

## MINUTES OF THE CITY COUNCIL

**SAN JOSÉ, CALIFORNIA**

**TUESDAY, OCTOBER 30, 2001**

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

Present: Council Members: Campos, Chavez, Cortesé, Diquisto, LeZotte, Reed, Shirakawa Jr., Williams, Yeager; Gonzales  
Absent: Council Members: Dando (excused)

Upon motion unanimously adopted, the City Council recessed to Closed Session at 9:40 a.m. in Room 600 (A) for the purpose of conducting Public Employee Performance Evaluation, City Manager, pursuant to Government Code Section 54957; (B) to confer with Legal Counsel pertaining to existing litigation pursuant to Government Code Section 54956.9 Subsection (a) to consider the following cases: (1) City of San Jose v. Maestri; and (2) Koroluck v. City of San Jose; and (C) to confer with Labor Negotiator pursuant to Government Code Section 54957.6 involving City Negotiator, City Manager designee Alex Gurza, and the (1) Association of Building and Mechanical and Electrical Inspectors, (2) San Jose Police Officers Association, and (3) International Association of Firefighters Employee Organizations.

By unanimous consent, Council reconvened from Closed Session and Recessed at 11:30 a.m. and reconvened at 1:30 p.m. in Council Chambers, City Hall.

Present: Council Members: Campos, Chavez, Cortese, Diquisto, LeZotte, Reed, Shirakawa Jr., Williams, Yeager; Gonzales.  
Absent: Council Members: Dando (excused)

### INVOCATION

Larry Albright, Associate Pastor, Lincoln Glen Church, delivered the invocation.

### PLEDGE OF ALLEGIANCE

Mayor Gonzales led in the Pledge of Allegiance.

### ORDERS OF THE DAY

Upon motion by Vice Mayor Shirakawa, Jr., seconded by Council Member Williams and unanimously carried, the Orders of the Day and the Amended Agenda were approved.  
Vote: 10-0-1-0. Absent: Dando

## CEREMONIAL ITEMS

### **1.1 Presentation of a commendation for the City of San José's Outstanding Employee Award to Patrick Chew, Fire Protection Engineer. (City Manager's Office)**

Documents Filed: None.

Discussion/Action: Joining Mayor Gonzales at the Podium was City Manager, Del D. Borgsdorf, Fire Chief Manuel P. Alarcon, and Patrick Chew, Fire Protection Engineer. Mayor Gonzales presented the commendation to the honoree, expressed appreciation for his service to the City of San Jose, and introduced Patrick's wife and niece, who were asked to stand and be recognized.

### **1.2 Presentation of plaque to James King for 3 years 6 months service on the Library Commission. (Mayor)**

Documents Filed: None.

Discussion/Action: The plaque will be mailed, as the Commissioner was unable to attend the meeting.

### **1.3 Presentation of a commendation to San José Earthquakes for a successful season. (Mayor) (Rules Committee referral 10/24/01)**

Documents Filed: None.

Discussion/Action: Mayor Gonzalez presented the commendation to Greg Elliott, Vice President, the coaches and 6 team members of the San Jose Earthquakes soccer team. Greg Elliot presented Mayor Gonzales with a soccer ball bearing the signatures of each team member and presented a T-Shirt to each Council Member.

### **1.4 Presentation of commendations to the San José Firefighters who went to the City of New York to assist in the search and rescue efforts after the September 11<sup>th</sup> tragedy. (Diquisto/Mayor) (Rules Committee referral 10/24/01)**

Documents Filed: None.

Discussion/Action: Council Member Diquisto joined Mayor Gonzales at the Podium and presented commendations to Battalion Chief Gerald R. Kohlmann, Captain Harry L. Jackson, Captain Rodney D. Villa and Fire Engineer David C. Lerma. Mayor Gonzales expressed the City's appreciation for their heroism in the wake of the September 11<sup>th</sup> tragedy, which resulted in the death of 340 Fire Fighters and countless numbers of men, women, and children who perished in the collapse of the World Traded Centers.

