-person businesses" with gross receipts falling below the defined poverty level, as described therein.

The Committee approved the report.

- (6) Report on Operating & Maintenance Impact of Capital Budget Projects
(New Realities TF Recommendation #1.03)

Deferred to 5/28/97 Committee meeting.

- (7) Quarterly Audit Follow-up Report on recommendations for the period ended January 31, 1997

The Committee accepted the report

- (8) Oral Petitions

None presented.

- (9) Adjournment

The meeting was adjourned at 12:07 p.m.

Discussion/Action: Upon motion by Council Member Woody, seconded by Council Member Fiscalini and unanimously carried, the Finance/Agency Finance Committee report and actions of May 14, 1997, were accepted. Vote: 10-0-1-0. Absent: Diquisto.

LAND USE AND DEVELOPMENT

8a Adoption of a resolution amending the 1996-97 Schedule of Fees to incorporate proposed processing fees for modification to the Urban Growth Boundary. CEQA: ND. (City Attorney's Office)

[Deferred from 4/29/97 - Item 8a(2) and 5/13/97 - Item 8b]

Documents filed: None.

Discussion/Action: This item was deferred to June 10, 1997.

GENERAL GOVERNMENT

9b Approval of an ordinance amending Title 1 of the San José Municipal Code by adding a new Chapter 1.13 to provide for an Administrative Public Nuisance Abatement Process. (City Attorney's Office) (Deferred from 5/13/97 - Item 9c)

Documents filed: None.

Discussion/Action: This item was deferred to June 10, 1997.

9c (1) Report on bids and award of contract for the San Pedro/Santa Clara Streets Streetscape Project to the low bidder, Golden Bay Construction, Inc., in the amount of \$2,994,850, and approval of a contingency in the amount of \$300,000. CEQA: Exempt. (Public Works)

(2) Adoption of appropriation ordinance and funding sources resolution amendments in the City-side Redevelopment Fund in the amount of \$4,145,000 for various capital projects. (City Manager's Office)

Documents filed: (1) Memoranda from Director of Public Works, Ralph A. Qualls, Jr., dated May 9 and May 20, 1997, recommending award of said contract to the low bidder, Golden Bay Construction, Inc. (2) Memorandum from Budget Director Larry D. Lisenbee, dated May 9, 1997, recommending approval of said appropriation ordinance and related revenue resolution amendments.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Council Member Powers, and unanimously carried, the award of contract to the low bidder, Golden Bay Construction, Inc., and said contingency were approved and their execution authorized; Resolution No. 67339, entitled: "A Resolution of the Council of the City of San José Amending Revenue 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", and Ordinance No. 25360, 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 Total Amount of \$4,145,000 for Various Redevelopment Capital Projects; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", were adopted. Vote: 11-0-0-0.

9d (1) Report on bids and award of contract for the Montgomery Theater Improvements Project to the low bidder and approval of a contingency of ten (10) percent. (Public Works)
(2) Adoption of appropriation ordinance amendments in the Convention and Cultural Affairs Fund to provide additional funding for the Montgomery Theater Capital Improvement Projects. (City Manager's Office)

Documents filed: None.

Discussion/Action: This item was deferred to June 3, 1997.

9e (1) Accept the report on Secondary Employment of San José Police personnel
(2) Authorize the addition of 1.0 Police Sergeant position to the Police Department for staffing the Entertainment Zone Policing Plan
(3) Adopt the proposed Downtown Entertainment Zone Policing Program and approval of a Secondary Employment Approval Program Ordinance and related amendments to the Schedule of Fees Resolution to establish fees and charges
(4) Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund in the amount of \$285,193 to establish a Police Department Secondary Employment Unit and Entertainment Zone Policing Plan
(Police/City Manager's Office)

Documents filed: None.

Discussion/Action: This item was deferred to June 3, 1997.

9f Report on bids and approval of award of contract for the construction project entitled “San José/Santa Clara Water Pollution Control Plant, Secondary Drain Pump Replacement and Mixed Liquor Air Piping and Header Replacement” to the lowest responsive bidder, Anderson Pacific Engineering Construction Inc., in the amount of \$570,000. CEQA: Exempt.
(Environmental Services)
(Deferred from 5/20/97 - Item 9h)

Documents filed: None.

Discussion/Action: This item was deferred to June 3, 1997.

