

## MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, DECEMBER 9, 1997

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

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

Absent: Council Members: Diaz (excused).

Upon motion unanimously adopted, Council recessed at 9:35 a.m. to a Closed Session in Room 600 to confer with Legal Counsel pursuant to Government Code Section 54956.9; under Subsection (a) to discuss existing litigation in the cases of (1) Jane Doe v. City of San José, et al., and (2) In re Bynoe.

By unanimous consent, Council reconvened from the Closed Session and recessed at 10:25 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

Lincoln High School Jazz Choir presented holiday musical selections, Carol of the Bells, White Christmas, and All I Want for Christmas, featuring as soloist Kenny Thomas. The Lincoln High Jazz Choir was invited last spring to perform at Carnegie Hall. (Mayor)

### PLEDGE OF ALLEGIANCE

Mayor Hammer led the Pledge of Allegiance.

### ORDERS OF THE DAY

Upon motion by Council Member Fiscalini, seconded by Council Member Johnson, and unanimously carried, the Orders of the Day and the Amended Agenda were approved. Vote: 11-0-0-0.

### CEREMONIAL ITEMS

- 5a Presentation of plaques to Tim Fitzgerald for 4 years 5 months service and to Barbara Rhodes for 2 years service on the Disability Advisory Commission. (Mayor)**

Documents filed: None.

Discussion/Action: Mayor Hammer was joined by Disability Access Coordinator Cynthia Waddell, for presentation of a plaque to Barbara Rhodes for 2 years service on the

Disability Advisory Commission. A plaque will be sent to Tim Fitzgerald, who was unable to be present.

## **CONSENT CALENDAR**

Upon motion by Council Member Johnson, seconded by Council Member Fiscalini, 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**

- 6b(1) ORD. NO. 25466 - Amends Section 3.48.137 of Chapter 3.48 of Title 3 of the San José Municipal Code to increase the amount of deferred compensation accounts that can be voluntarily liquidated.**

Documents filed: Proof of publication of title of Ordinance No. 25466 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25466 adopted. Vote: 11-0-0-0.

- 6b(2) ORD. NO. 25467 - Rezones certain real property situated on the southeasterly side of Berryessa Road between Junesong Way and Dionne Way. PDC 97-06-034**

Documents filed: Proof of publication of title of Ordinance No. 25467 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25467 adopted. Vote: 11-0-0-0.

- 6b(3) ORD. NO. 25468 - Rezones certain real property situated on the southeast corner of 16th Street and East Santa Clara Street. C 97-09-066**

Documents filed: Proof of publication of title of Ordinance No. 25468 submitted by the City Clerk.

Discussion/Action: Ordinance No. 25468 adopted. Vote: 11-0-0-0.

- 6b(4) ORD. NO. 25469 - Adopts an uncodified ordinance to establish a pilot project on hiring methods for certain civil service positions.**

Documents filed: None.

Discussion/Action: This item deferred to January 27, 1998.

### **Plans and Specifications**

- 6d(1) TRACT NO. 8958 - Southeast corner of McKean and Almaden Roads - Steve Becerra (Developer) - 14 detached residential units. Adoption of resolutions approving the plans, final map, contract, and approval of the Parkland Agreement**

**for Tract No. 8958. CEQA: ND. District 10. (Public Works)  
(Rules-in-Lieu referral 12/3/97)**

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated December 1, 1997, recommending adoption of said resolutions.

Discussion/Action: Resolution No. 67784, 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. 8958"; Resolution No. 67785, entitled: "A Resolution of the Council of the City of San Jose Approving and Accepting Final Map of Tract No. 8958"; and Resolution No. 67786, 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. 8958"; were adopted. Vote: 11-0-0-0.

**6d(2) TRACT NO. 9013 - South 16th, South 17th, and San Fernando Streets - Classic Communities, Inc. (Developer) - 30 detached residential units. Adoption of resolutions approving the plans, final maps, and contract for Tract No. 9013. CEQA: ND. District 3. (Public Works)  
(Rules-in-Lieu referral 12/3/97)**

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated December 1, 1997, recommending adoption of said resolutions.

Discussion/Action: Resolution No. 67787, 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. 9013"; Resolution No. 67788, entitled: "A Resolution of the Council of the City of San Jose Approving and Accepting Final Map of Tract No. 9013"; and Resolution No. 67789, 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. 9013"; were adopted. Vote: 11-0-0-0.

**Contracts/Agreements**

**6e(1) Approval of an agreement with Foundation Health Psychcare Services SBA Occupational Health Services to develop and deliver a Human Relations Training Program for the Fire Department, in an amount not to exceed \$134,700. (Fire)  
[Deferred from 11/18/97 - Item 6e(6)]**

Documents filed: Memorandum from Fire Chief Robert Dorman, dated December 2, 1997, recommending approval of said agreement with Foundation Health Psychcare Services SBA Occupational Health Services.

Discussion/Action: The agreement with Foundation Health Psychcare Services SBA Occupational Health Services was approved and its execution authorized. Vote: 11-0-0-0.

**6e(2) Approval of an ordinance amending Ordinance No. 25361 and an amendment to the**

**Commercial Solid Waste Collection Franchise Agreement with GreenTeam of San José, allowing GreenTeam of San José to operate under its Commercial Solid Waste Collection Franchise using the fictitious business name GT Waste Systems. CEQA: ND. (Environmental Services)**

Documents filed: Memorandum from Director of Environmental Services, Louis N. Garcia, dated November 20, 1997, recommending approval of said ordinance.

Discussion/Action: Ordinance No. 25471, entitled: “An Ordinance of the City of San José Amending Ordinance No. 25361, which Granted a Commercial Solid Waste Collection Franchise to GreenTeam of San José, to Allow GreenTeam to Conduct Commercial Solid Waste Business Under the DBA GT Waste Systems”, was passed for publication. Vote: 11-0-0-0.

**6e(3) Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 1997-98 #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 November 20, 1997, recommending award of open purchase order list No. 14 for FY 1997-98 and authorization for the Director of General Services to execute the purchase orders.