**1.5 Presentation of a commendation to Richard Rios for his dedication and service to the community and Redevelopment Agency. (Mayor)  
(Orders of the Day)**

Documents Filed: None.

Discussion/Action: Mayor Gonzales presented the commendation to Richard Rios in recognition of the employee's years of service to the Redevelopment Agency and the citizens of San Jose.

**CONSENT CALENDAR**

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

- 2.2 (a) Final adoption of Ordinance No. 26495 – Amends various chapters of Title 20 of the San José Municipal Code by amending Sections 20.90.060, 20.50.100, and 20.100.910, and by adding Sections 20.60.080, 20.200.415, 20.200.1162, and 20.200.1163 to modify the parking requirements for certain industrial land uses, to revise provisions pertaining to public eating establishments and social service agencies in industrial zoning districts, and to establish provisions related to setbacks for certain equipment in planned development districts.**

Documents Filed: Proof of publication of the title of Ordinance No. 26495 executed on October 23, 2001, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26495 was adopted. Vote: 10-0-1-0. Absent: Dando

- (b) Final adoption of Ordinance No. 26496 – Rezones certain real property situated at the southwest corner of Meridian Avenue and Branham Lane, from CP-Commercial Zoning District to A(PD) Planned Development Zoning District. PDC 00-08-069**

Documents Filed: Proof of publication of the title of Ordinance No. 26496 executed on October 23, 2001, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26496 was adopted. Vote: 10-0-1-0. Absent: Dando.

- (c) Final adoption of Ordinance No. 26497 – Rezones certain real property situated at the southeasterly corner of U.S. Highway 101 and Silver Creek Valley Road to A(PD) Planned Development Zoning District. PDC 00-10-109**

2.2(c) (Cont'd)

Documents Filed: Proof of publication of the title of Ordinance No. 26497 executed on October 23, 2001, submitted by the City Clerk.

Discussion/Action: Ordinance No. 26497 was adopted. Vote: 10-0-1-0. Absent: Dando.

- (d) **Final adoption of Ordinance No. 26498 - Rezones certain real property situated at the northeast corner of South Bascom Avenue and Samaritan Drive, from CP-Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District. PDC 00-06-055**

Documents Filed: Proof of publication of the title of Ordinance No. 26498 executed on October 23, 2001, submitted by the City Clerk

Discussion/Action: Ordinance No. 26498 was adopted. Vote: 10-0-1-0. Absent: Dando.

- (e) **Final adoption of Ordinance No. 26499 - Rezones certain real property situated at the east side of Morrill Avenue, approximately 112 feet northerly of Tobin Drive. C 01-07-069**

Documents Filed: Proof of publication of the title of Ordinance No. 26499 executed on October 23, 2001, submitted by the City Clerk

Discussion/Action: Ordinance No. 26499 was adopted. Vote: 10-0-1-0. Absent: Dando.

- 2.3 (a) **Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Keeble Avenue Storm Sewer Project, with a net impact to the fund of \$70,000, and adoption of a resolution making certain determinations regarding the expenditure of agency funds on certain public improvements. (City Manager's Office)**
- (b) **Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Story Road Median Island Improvement Project, with a net impact to the fund of \$165,000, and adoption of a resolution making certain determinations regarding the expenditure of agency funds on certain public improvements. (City Manager's Office)**
- (c) **Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the NBD Pole Painting Project, with a net impact to the fund of \$220,000, and adoption of a resolution making certain determinations regarding the expenditure of agency funds on certain public improvements. (City Manager's Office)**

## 2.3 (Cont'd)

Documents Filed: (1) Memorandum from Budget Director, Larry D. Lisenbee, dated October 10, 2001, recommending Council adopt the Appropriation Ordinance and Funding Sources Resolution amendments for the Keeble Avenue Storm Sewer Project. (2) Memorandum from Budget Director, Larry D. Lisenbee, dated October 10, 2001, recommending Council adopt Appropriation Ordinance and Funding Sources Resolution amendments for the Story Road Median Island Improvement Project. (3) Memorandum from Budget Director, Larry D. Lisenbee, dated October 10, 2001, recommending Council adopt Appropriation Ordinance and Funding Sources Resolution amendments.

