



CITY COUNCIL AGENDA

SEPTEMBER 4, 2001

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Economic and Neighborhood Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Recreation and Cultural Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Aviation Services** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
Absent: Council Members – None.

- 1:40 p.m. - Regular Session, Council Chambers, City Hall**
Absent: Council Members – None.

- 7:10 p.m. - Public Hearings, Council Chambers, City Hall**
Absent: Council Members – Dando (excused).

- **Invocation (District 8)**
Monsignor John Sandersfeld, Pastor of St. Francis of Assisi Catholic Church, delivered the invocation.

- **Pledge of Allegiance**
Mayor Gonzales led in the Pledge of Allegiance.

- **Orders of the Day**
Approved.

1 CEREMONIAL ITEMS

- 1.1 Presentation of a commendation recognizing the Falun Gong practitioners.**
 (Human Rights Commission/Reed)
This Item Renumbered from Item 3.5
Joining Mayor Gonzales at the Podium were Council Member Reed and Falun Gong Practitioner Alan Huang, a US citizen working as a staff software engineer at a semiconductor company in the City of San José. He accepted the commendation and urged all citizens to continue fighting for the protection of fundamental rights to freedom of belief and expression and peaceful activities of Falun Gong practitioners.

2 CONSENT CALENDAR

- 2.1 Approval of Minutes.**
None.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26467 – Rezones certain real property situated at the north side of East William Street, 65 feet easterly of Brookwood Terrace.
PDC 00-07-057

Ordinance No. 26467 adopted.

- (b) ORD. NO. 26468 - Rezones certain real property situated at the terminus of Kentucky Place.
PDC 00-12-129

Ordinance No. 26468 adopted.

- (c) ORD. NO. 26469 - Rezones certain real property situated on the south side of Madden Avenue at the terminus of Interstate 680.
PDC 01-01-004

Ordinance No. 26469 adopted.

- (d) ORD. NO. 26470 - Rezones certain real property situated at the west side of Monterey Road approximately 100 feet easterly of Stauffer Boulevard.
PDC 00-10-108

Ordinance No. 26470 adopted.

- (e) ORD. NO. 26471 – Prezones certain real property situated on the south side of Woodard Road approximately 110 feet easterly of Starview Drive.
C 01-03-034

Ordinance No. 26471 adopted.

2.3 Approval to increase compensation for legal services.

Recommendation: Adoption of a resolution authorizing the City Attorney to execute the second amendment to the legal services agreement with McCutchen Doyle Brown & Enersen to increase the compensation by \$200,000, for a total amount not to exceed \$525,000. (Boards of Administration for the Police & Fire Department Retirement Plan and Federated City Employees' Retirement System)

Resolution No. 70597 adopted.

2.4 Approval of City Manager's travel.

Recommendation: Approval of City Manager Del Borgsdorf's travel to Salt Lake City, Utah, from September 22-26, 2001, for the ICMA's 87th Annual Conference, to participate in a panel entitled "Show Me the Money: Fiscal Impacts of Smart Growth."
(City Manager's Office)

Approved.

2 CONSENT CALENDAR

2.5 Approval of various funding actions relating to Housing loans, grants and sites acquisition.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments increasing the Housing loans, grants, and sites acquisition appropriation to the Housing Department by \$77,685. (City Manager's Office)
Deferred to 09/18/01.

2.6 Approval of an agreement for a work of art for the Fourth and San Fernando Street Garage.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with artist Cork Marcheschi to fabricate and install a work of art for the Fourth and San Fernando Street Garage, in an amount not to exceed \$378,500. CEQA: Resolution No. 58839. Council District 3.
(Conventions, Arts and Entertainment)
Resolution No. 70598 adopted.

2.7 Approval to extend the term and expand the geographic territory of the Cool Roofs Project.

Recommendation: Approval of a first amendment to an agreement with Pacific Gas and Electric Company for implementation of a financial incentive program to encourage the installation of energy efficient roofs in nonresidential buildings, extending the term of the program to March 31, 2002, and expanding the geographic territory of the program from the City of San José to all of Santa Clara County, at no cost to the City.
(Environmental Services)
Approved.

2.8 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #6, and authorization for the Director of General Services to execute the purchase orders. (General Services)
Approved.