9g PUBLIC HEARING on the Commercial Solid Waste Collection Franchise application of Greenteam of San José, approval of an ordinance granting the franchise, and approval of Commercial Solid Waste Collection Franchise Agreement with Greenteam of San José.
(Environmental Services)
(Rules Committee referral 5/21/97)

Documents filed: (1) Memorandum from Director of Environmental Services, Louis N. Garcia, dated May 13, 1997, recommending approval of said ordinance and said Commercial Solid Waste Collection Franchise Agreement. (2) Proof of publication of Notice of Public Hearing, dated May 16, 1997, submitted by the City Clerk. (3) Affidavit of Posting of Notice of Hearing, dated May 16, 1997, submitted by the City Clerk. (4) Letter from William J. Garbett, dated May 13, 1997, in opposition to said franchise and agreement.

Discussion/Action: Mayor Hammer opened the public hearing. William Garbett spoke in opposition to the proposal. Upon motion by Council Member Johnson, seconded by Council Member Powers, and unanimously carried, the public hearing was closed, the Commercial Solid Waste Collection Franchise was approved, the Commercial Solid Waste Collection Franchise agreement with Greenteam of San José approved, and Ordinance No. 25361, entitled: “An Ordinance of the City of San José Granting a Commercial Solid Waste Collection Franchise to Greenteam of San José”, was passed for publication. Vote: 11-0-0.

9h Adoption of a resolution:

- (1) Approving business terms for an acquisition loan of up to \$1,343,000 to S.P.G. Housing, Inc., or its assignee, for the land acquisition for a 100-unit housing project affordable to very low-income seniors on a 2.28 acre site located approximately at the proposed extension of 34th Street on the south end of the Thunderbird Golf Course on King Road.
 - (2) Authorizing the Director of Housing to negotiate and execute all necessary documents on behalf of the City
- (Housing) (Rules Committee referral 5/21/97)

Documents filed: Memorandum from Director of Housing, Alex Sanchez, dated May 20, 1997, recommending adoption of said resolution.

Discussion/Action: Upon motion by Council Member Powers, seconded by Council Member Fernandes, and unanimously carried, Resolution No. 67340, entitled: “A Resolution of the Council of the City of San José (i) Approving up to \$1,343,000 for an Acquisition Loan to S.P.G Housing, Inc., or its Assignee, for a 100-Unit Rental Housing Project Affordable to Very Low-Income Persons and Families, and (ii) Authorizing the Director of Housing to Negotiate and Execute All Necessary Documents Evidencing Such Loan on Behalf of the City”, was adopted. Vote: 11-0-0-0.

9i Adoption of a resolution:

- (1) Approving business terms for an acquisition and construction loan of up to \$3,525,000 to Coleman Road Associates, L.P. for the development of an affordable 141-unit senior rental housing project on a 3.74 acre site located at the northwest corner of Coleman Road and Almaden Expressway
- (2) Authorizing the Director of Housing to negotiate and execute all necessary documents evidencing such loan on behalf of the City
- (3) Finding that the use of 20% Housing Funds for the project is of benefit to the Redevelopment Project Areas in San José.
(Housing) (Orders of the Day 4a)

Documents filed: Memorandum from Director of Housing, Alex Sanchez, dated May 23, 1997, recommending adoption of said resolution.

Discussion/Action: William Garbett spoke in opposition to the proposal. Upon motion by Council Member Dando, seconded by Council Member Fiscalini, and unanimously carried, Resolution No. 67341, entitled: “A Resolution of the Council of the City of San José (i) Approving up to \$3,525,000 for an Acquisition and Construction Loan to Coleman Road Associates, L.P., for the Development of a 141-Unit Rental Housing Project Affordable to Very Low- and Low-Income Persons and Families, (ii) Authorizing the Director of Housing to Negotiate and Execute All Necessary Documents Evidencing Such Loan on Behalf of the City, and (iii) Finding that the Use of 20% Housing Funds for the Subject Project is a Benefit to the Redevelopment Project Areas in San José”, was adopted. Vote: 11-0-0-0.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ITEMS

The City Council convened the Redevelopment Agency Board and the San José Financing Authority at 2:48 p.m. to consider Items 11a in a Joint Session with San José Financing Authority Item 2.

This item was heard with San José Financing Authority Item No. 2

11a (1) Adoption of a resolution of the Agency Board:

- (a) Authorizing the sale of the Redevelopment Agency of the City of San José Merged Area Redevelopment Project Housing Set Aside Tax Allocation Bonds Series 1997E in the aggregate principal amount not to exceed \$17,045,000, at an interest rate not to exceed 7%.
- (b) Approving in substantive form and authorizing the Executive Director, or his designee, to execute the Fourth Supplemental Trust Agreement with First Trust of California, as successor

Fiscal Agent; the Continuing Disclosure Agreement with the Fiscal Agent; the Bond Purchase Agreement among the Agency, the City of San José Financing Authority and Dillon, Read & Co., Inc. and E.J. De La Rosa & Co., Inc. as Underwriters

(c) Approving the form of and authorizing the distribution of the Preliminary Official Statement and authorizing the Executive Director to execute and deliver the Official Statements.