Discussion/Action: The open purchase order list No. 14 was approved and the Director of General Services authorized to execute the purchase orders. Vote: 11-0-0-0.

**6e(4) Adoption of a resolution authorizing the Director of General Services to:**  
(a) **Negotiate and execute a \$210,000 1995/96 AB 434 40% TFCA clean air agreement with the Santa Clara Valley Transportation Authority Congestion Management Program (SCVTA/CMP) with no local matching requirement.**  
(b) **Negotiate and execute a lease for up to eleven (11) electric Toyota RAV4-EV sport utility vehicles from Toyota Motor Sales U.S.A., Inc., for a period of three (3) years in an amount not to exceed \$195,000 including tax.**  
**(General Services)**

Documents filed: Memorandum from Director of General Services, Ellis M. Jones, Jr., dated November 20, 1997, recommending adoption of said resolution.

Discussion/Action: Resolution No. 67790, entitled: “A Resolution of the Council of the City of San José Authorizing the Director of General Services to Negotiate and Execute Agreements with the Santa Clara Valley Transportation Authority Congestion Management Program for Funding and with Toyota Motor Sales U.S.A., Inc. for the Lease of Eleven Electric Vehicles”, was adopted. Vote: 11-0-0-0.

**6e(5) Adoption of a resolution authorizing the Director of General Services to:**

- (a) **Negotiate and execute an agreement with Toyota Motor Sales, U.S.A., Inc. for the City to become the authorized Toyota RAV4 electric vehicle service facility in the Bay Area through the year 2001.**
- (b) **Negotiate and execute documents, with purchasers and lessees of Toyota Motor Sales, U.S.A., Inc. RAV4 electric vehicles necessary to provide maintenance, warranty, and other repair services.**

**(General Services)**

Documents filed: Memorandum from Director of General Services, Ellis M. Jones, Jr., dated November 20, 1997, recommending adoption of said resolution.

Discussion/Action: Resolution No. 67791, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of General Services to Negotiate and Execute Agreements with Toyota Motor Sales U.S.A., Inc. for the City to Act as a Service Facility and to Execute Documents with Vehicle Owners and Lessees to Perform Services", was adopted. Vote: 11-0-0-0.

**6e(6) Adoption of a resolution authorizing the Director of General services to:**

- (a) **Execute an open purchase order for non-stock furniture items for City-wide use to BT Office Products International, at a cost not to exceed \$100,000, for one (1) year, including tax and freight.**
- (b) **Exercise options to renew for four (4) additional years at a cost not to exceed \$100,000 per year and Council appropriation of the funds.**

**(General Services)**

Documents filed: Memorandum from Director of General Services, Ellis M. Jones, Jr., dated November 20, 1997, recommending adoption of said resolution.

Discussion/Action: Resolution No. 67792, entitled: "A Resolution of the Council of the City of San José Authorizing the Director of General Services to Execute an Open Purchase Order for Nonstock Furniture Items and to Execute Four One-Year Options with BT Office Products International", was adopted. Vote: 11-0-0-0.

**6e(7) Approval of award of purchase of an Andros Mark VI-A Remote Control Vehicle (RCV-Robot) for the Police Department/Airport Division to Remotec, Inc. at a total cost of \$110,972.61, including tax, as a sole source purchase 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 November 20, 1997, recommending award of said purchase to Remotec, Inc.

Discussion/Action: The award of said purchase agreement to Remotec, Inc., as a sole course purchase pursuant to Chapter 1217 of the City Charter was approved and issuance of the purchase order authorized. Vote: 11-0-0-0.

**6e(8) Adoption of a resolution authorizing the City Manager to negotiate and execute an**

**agreement with Palo Alto Medical Foundation for the services of an occupational physician and consultation in occupational medicine services for the period January 1, 1998 to June 30, 1998, in an amount not to exceed \$91,000. (Human Resources)**

Documents filed: Memorandum from Director of Human Resources, Nona Tobin, dated November 20, 1997, recommending adoption of said resolution.

Discussion/Action: Resolution No. 67793, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with Palo Alto Medical Foundation for Professional Medical Services in an Amount Not to Exceed \$91,000", was adopted. Vote: 11-0-0-0.

**6e(9) Approval of a continuation agreement with David J. Powers and Associates, Inc. for the North San José Environmental Impact Report for the period November 15, 1997 to November 15, 1998, at no additional cost to the City. (Public Works)**

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated November 20, 1997, recommending approval of said agreement with David J. Powers and Associates, Inc.

Discussion/Action: The continuation agreement with David J. Powers and Associates, Inc. for the North San José Environmental Impact Report for the period November 15, 1997 to November 15, 1998, was approved and its execution authorized. Vote: 11-0-0-0.

**6e(10)(a) Adoption of a resolution:**

- (1) Authorizing the City Manager to execute a letter agreement with the United Way of Santa Clara County, on behalf of Pacific Bell Foundation, accepting a grant in the amount of \$20,000 to fund the 21st Century Work Force Education Program.**
- (2) Authorizing the City Manager to negotiate and execute amendments to San José B.E.S.T. grant agreements to distribute the \$20,000 United Way funding to eligible service providers conducting 21st, Education Work Force Program services.**
  - (b) Adoption of related appropriation ordinance and funding sources resolution amendments in the General Fund in the amount of \$20,000.**

**(Parks, Recreation and Neighborhood Services/City Manager's Office)**

Documents filed: Memorandum from Parks, Recreation and Neighborhood Services Director, Mark Linder, and Budget Director Larry Lisenbee, dated November 18, 1997, recommending adoption of said resolutions.

Discussion/Action: Resolution No. 67794, entitled: "A Resolution of the Council of the City of San José Delegating to the City Manager the Authority to Execute a Letter Agreement with United Way of Santa Clara County on Behalf of Pacific Bell Foundation in the Amount of \$20,000.00 for the 21st Century Work Force Education Program and

Delegating to the City Manager the Authority to Negotiate and Execute Amendments to San José BEST Programs to Distribute the Pacific Bell Foundation Grant”; Ordinance No. 25472, entitled: “An Ordinance of the City of San José Amending Ordinance No. 25390 which Appropriates Moneys in the General Fund in the Amount of \$20,000 to Accept a Grant to Fund the 21st Century Work Force Education Program; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, and Resolution No. 67795, entitled, “A Resolution of the City of San José Amending Resolution No. 67424 Setting Forth the Estimated Sources of Funds for the Fiscal Year 1997-98 to Adjust Revenues in the General Fund”, were adopted. Vote: 11-0-0-0.