2.9 Approval to purchase additional light fixtures for the Airport parking garage.

Recommendation: Approval of an option to purchase 565 additional light fixtures from Electrical Distributors at the same bid price at a total cost of \$148,888.80, including tax, and authorization for the Director of General Services to execute a purchase order.
(General Services)
Approved.

2 CONSENT CALENDAR

2.10 Approval of an audit of the City Auditor's Office.

Recommendation: Adoption of a resolution authorizing the City Clerk to execute an agreement for the services of Jim Williamson, Assistant City Auditor of Oklahoma City, to conduct a performance audit of the City Auditor's Office for 1999-00 and 2000-01, in an amount not to exceed \$8,000, pursuant to the peer review guidelines of National Association of Local Government Auditors (NALGA). (Mayor)

Resolution No. 70599 adopted.

2.11 Approval of a lease agreement for office space for the Parks, Recreation and Neighborhood Services Department's Office on Aging.

Recommendation: Approval of a four-year lease agreement with J. R. Realty #1 and Bascom Equity Partners, LLC for 2,116 square feet of office space on the second floor of their building located at 1190 S. Bascom Avenue for the Parks, Recreation and Neighborhood Services Department's Office on Aging, at a rental rate of \$3,385.60 per month for the first year of the lease. (Public Works)

Approved.

2.12 Approval of a lease agreement for office space for the Transportation Department.

Recommendation: Approval of a four-year lease agreement with Cornerstone Properties, LLC for 4,212 square feet of office space on the twelfth floor of their building located at 4 North Second Street for the Department of Transportation at a rental rate of \$14,742 per month for the first year of the lease. (Public Works)

Approved.

2.13 Appointment to the Downtown Parking Board.

Recommendation: Approval of an appointment to the Downtown Parking Board. (Mayor)

(Rules Committee referral 8/29/01)

Council approved the appointment of Elizabeth Monley to the Downtown Parking Board as At-Large Representative.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – August 22, 2001

Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.

- (b) City Council
 - (1) Review September 4, 2001 Draft Agenda
The Committee approved the September 4, 2001 Draft Agenda with three additions.

 - (2) Add New Items to August 28, 2001 Amended Agenda
The Committee recommended seven additions to the August 28, 2001 City Council Agenda.

 - (3) Add New Items to August 28, 2001 General Plan Amended Agenda
The Committee recommended two additions to the August 28, 2001 General Plan Amended Agenda.

- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
 - (b) Economic Development and Environment Committee
 - (c) Education, Neighborhoods, Youth, and Seniors Committee**None Filed.**

- (d) Meeting Schedules
None Presented.

- (e) The Public Record
The Committee noted and filed the Public Record for the period August 1-14, 2001.

- (f) Boards, Commissions and Committees
None Presented.

- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee
 - (1) Referral to Administration for a workload assessment on developing a Construction Impact Mitigation Plan
This Item Dropped.

- (h) Administrative Reviews and Approval
None Presented.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – August 22, 2001 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

- (i) Oral communications
William J. Garbett spoke on the General Plan.

- (j) Adjournment
The Committee meeting was adjourned at 2:30 p.m.

The Rules Committee Report and actions of August 22, 2001 accepted.

3.3 Report of the Finance and Infrastructure Committee – August 22, 2001

Council Member Dando, Chair

- (a) Consent Items
 - (1) Monthly Investment Report for May 2001 (Finance)
 - (2) Monthly Investment Report for June 2001 (Finance)
 - (3) June Monthly Report (Auditor)**The Committee approved the Consent Items.**

- (b) Findings Report on Bay 101 Conditional Approval of Stock Transfer Agreement for Quarter Ending March 31, 2001 (Auditor)
- (c) Unfunded Projects Appropriation Report (Public Works)
The Committee accepted the reports.

- (d) Monthly Financial Statement for July
- (e) Capital Cost Report for July
- (f) Cash Flow Projection
These items to be reported out at Redevelopment Agency Board meeting.

- (g) Oral petitions
Bill Chew spoke about the condition of the City's streets and sidewalks.

- (h) Adjournment
The Committee meeting was adjourned at 3:00 p.m.

The Finance and Infrastructure Committee Report and actions of August 22, 2001 accepted.

3.4 Consideration of the name change of Empire Branch Library.

Recommendation: Consideration of the Library Commission recommendation regarding the proposed renaming of the Empire Branch Library. (Chavez, Mayor)
Deferred to 09/18/01.