Discussion/Action: William Garbett spoke against the proposed action. Referencing the October 10, 2001 memorandum from Budget Director, Larry D. Lisenbee, regarding the increased estimate of \$165,000 for Earned Revenue, Council Member Reed asked Staff to return with detailed information on the fiscal scope of the project. Ordinance No. 26501, entitled: "An Ordinance of the City of San Jose Amending Ordinance No. 26415 to Appropriate Moneys in the Redevelopment Capital Projects Fund in the Amount of \$70,000 for the Keeble Avenue Storm Sewer Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption"; Resolution No. 70676, entitled: "A Resolution of the Council of the City of San Jose Amending Resolution No. 70438 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2001-2002 to Adjust Revenues in the Redevelopment Capital Projects Fund"; Resolution No. 70677, entitled: "Resolution of the Council of the City of San Jose Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements in The Alameda Redevelopment Project Area"; Ordinance No. 26502, entitled: "An Ordinance of the City of San Jose Amending Ordinance No. 26415 to Appropriate Moneys in the Redevelopment Capital Projects Fund in the Amount of \$165,000 for the Story Road Median Island Improvement Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption";

Resolution No. 70678, entitled: "A Resolution of the Council of the City of San Jose Amending Resolution No. 70438 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2001-2002 to Adjust Revenues in the Redevelopment Capital Projects Fund," and Resolution No. 70679, entitled: "Resolution of the Council of the City of San Jose Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements in the Olinder Redevelopment Project Area"; Ordinance No. 26503, entitled: "An Ordinance of the City of San José Amending Ordinance No. 26415 to Appropriate Moneys in the Redevelopment Capital Projects Fund in the Amount of \$220,000 for the NBD Pole Painting Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. 70680, entitled: "A Resolution of the Council of the City of San Jose Amending Resolution No. 70438 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2001-2002 to Adjust Revenues in the Redevelopment Capital Projects Fund"; and Resolution No. 70681, entitled: "Resolution of the Council of the City of San Jose Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements in the Story Road, East Santa Clara and Alum Rock Redevelopment Projects Areas" were adopted, with direction to staff to provide

**2.3 (Cont'd)**

detailed information on the physical scope of the Story Road Median Island Improvement Project. Vote: 10-0-0-1. Absent: Dando.

**2.4 Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #10, and authorization for the Director of General Services to execute the purchase orders. (General Services)**

Documents Filed: Memorandum from Acting Director of General Services, Francis B. McVey, dated October 10, 2001, recommending Council approve open purchase orders.

Discussion/Action: The award of open purchase orders List No. 10 for FY 2001-2002 was approved and execution of the purchase orders authorized. Vote: 10-0-1-0. Absent: Dando.

**2.5 Approval of an option to purchase three additional 35,000 pound cabs and chassis with dump truck type bodies from Kurt International Trucks at the same bid price, at a total cost of \$214,459.68 including tax and delivery, and authorization for the Director of General Services to execute the purchase order for the:**

- (a) **Immediate purchase of three additional units.**
- (b) **Subsequent purchase of the additional units at the same bid price without further Council action other than the appropriation of necessary funds.**

**(General Services)**

Documents Filed: Memorandum from Acting Director of General Services, Francis B. McVey, dated October 10, 2001, recommending Council approve option to purchase three (3) additional 35,000 pound cabs and chassis with dump truck type bodies from Kurt International Trucks at the same bid price.

Discussion/Action: The option to purchase three additional cabs and chassis with dump truck type bodies from Kurt International Trucks was approved and execution of the purchase order authorized to include immediate and subsequent purchases of additional units at the same price without further Council action. Vote: 10-0-1-0. Absent: Dando.

