



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Scott P. Johnson

**SUBJECT: REJECTION OF BIDS FOR  
CHEVROLET IMPALA POLICE  
VEHICLES**

**DATE:** February 17, 2006

Approved

*Deanna Santana*

Date

*2/22/06*

## RECOMMENDATION

Reject all bids for the purchase of Chevrolet Impala Police Vehicles for the General Services Department/Fleet Management Division and authorize the Director of Finance Director to re-solicit the Request for Bid.

## BACKGROUND

The General Services Department/Fleet Management Division has requested the purchase of eight (8) Chevrolet Impala Police Vehicles. The San Jose Police Department utilizes the vehicles in the follow-up and investigations of reported crimes. The vehicles requested are intended to replace eight unmarked police vehicles that have reached the end of their useful service life.

## ANALYSIS

A notice inviting bids was published on December 13, 2005 specifying Chevrolet Impala. Two (2) bids were publicly opened on January 6, 2006.

Prior to issuance of the Request for Bid, staff inadvertently did not request that the Director of Finance approve a Brand Name purchase nor did staff insert the words "or equal" behind the brand name as required by the San Jose Municipal Code Section 4.12.149, which states that, "a specification may contain a brand name, if the specification is followed by the words "or equal" under circumstances where it is reasonably possible for equivalency to be demonstrated." Therefore, staff requests Council's approval to reject the bids received and authorize the Director of Finance to re-solicit the Request for Bids through an open bid process using performance specifications. Staff was advised of the aforementioned Municipal Code sections and the proper bidding procedure when using brand names. In addition, Finance scheduled a training session for staff involved with procurements.

**PUBLIC OUTREACH**

This bid was placed on the City of San Jose web site and on the DemandStar bid notification system.

**COORDINATION**

This memorandum has been coordinated with the City Attorney's Office and the Departments of General Services and Police.

**CEQA**

Not a project.



SCOTT P. JOHNSON  
Director, Finance



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Katy Allen

**SUBJECT:** 671 S. 11<sup>th</sup> STREET  
ALLEY VACATION

**DATE:** 02-13-06

Approved

*Deanna Padua*

Date

*2/21/06*

Council District: 3

## RECOMMENDATION

Adoption of a resolution summarily vacating a portion of the alley lying at the rear yard of 671 South 11<sup>th</sup> Street.

CEQA: Exempt, PDC00-115.

## BACKGROUND

Mr. Ray Ruiz, property owner, has submitted an application for the vacation of a portion of an alley located in the rear yard of his property. Mr. Ruiz intends to construct two single-family attached residences approved under Planned Development Zoning PDC00-115. This vacation is necessary to eliminate an unused and inaccessible portion of an existing public alleyway and to remove this encumbrance from Mr. Ruiz's property.

## ANALYSIS

The area proposed for vacation lies mid-block between 10<sup>th</sup> and 11<sup>th</sup> Streets, approximately 140 feet north of Margaret Street. Over the years, structures have been built along various portions of the alley. In addition, these structures obstruct and prohibit public access through the alley. The alley has been impassable for vehicular travel for more than five consecutive years and the Department of Transportation has confirmed that no public money has been expended for maintenance of the alley for the last five years. There is no evidence that the alley has ever been officially terminated or vacated. Mr. Ruiz has provided a title report that indicates his ownership of the land in fee, but the public has right-of-way rights through the alley. He has recently filed a subdivision map and would like to remove this encumbrance from title.

Staff is aware that the entire alley may be a candidate for vacation, because it is generally blocked and impassable by vehicles and pedestrians. Originally, staff asked the applicant to vacate the entire public alleyway. Vacation of the entire alleyway would necessitate the

acquisition of title information for the other properties as well as extensive staff research. However, due to a lack of City funding or private funding for this extensive effort, the applicant opted to vacate just the portion of the alleyway which crosses his property.

If any other private owners wish to file or combine resources to file together, staff is willing to process their applications in a timely manner.

Upon vacation and recordation, Mr. Ruiz's parcel will become unencumbered by this portion of the public alley, and no further action by staff would be required.

### **OUTCOME**

The Council vacates a portion of the alley lying at the rear yard of 671 South 11<sup>th</sup> Street.

### **PUBLIC OUTREACH**

The Planning Commission will hold a public hearing on February 16, 2006 on the subject vacation and will forward a recommendation to the City Council for approval. If there is any additional information from this meeting, a supplemental memo will be submitted. In addition, all concerned utility companies have been contacted in writing and have no objection to this vacation.

### **COORDINATION**

The required resolution and memorandum have been coordinated with the Departments of Planning, Building and Code Enforcement, Transportation, the City Manager's Budget Office and the City Attorney's Office.

### **COST IMPLICATIONS**

The Public Works Department collected cost-recovery fees to process this street vacation.

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**CEQA**

Exempt, PDC00-115.

*D:DSL for*  
KATY ALLEN  
Director, Public Works Department

KA:rd:gj  
Attachment

# LOCATION MAP

SHOWING THE VACATION OF THE ALLEY IN THE REAR YARD OF 671 S 11TH STREET



**AREA TO BE VACATED**