3 STRATEGIC SUPPORT SERVICES

3.5 Adoption of a resolution in support of the human rights of the practitioners of Falun Gong.

Recommendation: Adoption of a resolution in support of the human rights of the practitioners of Falun Gong. (Human Rights Commission/Reed)

This Item Renumbered to Item 1.1

3.6 Renaming of San José International Airport to honor Norm Mineta.

Recommendation: Approval of direction to staff to take the necessary actions, including review by the Airport Commission, to rename San José International Airport to the Norman Y. Mineta San José International Airport. (Mayor)

(Rules Committee referral 8/29/01)

Council approved direction to Staff to take necessary actions, including review by the Airport Commission, to rename San José International Airport to the Norman Y. Mineta San José International Airport, and to research the process utilized by other prominent cities in the naming/renaming of their airports.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

**4.1 Report of the Economic Development & Environment Committee
Council Member Williams, Chair**

No Report.

4.2 Approval to amend the Administrative Citation Schedule of Fines.

Recommendation: Adoption of a resolution to amend the Administrative Citation Schedule of Fines to incorporate new and/or progressive fines for various sections of the Municipal Code as follows:

- (a) Window Tinting at Beverage Service businesses – Ordinance No. 26133.
 - (1) Establish a graduated schedule of \$250, \$500, and \$1000 for each occurrence of non-compliance with either Section 6.82.110 (Compliance with Chapter) or Section 6.82.120 (Window Tint Specifications – visibility into establishment).
- (b) Abandoned Cart Prevention – Ordinance No. 26292.
 - (1) Establish a fee of \$50 for each occurrence of non-compliance with Section 9.60.300 (Cart Abandonment Prohibited); and
 - (2) Establish a graduated schedule of \$50, \$100, and \$250 for each occurrence of non-compliance with either Section 9/60.320 (Unauthorized removal prohibited) or Section 9.60.330 (Compliance with Prevention Plan).

This item continued on the next page.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.2 Approval to amend the Administrative Citation Schedule of Fines. – (Cont'd.)

Recommendation: Adoption of a resolution to amend the Administrative Citation Schedule of Fines to incorporate:

- (c) Amendment to Blight Code – Ordinance No. 26443.
 - (1) Establish a graduated schedule of \$250, \$500, and \$1,000 for each occurrence of non-compliance with either Section 17.72.015 (Prohibition of Blighted Property) or Section 17.72.020 Enforcement (Compliance with Chapter).
- (d) Zoning Ordinance – Ordinance No. 26248.
 - (1) Establish a fine of \$50 for each occurrence of non-compliance with Section 20.30.430 (Front Set Back – Parking and Storage).

(Planning, Building and Code Enforcement)

Resolution No. 70600 adopted.

4.3 Approval of various actions for the Sycamore Terrace Development.

Recommendation: Adoption of appropriation ordinance and funding sources resolutions:

- (a) Adoption of appropriation ordinance and funding sources resolution amendments to the Housing and City-wide Parks Construction and Conveyance Tax Funds which:
 - (1) Establish an Interfund Transfer appropriation in the amount of \$750,000, in the Low- and Moderate-Income Housing Fund for transfer to the Citywide Parks Construction and Conveyance (“CPC&C”) Fund 391, to pay for a City-owned 0.51-acre parcel on the north side of Coleman Road between Almaden Expressway and Los Alamitos Creek for the development of the Sycamore Terrace project;
 - (2) Reduce the Loans, Grants, and Site Acquisition appropriation in the Low- and Moderate-Income Housing Fund by \$750,000;
 - (3) Increase the estimate for Interfund Transfer revenue in the Citywide Parks and Construction Conveyance Tax Fund by \$750,000;
 - (4) Establish a Guadalupe Creek/Los Alamitos Creek Trail Connection Project in the amount of \$750,000, in the Citywide Parks and Construction Conveyance Tax Fund.

Ordinance No. 26477 adopted.

Resolution No. 70601 adopted.

- (b) Approval of the establishment of a total budget of \$1,080,000, for the next two-year period for the proposed Guadalupe Creek/Los Alamitos Creek Trail Connection Project.

Approved.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Approval of various actions for the Sycamore Terrace Development. – (Cont'd.)