(d) Authorizing the Executive Director, the Assistant Executive Director and the Director of Finance and Administration to take all necessary actions in connection with the issuance of the Bonds

(2) Adoption of a resolution of the City Council:

(a) Approving the issuance of the Bonds by the Redevelopment Agency.

(b) Authorizing the City Manager to negotiate and execute an agreement with Litten Financial Consulting for financial advisory services, in an amount not to exceed \$45,000.

(c) Authorizing the City Attorney to negotiate and execute an agreement with Lofton, De Lancie & Nelson for Bond Counsel Services in an amount not to exceed \$75,000.

(City Manager's Office/Redevelopment Agency/Housing)

(Deferred from 5/20/97 - Item 11a)

San José Financing Authority Item:

2 Adoption of a resolution by the City of San José Financing Authority approving in substantial form and authorizing the Treasurer to execute the Bond Purchase Agreement and to take all necessary actions in connection with the issuance and sale of the Bonds. (City Manager's Office/Redevelopment Agency/Housing)

(Deferred from 5/20/97 - Item 2)

Documents filed: (1) Memorandum from City Manager Regina V.K. Williams and Redevelopment Agency Executive Frank Taylor, dated May 14, 1997, recommending adoption of said resolutions by the City Council, the Redevelopment Agency and the San José Financing Authority. (2) Memorandum from Redevelopment Agency Executive Director Frank Taylor, dated May 23, 1997, recommending adoption of a resolution to restrict the amount of the Housing Set-Aside Tax Allocation Bonds, Series 1997E, needed to fund the amount of loan commitments received by the Bonds' sale date from the five approved projects. (3) Memorandum from Director of Housing, Alex Sanchez, dated May 27, 1997, recommending Council provide the Administration/Agency with the Authority to issue the bonds for the full amount of \$17,045,000.

Discussion/Action: William J. Garbett addressed the Council in opposition to the proposal. Upon motion by Council Member Diaz, seconded by Council Member Powers, and unanimously carried, Redevelopment Agency Resolution No. 4259, "Resolution of the Redevelopment Agency of the City of San José Authorizing and Directing the Issuance and Sale of the Redevelopment Agency of the City of San José Merged Area Redevelopment Project Housing Set-Aside Tax Allocation Bonds, Series 1997E in the Aggregate Principal Amount not to Exceed \$17,045,000; Authorizing the Form of and the Execution of a Fourth Supplemental Agreement, a Continuing Disclosure Agreement and a Bond Purchase Agreement; Appointing Bond Counsel, Special Tax Counsel, Financial Advisor, Financial Consultant, Underwriters and Other Agents; Approving the Form of and Authorizing the Distribution of a Preliminary Official Statement and Authorizing Execution and Delivery of an Official Statement; Authorizing Payment of Costs of

Issuance; and Authorizing Necessary Actions in Connection Therewith; City Resolution No. 67342, entitled: "Resolution of the Council of the City of San José Approving the Issuance by the Redevelopment Agency of the City of San José of its Merged Area Redevelopment Project Housing Set-Aside Tax Allocation Bonds, Series 1997E in an Aggregate Principal Amount Not to Exceed \$17,045,000; and Approving the Retention of Bond Counsel, Special Tax Counsel, Financial Advisor, Financial Consultant, Underwriters and Other Agents", and San José Financing Authority Resolution No. SJFA-22, entitled: "Resolution of the City of San José Financing Authority Authorizing the Purchase of the Redevelopment Agency of the City of San José Merged Area Redevelopment Project Housing Set-Aside Tax Allocation Bonds, Series 1997E in the Aggregate Principal Amount Not to Exceed \$17,045,000; the Sale of Such Bonds to the Underwriters; and Authorizing Necessary Actions in Connection Therewith", were adopted. Vote: 11-0-0-0.

The City Council adjourned the Redevelopment Agency Board and the San José Financing Authority portions of the meeting at 2:49 p.m.

ORAL COMMUNICATIONS

- (1) Cathy Brandhorst addressed the Council regarding societal issues.
- (2) William Chew addressed Council regarding cannabis club regulations.

ADJOURNMENT

The Council of the City of San José adjourned at 2:55 p.m. to Thursday, May 29, 1997, 7:00 p.m., Council Chambers for a public hearing on the Proposed Operating and Capital Budgets for Fiscal Year 97/98, including proposed Departmental Fees and Charges of the City of San José.

The meeting was adjourned in memory of Esther Collishaw, founder and president of Collishaw Construction.

SUSAN HAMMER, MAYOR

ATTEST:
PATRICIA L. O'HEARN, CITY CLERK