### **Routine Legislation**

- 6f(1) Adoption of a resolution determining that public interest and necessity require the acquisition of certain property owned by Richard T. Peery, Trustee, and John Arrillaga, Trustee, in the vicinity of Tasman Drive and Zanker Road, and directing the City Attorney to file an eminent domain action. CEQA: Resolution No. 66985. (Public Works)**  
**[Deferred from 11/18/97 - Item 6f(4)]**

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated October 31, 1997, recommending adoption of said resolution.

Discussion/Action: Resolution No. 67796, entitled: “Resolution of the Council of the City of San José Making Certain Findings and Determinations Relating to the Exercise of the Power of Eminent Domain Pursuant to Article 2, Chapter 4, Title 7 of Part 3 of the California Code of Civil Procedure for the Tasman Drive Improvement Project; Authorizing and Empowering the City Attorney to Bring an Action in Eminent Domain to Acquire Certain Property (Portions of APN 097-97-056 and 097-007-057) for Said Project and to Apply for an Order of Possession Before Judgment and to Prosecute Said Action to Final Judgment; and Authorizing and Empowering the Deposit of Money in Court for Possession of Said Property from the Funds Lawfully Available Therefore”, was adopted. Vote: 11-0-0-0.

- 6f(2) Approval of an ordinance amending Chapter 4.76 of Title 4 of the San José Municipal Code to implement a two-year pilot program to refund a timely business tax payment to any single-person business or husband and wife business with gross receipts not exceeding the federal poverty level during the immediately preceding income tax year and amending Section 4.76.345 to make certain other technical changes. (Finance)**

Documents filed: Memorandum from Director of Finance, John V. Guthrie, dated December 4, 1997, recommending approval of said ordinance.

Discussion/Action: Ordinance No. 25473, entitled: “An Ordinance of the City of San José Amending Chapter 4.76 of Title 4 of the San José Municipal Code to Add a New Section to Implement a Two-Year Pilot Program to Refund a Timely Business Tax

Payment to Any Sole Proprietorship with Gross Receipts Not Exceeding the Federal Poverty Level During the Immediately Preceding Income Tax Year and Amending Section 4.76.345 to Correct a Reference to the Federal Agency Which Sets the Federal Poverty Level and to Make Other Technical Changes”, was passed for publication. Vote: 11-0-0-0.

**6f(3) Adoption of a resolution accepting a progress report demonstrating achievement of the November 25, 1997 New Realities Suspension Triggers and Goals. (City Manager’s Office)**

Documents filed: Memorandum from City Manager Regina V.K. Williams, dated December 5, 1997, recommending adoption of a resolution accepting the progress report as notification of the Administration’s compliance with the November 25, 1997 New Realities Suspension Triggers and Goals related to the presentation of a report on possible modifications to the City’s Civil Service system.

Discussion/Action: Resolution No. 67797, entitled: “A Resolution of the Council of the City of San José Accepting a Progress Report Demonstrating Achievement of the November 25, 1997 New Realities Suspension Triggers and Goals”, was adopted. Vote: 11-0-0-0.

**6f(4) Adoption of appropriation ordinance and funding sources resolution amendments in the Stores Fund for increased inventory purchases in the amount of \$450,000. (General Services/City Manager’s Office)**

Documents filed: Memorandum from Director of General Services, Ellis M. Jones, Jr., dated November 20, 1997, recommending adoption of said ordinance and related revenue resolution amendments.

Discussion/Action: Ordinance No. 25474, entitled: “An Ordinance of the City of San José Amending Ordinance No. 25390 which Appropriates Moneys in the Stores Fund in the Amount of \$450,000 for Increased Inventory Purchases; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption”, and Resolution No. 67798, entitled, “A Resolution of the City of San José Amending Resolution No. 67424 Setting Forth the Estimated Sources of Funds for the Fiscal Year 1997-98 to Adjust Revenues in the Stores Fund”, were adopted. Vote: 11-0-0-0.

**6f(5) Approval to rescind Resolution No. 67587 and adoption of a resolution ordering the reorganization of territory designated as Hamilton No. 58, which involves the annexation to the City of San José of 0.54 acre of land located on the north side of East Hamilton Avenue, approximately 70 feet westerly of Norman Avenue and adjacent public right-of-way extending to the east side of Norman Avenue and the detachment of the same from the Central Fire District, the County Lighting Service District, the West Valley Sanitation District, and the Santa Clara County Library Service District. CEQA: ND. (Planning, Building and Code Enforcement)**

Documents filed: Memorandum from Planning Director Derryberry, dated November 20, 1997, recommending the rescission of Resolution No. 67587 and adoption of a resolution ordering the reorganization of territory designated as Hamilton No. 58.

Discussion/Action: The rescission of Resolution No. 67587 was approved, and Resolution No. 67799, entitled: "Resolution of the Council of the City of San José Ordering the Reorganization of Certain Uninhabited Territory Designated as Hamilton No. 58 Subject to Liability for General Indebtedness of the City After Finding Protests Insufficient to Terminate Such Proceedings", was adopted. Vote: 11-0-0-0.

- 6f(6)(a) Adoption of a resolution determining that public interest and necessity require the acquisition of certain property owned by Finnigan Properties, Inc. on the north side of River Oaks Parkway, and directing the City Attorney to file an eminent domain action.**
- (b) Adoption of a resolution determining that public interest and necessity require the acquisition of certain property owned by Aetna Life Insurance Company in the vicinity of Tasman Drive and Zanker Road, and directing the City Attorney to file an eminent domain action.**

**CEQA: Resolution No. 66985. (Public Works)**

Documents filed: Memorandum from Director of Public Works, Ralph A. Qualls, Jr., dated November 20, 1997, recommending adoption of a resolution determining that public interest and necessity require the acquisition of certain property owned by Finnigan Properties, Inc. on the north side of River Oaks Parkway, and directing the City Attorney to file an eminent domain action.