Recommendation: Adoption of appropriation ordinance and funding sources resolutions:

- (c) Adoption of a resolution:
 - (1) Authorizing the Director of Housing to enter into exclusive negotiations with Pulte Home Corporation on behalf of the City to develop the Sycamore Terrace site, with at least 18 of the 59 units in the project being affordable to moderate-income households.
 - (2) Finding that the use of 20% Housing Funds for the acquisition of the City's 0.51-acre parcel at the northeast corner of Almaden Expressway and Coleman Road to the Department of Housing is a benefit to the City's Redevelopment Areas.

Council District 10.

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

(Deferred from 8/28/01 – Item 4.3)

Resolution No. 70602 adopted.

Council directed that Staff work out with Santa Clara Valley Water District the terms of the joint agreement for the Almaden Trail undercrossing and to bring the completed agreement back to Council for approval as part of the Disposition and Development Agreement process.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair Meeting of August 20, 2001

- (a) Youth Commission Monthly Report
The Committee accepted the report.
- (b) Quarterly Progress Report on the new Dr. Martin Luther King, Jr. Library
The Committee accepted the staff report with the directives to Staff (1) to schedule a meeting with Chair Chavez and the Contractor Gil Bane Construction, as soon as possible; and (2) subsequent to the August 29, 2001 opening of classes at San José State University that a report is sent by August 31, 2001 to ENYS Committee regarding strategies to improve safety near the construction site.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – (Cont'd.) Council Member Chavez, Chair Meeting of August 20, 2001

- (c) Final Approval of the Blueprint for Bridging the Digital Divide
The Committee (1) accepted the report and recommended approval of the Blueprint for Bridging the Digital Divide and its First Year Strategic Plan, and directed Staff to forward this item to Council for action with the following inclusions: (a) Add timelines to the recommendations on the Action Plan; (b) Bring the entire presentation before Council in the evening session on September 4, 2001; (c) Notify school collaboratives and the City's non-profit partners of the presentation scheduled for the evening Council meeting; (d) Develop procedures for accountability on action items; (e) Provide in-depth information on key issues from the survey; (f) Include the top ten items for analysis, in a manner to reflect the mind-set of young people, regardless of the category; (g) Present quarterly reports to the ENYS Committee and include updates on monitoring Action Items contained in the Blueprint for Bridging the Digital Divide; and (2) directed Staff to return to Committee with report on recommendations #2 and #3 of the staff report.

See Item 5.3 for Council Action Taken.

- (d) Skate Park Update
The report was presented to two members present and forwarded to Council with directives to Staff (1) to submit to ENYS Committee for approval at the October 15, 2001 meeting the Final Draft of the implementation of skate parks plans; (2) to submit to ENYS Committee on October 15, 2001 for Council approval on October 30, 2001 the implementation of skate parks; proposals; and (3) to begin exploring City-owned properties for development of Skate Parks, once the proposals are approved by the City Council.
- (e) Distribution of Homework Center Funds
This item deferred to Special Meeting on August 28, 2001 at 11:00 a.m.
- (f) Approval of final draft for the implementation/timeline for the Skate Parks
This item deferred to October 15, 2001 ENYS Committee meeting.
- (g) Oral petitions
None Presented.
- (h) Adjournment
The Committee meeting was adjourned at 5:10 p.m.

The Education, Neighborhoods, Youth, and Seniors Committee Report and actions of August 20, 2001 accepted.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair Special Meeting of August 28 2001

- (a) Distribution of Homework Center Funds
The Committee accepted the report with two members present and directed Staff to return on January 21, 2002 with a comprehensive report containing (1) data collection on scheduled as well as unscheduled visits to Homework Centers; (2) funding, General Fund versus Healthy Neighborhood Venture Fund; (3) documented performance of all schools in San José; (4) census data on where the majority of youngsters and the majority of the most impoverished are located; (5) crime statistics by census track; and (6) funding amounts established early in the process.
- (b) Oral petitions
None Presented.
- (c) Adjournment
The Committee meeting was adjourned at 12:25 p.m.

The Education, Neighborhoods, Youth, and Seniors Committee Report and actions of Special Meeting on August 28, 2001 accepted.

5.2 Approval of various actions related to the Guidelines for Events Held on City Owned and City Operated Parking Facilities.