**2.6 Adoption of a resolution:**

- (a) **Amending the City's Pay Plan to create job classifications for Supervisor, Trades (3229), Medical Assistant (5126), Medical Assistant, Senior (5127), Video/Multimedia Producer (8032), Program Manager I (8073), and Program Manager II (8076), and Arborist Technician (3406);**
- (b) **Changing job classification titles for Executive Assistant I U (1631), Executive Assistant II U (1636), Senior Executive Assistant U (1650), Source Control Technician (5226), Source Control Inspector I (5225), Source Control Inspector II (5224), and Senior Source Control Inspector (5223); and**
- (c) **Deleting various obsolete job classifications.**

**(Human Resources)**

## 2.6 (Cont'd)

Documents Filed: Memorandum from Deputy City Manager, Kay Winer, dated October 23, 2001 noting reason for replacement and recommending adoption of a resolution (1) amending the City's Pay Plan to create job classification for Supervisor, and (2) changing job classification titles.

Discussion/Action: Resolution No. 70682 entitled: "A Resolution of the Council of the City of San Jose Amending the City's Pay Plan to Create Job Classifications for Supervisor, Trades (3229), Medical Assistant (5126), Medical Assistant, Senior (5127), Video/Multimedia Producer (8032), Program Manager I (8073) and Program Manager II (8076), Arborist Technical (3406); Changing Job Classification Titles for Executive Assistant I (U) (131), Executive Assistant II (U) (1636), Senior Executive Assistant (U) (1650), Source Control Technical (5226), Source Control Inspector I (5225), Source Control Inspector II (5224) and Senior Source Control Inspector (5223) and Deleting Various Obsolete Job Classifications", was adopted. Vote: 10-0-1-0. Absent: Dando.

## 2.7 Adoption of a resolution amending Salary Resolution No. 51870 to:

- (a) **Authorize the City Manager to use higher-class pay for temporary assignments of employees in unrepresentative units;**
- (b) **Authorize Appointing Authorities to exercise discretion in determining the starting salary of a promoted employee in order to respond to market conditions or other compensation issues;**
- (c) **Authorize all Appointing Authorities to use one-time performance pay as part of annual performance evaluations for their employees in Unit 99;**
- (d) **Remove all language in the Resolution that has been superseded by specific bargaining agreements or is otherwise obsolete.**

**(Human Resources)**

Documents Filed: Memorandum from Deputy City Manager, Kay Winer, dated October 10, 2001 recommending Council adopt said resolution.

Discussion/Action: Resolution No. 70683 entitled: "A Resolution of the Council of the City of San Jose Approving Amendments to Salary Resolution No. 51870 to Authorize the City Manager to Use Higher Class Pay for Temporary Employees, Authorizing Appointing Authorities to Exercise Discretion in Determining the Starting Salary of a Promoted Employee, Authorizing Appointing Authorities to Use One-Time Performance Pay, Deleting Language in the Resolution Which has been Superseded by Collective Bargaining Agreements and Making Other Clarifying Technical Amendments to the Resolution", was adopted. Vote: 10-0-1-0. Absent: Dando.

## 2.8 Report on bids, relieve the low bidder, John Plane Construction, of its bid without forfeiture of its bid bond due to the bidder's mistake, reject all bids, and authorize the Director of Public Works to re-advertise and re-bid the San José Animal Care Center Building and Site Improvements Project. CEQA: Negative Declaration. (Public Works)

## 2.8 (Cont'd)

Documents Filed: Memorandum from Acting Director of Public Works Rajeev Batra, dated October 18, 2001, recommending Council accept staff recommendation.

Discussion/Action: The bid report was accepted and the recommendation to reject all bids and authorize the Director of Public Works to re-advertise and re-bid the project was approved. Vote: 10-0-1-0. Absent: Dando.