Discussion/Action: Resolution No. 67800, entitled: "Resolution of Necessity of the Council of the City of San José Making Certain Findings and Determinations Relating to the Exercise of the Power of Eminent Domain Pursuant to Article 2, Chapter 4, Title 7 of Part 3 of the California Code of Civil Procedure for the Tasman Drive Improvement Project; Authorizing and Empowering the City Attorney to Bring an Action in Eminent Domain to Acquire Certain Real Property (Portion of APN 097-33-071) for Said Project and to Apply for an Order of Possession Before Judgment and to Prosecute said Action to Final Judgment; and Authorizing and Empowering the Deposit of Money in Court for Possession of Said Real Property from the Funds Lawfully Available Therefore", was adopted, and the adoption of a resolution determining that public interest and necessity require the acquisition of certain property owned by Aetna Life Insurance Company in the vicinity of Tasman Drive and Zanker Road, and directing the City Attorney to file an eminent domain action, was deferred to December 16, 1997 [Item No. 6f(6)(b)]. Vote: 11-0-0-0.

- 6f(7) Approval of City Council meeting schedules for January through July 1998. (City Manager's Office)  
(Renumbered from 9e)**

Documents filed: Memorandum from Norberto L. Dueñas, Senior Executive Assistant,

dated November 25, 1997, submitting said schedule.

Discussion/Action: The City Council meeting schedules for January through July 1998 was approved. Vote: 11-0-0-0.

## **COMMISSION, COMMITTEE, AND STANDING REPORTS**

### **7b Report of the Rules Committee - November 19, 1997**

Documents filed: Rules Committee report of November 19, 1997.

- (1) Review of December 2 Council Agenda

Dropped - meeting canceled.

- (2) Add New Items to November 25 Amended Council Agenda

The Committee recommended 17 additions and one change to the November 25, 1997 Council meeting.

- (3) The Public Record. Attachment: (1) Memorandum from City Clerk Patricia L. O'Hearn, dated November 13, 1997, listing the items transmitted to the Administration and those items filed for the Public Record for the period November 5-11, 1997 (2) Memorandum from Council Liaison Norberto Dueñas, dated November 18, 1997, summarizing actions taken on the items transmitted to the Administration and those items filed for the Public Record for the period November 5-11, 1997.

The Committee noted and filed the Public Record.

- (4) Boards and Commissions. Attachments: (1) Memorandum from City Clerk O'Hearn, dated October 31, 1997, forwarding ten lists of qualified applicants, as submitted by the Project Diversity Screening Committee. (2) Ten memoranda from City Attorney Gallo, dated October, 1997, reviewing all applicants for conflicts of interest. (3) Memoranda from Council Member Dando, dated November 19, 1997, recommending appointments to the Child Care and Traffic Appeals Commissions. (4) Memoranda from Council Member Diaz, dated November 19, 1997, recommending appointments to the Housing Advisory, Disadvantaged Business, and Human Rights Commissions, and deferral of one appointment pending a change in the appointment schedule limiting to two the terms ending in any one year. (5) Memoranda from Council Member Diquisto, dated November 18 and 19, 1997, recommending appointments to the Disability Advisory and Parks and Recreation Commission. (6) Memoranda from Council Member Powers, dated November 12, 1997, recommending appointments to the Library and Mobile Home Advisory Commissions. (7) Memoranda from Council Member Woody, dated November 12, 1997, recommending appointments to the

Senior Citizens Commission.

The Committee directed the City Clerk to conduct a blind draw for those commissions with more than one vacancy and varying term ending dates, with the results of the draw noted in the Rules Committee Report. The Committee recommended the following appointments:

(a) Child Care Commission

The Committee recommended appointment of Lilia Agüero and Martha Boyles to unexpired terms ending June 30, 1998 and the following four-year terms ending June 30, 2002; and Roxanne Graham and Karyn West-Brown to unexpired terms ending June 30, 2001.

(b) Commission on Disadvantaged Business Development

The Committee recommended reappointment of Nancy Pyle and appointment of Ryan Hubris and Beverly Miles to terms ending December 31, 2001.

(c) Disability Advisory Commission

The Committee recommended appointment of Travis Casper and Charlotte Howard to terms ending June 30, 2001.

(d) Housing Advisory Commission

The Committee recommended appointment of Miriam Ayllon to an unexpired term ending December 31, 1999 and Elizabeth Gellene and Florence Prevost to term ending December 31, 2001 and directed the City Attorney to draft an amendment to the Municipal Code, to be placed on the agenda for the earliest possible Council meeting in 1998, which would alter the appointment schedule of Housing Commissioners so that no more than two commissioners' terms would expire in any one year.

(e) Human Rights Commission

The Committee recommended reappointment of Maria Alaniz and Rick Callender and appointment of Jacqueline Peoples to terms ending December 31, 2001.

Council referred back to the Rules Committee for consideration the recommendation made by Council Member Diaz to appoint Pedro Gonzalez and Alan Nguyen to the two remaining vacancies on the Human Rights Commission.

(f) Library Commission

The Committee recommended appointment of Michael Leung to an unexpired term ending June 30, 1998 and the following four-year term ending June 30, 2002.

(g) Mobile Home Advisory Commission

The Committee recommended reappointment of Geri Nave as the Landlord Representative and appointment of Dave Meszaros as the Resident Representative for terms ending December 31, 2001; and Joseph Johnson to an unexpired term ending December 31, 2000 and Dominador Valdez to an unexpired term ending December 31, 1998, both as Neutral Representatives.

(h) Parks and Recreation Commission

The Committee recommended appointment of Frederick Begun to an unexpired term ending June 30, 1998 and the following four-year term ending June 30, 2002.

(i) Senior Citizens Commission

The Committee recommended appointment of Roslyn Kwart to an unexpired term ending June 30, 2001 and Alfred Yahanda to an unexpired term ending June 30, 1998 and the following four-year term ending June 30, 2002.