Recommendation:

- (a) Approval of the Guidelines For Events Held on City Owned and City-Operated Parking Facilities (Including Redevelopment Agency Public Parking Facilities), establishing the conditions under which the City may allow certain events to occur on public parking facilities.
Approved.
- (b) Adoption of a resolution authorizing the Director of the Department of Conventions, Arts and Entertainment, in coordination with the Director of the Department of Transportation, to approve events on the parking facilities and to negotiate and execute facility use agreements, in accordance with the Guidelines.
Resolution No. 70603 adopted.
- (c) Adoption of a resolution superseding the current Master Parking Rate Resolution No. 70564, to establish fees to be paid by events using the parking facilities in accordance with the Guidelines.
CEQA: Exempt. Council Districts 3 and 5. SNI: St. James Square. (Conventions, Arts and Entertainment/Transportation)
Resolution No. 70604 adopted.

5 RECREATION & CULTURAL SERVICES

5.3 Approval of various actions related to the Blueprint for Bridging the Digital Divide.

Recommendation: Adoption of the new Youth Services Master Plan, entitled Blueprint for Bridging the Digital Divide and its First Year Strategic Action Plan for FY 2001-2002 and other necessary actions. (Parks, Recreation and Neighborhood Services)

[Education, Neighborhoods, Youth and Seniors Committee referral 8/20/01 – Item 5.1(c)]

This Item Heard in the Evening.

Council accepted the report and approved the Master Plan with congratulations extended to the Youth Commissioners for their hard work.

6 TRANSPORTATION SERVICES

6.1 Approval to temporarily install traffic control devices for traffic calming.

Recommendation: Adoption of a resolution authorizing the Director of Transportation to temporarily install traffic control devices to prevent vehicular traffic from making turns at the intersections of O'Brien Court and Campbell Avenue, and Campbell Avenue and Newhall Street for traffic calming purposes, and suspend enforcement of the 5-ton commercial vehicle prohibition on Newhall Street, all for a test period of up to 180 days. CEQA: Exempt. Council District 3. (Transportation)

This Item Heard in the Evening.

Resolution No. 70609 adopted.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval to submit the Urban Runoff Management Plan Annual Report and certification to the Regional Water Quality Control Board.

Recommendation: Authorization for the submittal of the Urban Runoff Management Plan Annual Report and certification to the Regional Water Quality Control Board in conformance with the City's Municipal Separate Storm Sewer System National Pollutant Discharge Elimination System permit requirements, pursuant to the Federal Clean Water Act. (Environmental Services)

Deferred to 09/11/01.

7.2 Public Hearing on the vacation of portions of Fontanoso Avenue and Piercy Road.

Recommendation: PUBLIC HEARING and adoption of a resolution approving the vacation of portions of Fontanoso Avenue and Piercy Road immediately south of Silver Creek Valley Road, reserving a public service easement. CEQA: Exempt. Council District 2. (Public Works)

Resolution No. 70605 adopted.

7 ENVIRONMENTAL & UTILITY SERVICES

7.3 Approval of various actions related to the San José Municipal Water System.

Recommendation: Approval of amendments to consulting agreements to extend the contract term and increase compensation for services related to the completion of the Request for Proposals for lease and/or operation of the San José Municipal Water System. (City Manager's Office)
(Deferred from 8/28/01 – Item 7.2)

Deferred to 09/11/01.

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

9.1 Approval of various actions related to ALS First Responder and Transport Services.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute the Pre-Hospital Emergency Medical Services Agreement between the City and American Medical Response, Inc. (AMR) for Advanced Life Support (ALS) First-Responder and Supplemental Transport Ambulance (STAR) services.
Resolution No. 70606 adopted.
- (b) Approval of the award for the purchase of four (4) rescue transport apparatus to the sole bidder, Hi-Tech Emergency Vehicle Service, Inc. (Oakdale), for a total cost not to exceed \$1,111,369.68, and authorization for the Director of General Services to execute the purchase order for the immediate purchase of these units.
Approved.
- (c) Adoption of a resolution authorizing the Director of General Service to:
 - (1) Negotiate and execute a rental agreement with AMR in an amount not to exceed \$12,000, for a term not to exceed 120 days for the rental of two (2) Type II Ambulances for temporary use by the Fire Department to provide STAR services; and
 - (2) Award a contract or contracts in a total amount not to exceed \$ 250,000, to the lowest responsive bidder for the purchase of two (2) Type III Modular Ambulances for use by the Fire Department to provide STAR services, and authorize the Director to execute the purchase order.
Resolution No. 70607 adopted.