## 2.9 Approval of the following actions:

(a) **Approval of an agreement with Callander and Associates for consultant services for the Guadalupe Creek Trail Master Plan from the date of execution of the agreement to October 31, 2002, in the amount of \$224,000, and additional services in the amount of \$15,000, for a total agreement amount of \$239,000.**

(b) **Adoption of appropriation ordinance and funding sources resolution amendments in the City-Wide Construction and Conveyance Tax Fund in the amount of \$80,000.**

**(Public Works/City Manager's Office)**

Documents Filed: Memorandum from Acting Director of Public Works Rajeev Batra, and Budget Director, Larry D. Lisenbee dated October 10, 2001, recommending Council accept staff recommendation.

Discussion/Action: Ordinance No. 26504, entitled: "An Ordinance of the City of San Jose Amending Ordinance No. 26415 to Appropriate Moneys in the Construction and Conveyance Tax Fund in the Amount of \$80,000 for the Guadalupe Creek Trail Master Plan; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption"; and Resolution No. 70684, entitled: "A Resolution of the Council of the City of San Jose Amending Resolution No. 70438 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2001-2002 to Adjust Revenues in the Construction and Conveyance Tax Fund", were adopted. Vote: 10-0-1-0. Absent: Dando.

## 2.10 Acceptance of the Third Quarter 2001 San José Arena Authority Ticket Distribution Program Report. (San José Arena Authority)

Documents Filed: Memorandum from San José Arena Authority Executive Director Chris Morrissey, dated October 10, 2001, recommending Council accept the Arena Ticket Distribution Program Report.

Discussion/Action: The Third Quarter 2001 San Jose Arena Authority Ticket Distribution Program Report was accepted. Vote: 10-0-1-0. Absent: Dando.

## 2.11 Approval of the nominations to the Metcalf Community Advisory Committee. (Mayor) (Rules Committee referral 10/24/01)

## 2.11 (Cont'd)

Documents Filed: None.

Discussion/Action: This item was deferred to November 6, 2001.

## 2.12 Approval of the Operating Grant Agreement with Our City Forest for Fiscal Year 2001-2002, in the amount of \$135,000. (Transportation)

Documents Filed: See Item 5.4.

Discussion/Action: The Operating Grant Agreement with Our City Forest for Fiscal Year 2001-2002 was approved and it's execution authorized. Vote: 10-0-1-0. Absent: Dando.

### END OF CONSENT CALENDAR

## STRATEGIC SUPPORT SERVICES

### 3.2 Report of the Rules Committee – October 17, 2001

Documents Filed: Rules Committee report of the meeting on October 17, 2001.

(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 October 30, 2001 Draft Agenda

There were no additions.

(2) Add New Items to October 23, 2001 Amended Agenda

The Committee recommended three additions to the October 23, 2001 City Council Agenda.

(c) City Council Committees

(1) Amendments to Council Committee Agendas

(a) Finance and Infrastructure Committee

The Committee recommended one addition, *Fire Department Strategic Plan Audit (Auditor/Fire)* and one deletion, *Proposed 2002-03 Budget Calendar (Manager)*, to the October 24, 2001 agenda.

### 3.2 (Cont'd)

(b) Economic Development and Environment Committee

None filed.

(c) City Council Committees

(1) Amendments to Council Committee Agendas

(c) Education, Neighborhoods, Youth, and Seniors Committee

None filed.

(d) Meeting Schedules. Attachment: Memorandum from Assistant to the City Manager, Deanna J. Santana, dated October 16, 2001, recommending approval of a study session.

(1) Approval of the Airport Improvement Program Study Session for November 5, 2001 at 7:00 p.m., Council Chambers

The Committee recommended approval of an *Airport Improvement Program* Study Session on November 5, 2001, at 7:00 p.m. in Council Chambers.

(e) The Public Record

There was no Public Record filed.

(f) Boards, Commissions and Committees

There were none.

(g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee. Attachment: Memorandum from Vice Mayor Shirakawa, Jr., dated October 9, 2001, requesting the Administration assign a deputy to coordinate all departments that are needed to solve the day worker problem at Payless Hardware and Rockery on South King Road.

(1) Request to Administration to resolve day worker problem at 2927 South King Road

The Committee directed the Administration assign a deputy to coordinate all departments needed to solve the day worker problem at 2927 South King Road and other City sites where this problem exists, taking into consideration the following issues: a need to educate the public (those who hire day workers); security and safety of day workers; and exploring the possibility of establishing an additional Day Worker Center.