(j) Traffic Appeals Commission

The Committee recommended appointment of Henry Hekker and Pedro Perales to unexpired terms ending June 30, 2001.

(5) Report back on Megan's Law Implementation Proposal.

The Committee deferred this item to the next Rules Committee meeting.

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

- (a) Request to amend Street Tree and Sidewalk Ordinance. Attachment: Memorandum from Council Member Dando, dated November 7, 1997, recommending two amendments to the Street Tree and Sidewalk Ordinance, directing the Administration to: (1) Review the sidewalk repair cost-sharing program to consider implications of amending the ordinance to provide cost-sharing assistance to all *residential property owners*,

including rental units; (2) Prepare an amendment of Tree Removal Ordinance Chapter 13.32, to simplify the process for the removal of dead, dying or hazardous trees on *private property*.

The Committee scheduled Recommendation No. 1 for discussion at the December 9, 1997 Council meeting, to be cross-referenced from the Rules Report to the General Government section, at which time the Administration will give a progress report on Recommendation No. 2.

See Item 9b for Council action taken.

- (7) City Council and Rules Committee meeting schedules. Attachment: (1) Memorandum from Norberto L. Dueñas, Senior Executive Assistant, dated November 18, 1997, recommending a Committee of the Whole meeting. (2) Memorandum from Mayor Hammer, dated November 19, 1997, recommending Rules-in-Lieu be held on December 10, 1997.

The Committee approved a Committee of the Whole meeting on the Mayor's FY 1998-99 Budget Priorities and Direction Message and the City Manager's FY 1999-2003 Five-Year Economic Forecast and Revenue Projections to be held Monday, December 8, 1997 at 1:30 p.m.; should there be a lack of quorum, directed the City Clerk to hold a Rules-in-Lieu meeting on December 3, 1997; and approved a Rules-in-Lieu meeting to be held on December 10, 1997.

- (8) Oral communications

None presented.

- (9) 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 November 19, 1997 accepted, with the recommendation from Council Member Diaz on Item 7b(4)(e) referred back to the Rules Committee for consideration, and Item 7b(6)(a) heard under Item 9b. Vote: 11-0-0-0.

## **7c Report of the Finance/Agency Finance Committee - November 26, 1997**

Documents filed: Finance/Agency Finance Committee report of November 26, 1997.

- (1) Update on Vendor Selection for New Accounting System
- (2) Tax Increment Revenue Forecast/Proposed Bond Issue
- (3) Monthly Financial Statement for October 1997

- (4) Capital Cost Report for October 1997
- (5) Cash Flow Forecast

Items 1-5 to be discussed by the Redevelopment Agency.

- (6) Monthly report for October 1997. Attachment: Memorandum from City Auditor Gerald A. Silva, dated November 20, 1997, submitting the October 1997 Auditor Activities Report.

The Committee noted and filed the report.

- (7) Update on Annual Revenues from Traffic Citation Fines. Attachment: Memorandum from City Auditor Gerald A. Silva, dated November 4, 1997, reporting on the impact of recent State legislation on the City of San José traffic citation revenues in FY 1998-99.

The Committee accepted the report.

- (8) Quarterly Sales Tax Report ending September 30, 1997. Attachment: Memorandum from City Auditor Gerald A. Silva, dated November 3, 1997, transmitting the Sales Tax Report for quarter ending September 30, 1997.

The Committee accepted the report.

- (9) Cities Association Audit

The Committee accepted the recommendation.

- (10) Proposed 1998-99 Budget Calendar. Attachment: Memorandum from Budget Director Larry D. Lisenbee, dated November 17, 1997, submitting the proposed FY 1998-99 Budget Calendar.

The Committee accepted the report.

See Item 9i for Council action taken.

- (11) Oral petitions

Mr. Garbett requested Redevelopment Agency documents be made available at the beginning of the meeting and discussed Agency cash flow and traffic citations.

- (12) Adjournment

The meeting was adjourned at 10:11 a.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 November 26, 1997, were accepted, with Item 7c(10) heard under Item 9i. Vote: 11-0-0-0.

## **GENERAL GOVERNMENT**

- 9a Report and recommendations of the Campaign Finance Review and Ethics Board.  
(City Clerk)  
[Deferred from 10/21/97 - Item 9c(1)]**

Documents filed: None.

Discussion/Action: This item was deferred to December 16, 1997.

- 9d(1) Adoption of a resolution of intent to finance an 18-hole golf course development within the Coyote Creek Park Chain with tax-exempt bonds and for the City to reimburse itself for costs incurred related to capital improvements from the proceeds of such bonds.**
- (2) Accept the Market and Financial Analysis regarding the Proposed Development of the Coyote Creek Golf Course submitted by National Golf Foundation Consulting, Inc.**
  - (3) Adoption of the related appropriation ordinance amendments in the Municipal Golf Course Fund.**
  - (4) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with the Golf Course Architect, J. Michael Poellot Golf Design Group, for the design development work in an amount not to exceed \$100,000.**
  - (5) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with an environmental consultant, to be selected as a result of a Request for Proposal process currently in progress, to proceed with preparing an Environmental Impact Report on the preferred golf course alternative layout, in an amount not to exceed \$200,000.**
  - (6) Direction to staff to explore and return to Council with recommendations on alternative funding sources for costs related to the development of the golf course.**
- (City Manager's Office)**

Documents filed: Memorandum from Senior Deputy City Manager, Darrell Dearborn, and Budget Director Larry Lisenbee, dated December 2, 1997, recommending Council adopt said resolution of intent to finance an 18-hole golf course development within the Coyote Creek Park Chain, accept the Market and Financial Analysis regarding the Proposed Development of the Coyote Creek Golf Course submitted by National Golf Foundation Consulting, Inc., approve appropriation amendments as specified, authorization for the City Manager to negotiate and execute agreements with the Golf Course Architect, J. Michael Poellot Golf Design Group, for design development work

and with an environmental consultant, to be selected as a result of a Request for Proposal process currently in progress, to proceed with preparing an Environmental Impact Report on the preferred golf course alternative, as described therein, and direct staff to explore and return to Council with recommendations on alternative funding sources for certain costs involved in the development of the golf course.