This item continued on the next page.

9 PUBLIC SAFETY SERVICES

9.1 Approval of various actions related to ALS First Responder and Transport Services

- (d) Adoption of related appropriation ordinance and funding sources resolution amendments in the General Fund related to the ALS First Responder and Transport Services.

(City Manager's Office/Fire)

Resolution No. 70608 adopted.

Ordinance No. 26478 passed for publication.

9.2 Approval to purchase three replacement rescue transport apparatus for the Fire Department.

Recommendation: Report on bids and award of contract to the sole bidder, Hi-Tech Emergency Vehicle Service, Inc. (Oakdale), at a total cost of \$834,287.04, including tax, and authorization for the Director of General Services to execute the purchase order for the:

- (a) Immediate purchase of three rescue transport apparatus for the Fire Department; and
- (b) Subsequent purchase of additional conversions at the same bid price without further Council action other than the appropriation of necessary funds.

(General Services)

Dropped. (Action included in item 9.1)

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- **Closed Session Report**
No Report.
- **Notice of City Engineer's Pending Decision on Final Maps**
None Filed.
- **Open Forum**
Pete Campbell stated he had not received a written reply from the City Attorney's Office.
- **Following Open Forum, the City Council recessed at 3:40 p.m. and reconvened at 7:10 p.m. in Council Chambers, City Hall.**

11 PUBLIC HEARINGS

11.1 Public Hearing on a planned development rezoning on North First Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the east side of North First Street, 250 feet southerly of Burton Avenue, from CN Neighborhood Commercial Zoning District to A(PD) Planned Development Zoning District, to allow a reduction in parking requirements for existing restaurant uses on 0.36 gross acres. (Cortese, Owner; Tafreshi, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 01-02-013 - District 3

(Continued from 4/3/01 – Item 11.7 et al., and 8/14/01 – Item 11.3)

Ordinance No. 26479 passed for publication.

11.2 Public Hearing on planned development prezoning on Ruby Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT PREZONING of the property located at the east side of Ruby Avenue, approximately 50 feet northerly of Murillo Avenue, from County to A(PD) Planned Development Zoning District, to allow up to 22,570 square feet for a new church sanctuary and associated classrooms on 2.61 gross acres. (Young Nak Presbyterian Church c/o K.B. Chung, Owner/Developer). CEQA: Negative Declaration.

PDC 00-04-024 - District 8

(Continued from 8/14/01 – Item 11.9)

Continued to 10/02/01.

11.3 Public Hearing on planned development rezoning at Meridian Avenue and Branham Lane.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Meridian Avenue and Branham Lane, from CP-Commercial Zoning District to A(PD) Planned Development Zoning District, to allow the addition of a carwash facility at an existing gas station site on 0.53 gross acre. (Mehdi Medhipour/Chevron, Owner/Developer). CEQA: Negative Declaration.

PDC 00-08-069 - District 9

(Continued from 8/14/01 – Item 11.10)

Continued to 10/02/01.

11 PUBLIC HEARINGS

11.4 Public Hearing on conforming rezoning at Lincoln and Auzerais Avenues.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located at the southeast corner of Lincoln and Auzerais Avenues, from HI Heavy Industrial Zoning District to IP Industrial Park Zoning District, to allow office uses on 2.02 gross acres. (Gina Bortoli Test Trust, Owner; Wellington Corporation, Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required.

C 01-02-026 - District 6

(Continued from 8/14/01 – Item 11.16)

Continued to 09/18/01.

- **Open Forum**
 - (1) **Jess Morales spoke in opposition to the proposal to rename the San José Airport in honor of Norm Mineta.**
 - (2) **William J. Garbett referenced the public hearing on the configuration of the Calpine Plant project.**

- **Adjournment**

The Council of the City of San José adjourned at 9:00 p.m. in memory of Leonard J. “Jim” Hartman, retired Fireman with the San José Fire Department for 24 years; and in memory of Betty Pate Manley, retired Director of the Foster Grandparents Program, volunteer at History San José, and teacher of ESL classes at Sacred Heart Community Services.