(2) Direct the City Manager to work with cultural organizations and businesses to identify and streamline processes to support new endeavors as part of the "Reunite with Friends, Reconnect with San José" campaign

This item was reported to Council on October 23, 2001.

### **3.2 Report of the Rules Committee – October 17, 2001 – (Cont'd)**

(h) Administrative Reviews and Approval

There were none.

(i) Oral communications

William Garbett commented on the day worker situation.

(j) Adjournment

The meeting adjourned at 2:15 P.M.

Discussion/Action: Upon motion by Vice Mayor Shirakawa, Jr., seconded by Council Member Chavez and unanimously carried, the Rules Committee report and action of October 17, 2001 were accepted. Vote: 10-0-1-0. Absent: Dando.

### **3.4 Approval of proposed Supplemental Retiree Benefit Reserve and referral to City Administration for implementation. (Board of Administration for the Police & Fire Department Retirement Plan) (Deferred from 10/16/01 – Item 3.5)**

Documents Filed: (1) Memorandum from Mayor Ron Gonzales, dated October 29, 2001, recommending approval of proposed Supplemental Retiree Benefit Reserve (SRBR). (2) Supplemental Memorandum from Employee Relations Director Alex Gurza, Budget Director Larry D. Lisenbee, Director of Finance Scott P. Johnson and Deputy City Manager/Acting Human Resources Director dated October 3, 2001, recommending Council forward the request from the Police and Fire Department Retirement Board for approval of the SRBR. (3) Memorandum from Board of Administration for Police and Fire Department Retirement Plan, dated September 26, 2001, recommending approval of proposed Supplemental Retiree Benefit Reserve (SRBR) and referral to City Administration for Implementation.

Discussion/Action: Speaking in support of the proposed recommendation, Council Member Reed stated he would like to see that the longest and lowest paid retiree be dealt with first, bringing all of the retirees up to approximately \$25,000 per year. He acknowledged he would not support the action unless these guidelines were followed in line with the Mayors memo. In response to Council Member Chavez' question regarding the distribution methodology for the Supplemental Retiree Benefits for Police and Fire Fighter Retirement funds, Director of Retirement Services, Edward F. Overton explained that it will be cleared through the meet and confer process, then the City Attorney's Office will draft an Ordinance which will be distributed to the Retirement Board and to all parties concerned for review and comment. Once approved it will come back to Council to be codified as a provision of the plan. In that, there is an assumption about how the funds will be distributed which is unknown at this point and Council Member

### 3.4 (Cont'd)

Reed's comments will be taken into consideration. Council Member LeZotte stressed that the SRBR Plan should be of, and by the retirees and she will be interested in the seeing that accomplished. Council Member Diquisto disqualified himself for the discussion and decision on this matter, due to a conflict of interest. Robert Cocilova representing San Jose Police and Fire Retirees spoke in support of the SRBR. Upon motion by Vice Mayor Shirakawa, seconded by Council Member Cortese and unanimously carried, Council approved the proposed Supplemental Retiree Benefit Reserve as proposed by the Police and Fire Retirement Board and the recommendations contained in the October 29, 2001 memorandum from Mayor Gonzales to (1) Include a modification to the proposal so that the SRBR accrued principal amount would be charged with ten percent of the City's increased contribution rate in any given year, in the event that the City's contribution rate increases due to poor market/investment returns of the Fund; and (2) Direct the Administration to work with the Retirement Board to develop a distribution methodology to achieve the goal that distributes benefits to a higher degree for retirees who have been out of active service longest, and that the proposed methodology would be returned to Council for approval. Vote: 10-0-0-1. Disqualified: Diquisto.