Discussion/Action: Senior Deputy City Manager Darrell Dearborn stated the Staff presentation will describe the project and outline the feasibility study done by Angelo Palermo, National Golf Foundation, to give Council a presentation of the conceptual design of a new 18-hole golf course located to the North of Capitol Expressway. He stated approval of the Staff recommendation would enable the project to move forward to the next significant stage, a detailed design of the project, undertaking of the Environmental Impact Report to determine ultimate feasibility and conditions of development, with subsequent action by the Council to consider the EIR and a master plan for the project and, if approved, a financing plan to begin construction in March of 1998, with play to begin in the year 2000. He stated Angelo Palermo, who did the feasibility study, was available for questions, and introduced Gary Thompson, Architectural Engineering Division Manager, for the design presentation. Gary Thompson stated Staff had worked over the past year with the Golf Facilities Task Force, and acknowledged the input and review of Task Force members Charlotte Powers, Frank Fiscalini and George Shirakawa, Jr., in whose district the golf course will be located, and introduced J. Michael Poellot, President, J. Michael Poellot Golf Design Group. J. Michael Poellot stated a conceptual plan evolved through the design process which interprets the unique features of the site and satisfies the vision of creating a state-of-the-art golf course using the latest technology, materials, construction techniques, and environmentally friendly maintenance practices, which will be adaptable to the broadest range of golfers in the community. He noted the plan retains the beauty of the existing site by preservation of existing landforms and plant materials and an overall revitalization of the site by introducing native grasses and wildflowers. He stated the design team approach resulted in an integrated plan philosophy that ties the course both functionally and environmentally into the site and into the fabric of the community's needs and expectations and affords the City with a wonderful opportunity to create a unique and exceptional venue for the community as a whole. With the use of slides, his partner, Brian Costello, explained the overall development plan for the site. Mayor Hammer expressed appreciation to the Staff, Council Members and the Task Force for the effort expended on the project and commented on the need for a public golf course. Council Member Shirakawa, Jr. thanked the Committee, Staff and consultants, commented on the community support for the project and moved approval of the Staff recommendation. Council Member Fiscalini seconded the motion. He thanked Council Member George Shirakawa, Jr., for his vision for a public golf course and for his work in advancing the project. Mayor Hammer requested Staff to endeavor to keep the course as affordable as is feasible for the average resident of the City, especially since the course is a municipal facility. Council Member Johnson expressed concern about the relocation that will be required for the Wildlife Center, and requested Staff to ensure an appropriate site for relocation for the organization because of the valuable service they provide. Council Member Dando concurred with the issue of affordability, especially relating to youth and

seniors. Council Member Shirakawa, Jr. stated the affordability issue was discussed by the Task Force and will be taken into consideration. Council Member Pandori suggested that properties along Coyote Creek in the Naglee Park area that were in the flood plain, for which the Water District is seeking feasible reuses, may be a compatible use for the Wildlife Center. On a call for the question, the motion carried unanimously, and the Staff recommendations dated December 2, 1997, were approved; the Market and Financial Analysis was accepted; direction to staff to explore and return to Council with recommendation on alternative funding sources for costs related to the development of the golf course approved; Resolution No. 67801, 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 Bonds for the Construction of Coyote Creek Golf Course"; Ordinance No. 25475, entitled: "An Ordinance of the City of San José Amending Ordinance No. 25390 which Appropriates Moneys in the Municipal Golf Course Fund in the Amount of \$704,000, to Continue the Study of a Proposed Municipal Golf Course within the Coyote Creek Park Chain; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption"; Resolution No. 67802, entitled: "A Resolution of the Council of the City of San José Delegating to the City Manager the Authority to Negotiate and Execute Agreements Related to Design and Environmental Review for the Proposed Coyote Creek Municipal Golf Course with J. Michael Poellot Golf Design Group in an Amount Not to Exceed \$100,000 and with an Environmental Consultant to be Selected as a Result of a Request for Proposal Process in an Amount Not to Exceed \$200,000", were adopted. Council gave additional direction for Staff to address the issues of affordability of the course and the facilitation of an appropriate relocation of the Wildlife Center. Vote: 11-0-0-0.

**9e Approval of City Council meeting schedules for January through July 1998. (City Manager's Office)  
[Renumbered to 6f(7)]**

Documents filed: See Item 6f(7) for documents filed.

Discussion/Action: See Item 6f(7) for Council action taken.

**9g Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to an agreement with DKS Associates for the implementation of Phase III of the Silicon Valley Smart Corridor Project, increasing the compensation by \$695,000, from \$2,000,000 to \$2,695,000. CEQA: Exempt. (Streets and Traffic)**

Documents filed: Memorandum from Director of Streets and Traffic, Wayne K. Tanda, dated November 20, 1997, recommending adoption of said resolution.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Council Member Powers, and unanimously carried, Resolution No. 67803, 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 with DKS Associates for the Implementation of Phase III of the Silicon Valley Smart Corridor Project and Increasing

the Compensation by \$695,000, from \$2,000,000 to \$2,695,000”, was adopted. Vote: 11-0-0-0.

**9h Implementation of Hotel Policy. (Mayor)  
(Rules in Lieu 12/3/97)**

Documents filed: None.

Discussion/Action: This item was deferred to December 16, 1997.

**9i Approval of the FY 1998-99 Budget Calendar.  
[Finance/Agency Finance Committee referral 11/26/97 - Item 7c(10)]**

Documents filed: See Item 7c(10) for documents filed.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Council Member Powers, and unanimously carried, the FY 1998-99 Budget Calendar was approved. Vote: 11-0-0-0.

**9b Discussion of the policy implications of providing sidewalk repair cost-sharing assistance to all residential property owners including rental units.  
[Rules Committee referral 11/19/97 - Item 7b(6)(a)]**

Documents filed: (1) See Item 7b(6)(a) for memorandum from Council Member Dando, dated November 7, 1997, recommending two amendments to the Street Tree and Sidewalk Ordinance. (2) Memorandum from City Manager Regina V.K. Williams, dated December 5, 1997, recommending Council reaffirm the existing program, with no changes to the eligibility criteria; or direct the City Administration to develop revisions to the existing program to include grants to any of the four categories not currently covered that the Council may agree to add.

Discussion/Action: Vice Mayor Fernandes stated the Committee decided to pass this issue along to the full Council since it is a policy decision and a subject about which the Council previously had lengthy discussions prior to establishing the current policy. Council Member Johnson stated the current policy was established approximately two years ago after explicit considerations of a proposal similar to that by Council Member Dando, regarding who should be eligible for sidewalk repair reimbursements and it was determined that the amount of money available would cover most owner-occupied buildings, but was not sufficient to cover rental properties. Because those properties provide income and have tax advantages for business purposes to make the repairs, they have advantages that owner-occupied residents do not and, for that reason, she stated it was not fair to use that limited amount of money to cover those who had other opportunities to cover their sidewalk repairs, and she could see no reason to change the policy. Council Member Dando stated that when the Committee discussed the issue, she had asked for consideration of those residences that were not owner occupied. She stated that 71% of damage to sidewalks occurs in residential , 70% of who is caused by trees,

which the City has required, and because of that, it makes sense to have some kind of sharing program in those residential areas, and stressed the goal of having safe sidewalks. She stated she was not suggesting assistance for commercial or apartment complexes, but small residential areas with single family homes or duplexes deserve same consideration regardless of whether they are occupied by renters or owners, and suggested direction to Staff to review single family homes that may not be owner occupied as well as duplexes and residential areas and bring back cost estimates for the budget process. Mayor Hammer expressed concern about expanding a program that would not be fully funded and deciding where to limit the expansion. Council Member Fiscalini stated it would be useful to have information on costs and elderly parents or other special circumstance situations occupy rare cases where non-owner occupied units. Council Member Shirakawa, Jr., stated owners are responsible for their rental properties and while he would not oppose considering certain rare cases, he sees no rationale for changing the policy. Council Member Woody referenced the lengthy discussions undertaken in 1995 and stated that sidewalk repairs in rental units should be made by the owners, for whom the costs are tax deductible, noted the Administration will provide a status update on the street tree program in February, 1998, and moved to reaffirm the existing policy unchanged. Council Member Johnson seconded the motion. On a call for the question, Council reconfirmed the existing sidewalk repair cost-sharing assistance policy with no changes. Vote: 9-2-0-0. Noes: Dando, Fiscalini.

- 9c Approval of an agreement with Standard Insurance Company to provide a fully insured life insurance program for City employees, retirees, and dependents. (Human Resources) (Deferred from 11/25/97 - Item 9f)**

Documents filed: None.

Discussion/Action: This item was deferred to December 16, 1997.

## **FISCAL AFFAIRS**

- 10a PUBLIC HEARINGS on annexation of Annexation Areas 1 and 2 into Community Facilities District (CFD) No. 4 (Evergreen Improvements) and at the close of each hearing adoption of:**
- (1) A resolution submitting proposed annexation of Annexation Area 1 into CFD No. 4 and levy of the special tax to the owners of land within Annexation Area 1 and calling for special mailed ballot election within Annexation Area 1.**
  - (2) A resolution submitting proposed annexation of Annexation Area 2 into CFD No. 4 and levy of the special tax to the owners of land within Annexation Area 2 and calling for special mailed ballot election within Annexation Area 2.**
- CEQA: Resolution No. 63179. (Public Works)**

Documents filed: (1) Memorandum from Director of Public Works, Ralph A. Qualls, Jr.,

dated November 10, 1997, recommending Council conduct said public hearings and adopt resolutions submitting proposed annexations of Annexation Area Nos. 1 and 2 into CFD No. 4 and levy of the special tax to the owners of land and calling for special mailed ballot election within Annexation Areas 1 and 2. (2) Proofs of publication of Notice of Hearings regarding Annexation of Area Nos. 1 and 2, submitted by the City Clerk. (3) Affidavit of Posting of Notice of Hearings for Annexation Area Nos. 1 and 2, submitted by the City Clerk.

Discussion/Action: Upon motion by Council Member Fiscalini, seconded by Council Member Johnson, and unanimously carried, Resolution No. 67804, entitled: "A Resolution of the Council of the City of San José Submitting Levy of the Special Tax to the Property Owners in Annexation Area No. 1 of Community Facilities District No. 4 (Evergreen Improvements) and Calling for a Special Mailed Ballot Election for Property Owners", and Resolution No. 67805, entitled: "A Resolution of the Council of the City of San José Submitting Levy of the Special Tax to the Property Owners in Annexation Area No. 2 of Community Facilities District No. 4 (Evergreen Improvements) and Calling for a Special Mailed Ballot Election for Property Owners", were adopted. Vote: 11-0-0.

**9f Presentation by the City Administration on their preparation for Winter Storms and potential flooding. (Pandori)**

Documents filed: Memorandum from Council Members Pandori, Fiscalini, and Shirakawa, Jr., dated December 8, 1997, recommending the City Administration work with neighborhood volunteers, the San José Conservation Corps and City Council offices to notify residents regarding potential flooding. (2) Memorandum from City Manager Regina V.K. Williams, dated December 5, 1997, reporting on the Administration's Winter Storm Preparedness procedures.

Discussion/Action: City Manager Regina V.K. Williams gave the Staff presentation and outlined the contents of the Administration's October 9, 1997 memorandum. She stated the Administration has a cleanup effort in progress to ensure creeks and storm drains are kept clean in anticipation of heavier rainfall this winter. Since the City relies heavily on the Water District and the National Weather Service to determine when and where flooding will occur, she stated the Administration has instituted a procedure whereby Public Works staff are stationed at each of the bridges to make visual observations during storm conditions and in addition, will ensure the City has sufficient sand bags and other equipment required to deal with emergencies. Regarding flood communications procedures, she stated for information to be effective for residents it needs to be timely and meaningful, and in order to disseminate as much information as possible, the Administration developed three phases of communication: (1) the preparedness phase, (2) the readiness phase, and (3) an actual flood condition mode. In the preparedness phase, she stated efforts are made at the beginning of every rainy season to disseminate general information to remind people of the eminency of the rainy season and the probability of flooding, and how to prepare. She stated general information distributed in the fall of 1997 as a wraparound to the San José Mercury News' Sunday paper went to 190,000 homes in Santa Clara County, and three generic flood fact sheets will be distributed

door-to-door next week in areas where flooding occurred in the past three years. In the readiness phase, she stated the National Weather Service indicates when heavy rains are expected and issues flood watches or warnings, the Water District indicates a high flow alert and the Administration issues undated weather-watch bulletins. She stated block captains could be selected and a contact list used to place the bulletins in grocery stores or neighborhood associations. She stated no door-to-door distribution by Staff is planned and material needs to be generic rather than date-specific in order to be drafted, printed and disseminated quickly enough to be effective. In the event mode where flooding is fairly certain, Police Units would go into areas where flooding is likely with public address systems and vehicles to alert the residents. She stated the Administration will work closely with television and radio stations in the readiness mode as well as in the event mode. She reiterated that the Administration's systems are predicated on information the City receives from the National Weather Service and the Water District, and introduced Jack Sutcliffe to explain how the information provided to the City is obtained. Jack Sutcliffe, Supervising Engineer, Santa Clara Valley Water District, explained the Hydrologic Data Network system of rain gauges, stream flow gauges and reservoir storage information instituted by the Water District following the last major El Niño effect in 1982. He stated they work closely with the National Weather Service, which provides data and forecasts used by the Water District to make projections which is then passed on to local municipalities, along with the National Weather Service's warnings and advisories. He explained the term "warning" is a designation that is reserved for the National Weather Service to provide information associated with meteorological events. He stated the District continues to improve the system and, in response to unanticipated flooding, which occurred over the past several years, has lowered the thresholds of flow and rainfall intensities, to minimize those events in the future. Mayor Hammer asked if water could be released from Anderson Reservoir to less than 20% below normal when storms are anticipated to provide a greater capacity. Mr. Sutcliffe explained how releases are made in the ten reservoirs the District operates in the County to accomplish the District's primary purpose of water conservation to augment water supply and the recharging of the groundwater base. Council Member Pandori commented on the issue of determining appropriate reservoir levels and requested Staff review with the Water District how they decided on keeping reservoir levels twenty percent below normal and report back to the Council. He stated clearing creeks of debris is a continuing concern, which outstrips the ability of the Water District and requested Staff assist the Water District in spot-checking the channels during the next crucial weeks. Concerning the issue of providing neighborhood notice and appropriate actions when the City is notified that reservoirs have reached threshold levels, he stated dropping generic flyers off at neighborhood stores does not reach the majority of residents and fire and police patrols may arrive too late to facilitate timely evacuation. He stated in some instances volunteers and neighborhood organizations could warn residents in sufficient time for evacuation of family members and irreplaceable personal possessions, and recommended the Administration work with neighborhood volunteers, Council offices, and the San José Conservation Corps to get appropriate notices out that the City is concerned the neighborhood may be subject to flooding and urging appropriate precautions, as well as the other recommendations in memorandum dated December 8, 1997. Vice Mayor Fernandes supported the recommendation to use volunteers, including

San José Prepared, as long as deployment of the San José Conservation Corps is left to the discretion of the Administration and emergency management teams to assure the best use of the Corps' resources. Council Member Shirakawa, Jr., stated Council Offices are in a position to help in emergencies through existing phone trees and neighborhood organizations and urged the Administration to make use of their resources. Mayor Hammer expressed concerns that the most effective system be used and requested Staff carefully review implementation procedures and stated that warnings, which alert the residents, should be used only when warranted by accurate information; otherwise, residents will begin to ignore the warnings. Council Member Pandori stated the memorandum does not deal with the issue of when people are notified, which should be left to the Administration, but once that determination is made, he recommends working with the volunteers to ensure that neighborhoods are adequately informed of adverse weather conditions, and moved approval of the recommendations in the memorandum authored by him and Council Members Fiscalini and Shirakawa, dated December 8, 1997, along with the Council comments. Council Member Diaz seconded the motion. Council Member Fiscalini stated the intent of the recommendation is not to interfere in the work of the Administration, but to be responsive to the needs of District residents, especially the elderly and those needing assistance, and to be involved as Council Members. Council Member Woody stated that San José Prepared, with their knowledge of the elderly, is well positioned to be involved in emergency efforts. Council Member Johnson expressed a caution about the degree to which residents are asked to assume personal responsibility and asked if such a system adds to or lessens the City's overall risk and exposure and requested Staff review the issue and provide a memorandum to the Council. On a call for the question, the motion carried unanimously and the Council approved recommendations in memorandum from Council Members Pandori, Fiscalini and Shirakawa, dated December 8, 1997, to direct the Administration to work with neighborhood volunteers, San José Conservation Corps and City Council Offices to notify residents regarding potential flooding, and to respond to issues raised during the Council's discussion, including: (1) Review with the Santa Clara Valley Water District how reservoir levels are arrived at and provide to the Council a detailed explanation; (2) Assist the Water District in spot checking streams for debris; (3) Review the issue of liability assumed by volunteers and of the City's risk in utilizing volunteers in the City's emergency response systems and report back to the Council, and (4) Review the most effective ways to implement the recommendations. Vote: 11-0-0-0.

## **ORAL COMMUNICATIONS**

- (1) Cathy Brandhorst addressed Council regarding various societal issues.
- (2) William Chew spoke about public communication issues.
- (3) William Garbett spoke on issues pertaining to the homeless.

## **ADJOURNMENT**

The Council of the City of San José adjourned at 3:38 p.m. to meet in Joint Session with the Redevelopment Agency Board on Wednesday, December 10, 1997, at 2:00 p.m., Council Chambers.

**SUSAN HAMMER, MAYOR**

**ATTEST:**

**PATRICIA L. O'HEARN, CITY CLERK**