### 3.5 **Approval of the following actions regarding the Santa Teresa Medical Center:**

- (a) **Hold a TEFRA Hearing for the issuance of \$275,000,000 of tax-exempt 501(c)(3) revenue bonds by the California Statewide Community Development Authority.**
- (b) **Adoption of a resolution approving the issuance of California Statewide Community Development Authority Kaiser Permanente Revenue Bonds, 2001 Series A in an aggregate principal amount not to exceed \$275,000,000, to be used to:**
  - (1) **Currently refund the \$56,955,000 California Health Facilities Financing Authority Kaiser Permanente Refunding Revenue Bonds, 1991 Series A (the "1991 Bonds").**
  - (2) **Acquire, construct, renovate, equip, and perform other capital improvements of certain hospitals and related facilities.**
  - (3) **Pay certain expenses incurred in connection with the issuance of the Bonds.**

#### **Council District 2. (Finance)**

Documents Filed: Memorandum from Director of Finance, Scott P. Johnson, dated October 10, 2001, recommending Council take various actions regarding the Santa Teresa medical Center.

Discussion/Action: Mayor Gonzales opened the TEFRA hearing to consider the issuance of tax-exempt revenue bonds. There was no discussion from the Floor. Upon motion by Council Member Williams, seconded by Vice Mayor Shirakawa, Jr., and unanimously carried, the TEFRA hearing was closed, and Resolution No. 70685, entitled: "A Resolution of the Council of the City of San Jose Approving the Issuance of California

### 3.5 (Cont'd)

Statewide Communities Development Authority Kaiser Permanente Revenue Bonds, 2001 Series A in an Aggregate Principal Amount not to Exceed \$275,000,000 for the Purpose of Financing and Refinancing the Acquisition, Improvement and Equipping of Various Hospital Facilities including Santa Teresa Medical Center and Certain Other Matters Relating Thereto” was adopted. Vote: 10-0-1-0. Absent: Dando.

Council Members Chavez and Cortese left Chambers at this point in the meeting.

### 3.6 Adoption of a resolution approving the terms of a Memorandum of Agreement with the Association of Building, Mechanical, and Electrical Inspectors, and authorizing the City Manager to execute the agreement with a term of October 27, 2001 through October 22, 2004. (City Manager's Office)

Documents Filed: Memorandum from Director of Employee Relations, Alex Gurza, dated October 26, 2001, recommending Council adopt a resolution approving the terms of the Memorandum of Agreement for the term of October 27, 2001 through October 22, 2004.

Discussion/Action: Upon motion by Council Member Williams, seconded by Vice Mayor Shirakawa, Jr. and unanimously carried, Resolution No. 70686, entitled: “A Resolution of the Council of the City of San Jose Approving the Memorandum of Agreement Between the City of San Jose and City of San Jose Association of Building, Mechanical and Electrical Inspectors for the Period of October 27, 2001 Through October 22, 2004 and Authorizing The City Manager to Execute the Agreement”, was adopted. Vote: 8-0-3-0. Absent: Chavez, Cortese, Dando.

### 3.7 Approval of the City and Agency positions on the Open Space Authority ballot measure. (Mayor) (Deferred from 10/23/01 – Item 3.5)

Documents Filed: Memorandum from Mayor Ron Gonzales, dated October 26, 2001, recommending approval of support position.

Discussion/Action: This Item renumbered to Item 10.2

Council Members Chavez and Cortese returned to Chambers during discussion of Item 4.2.

## ECONOMIC & NEIGHBORHOOD DEVELOPMENT

### 4.2 Adoption of a resolution authorizing the City Manager to negotiate and execute the following agreements:

- (a) Working Partnerships USA for sectoral labor market research to be published in four reports, and related sub-contracts, in a total amount for all related contracts not to exceed \$250,000, from July 1, 2001 to June 30, 2002;
- (b) PRX Inc., and related sub-contracts, for marketing services in a total amount for all contracts not to exceed \$200,000;

#### 4.2 (Cont'd)

- (c) **Neighborhood Self Sufficiency Centers for the period July 1, 2001 to June 30, 2002, with Center for Training and Careers in an amount not to exceed \$250,000; Second Start, Inc. in an amount not to exceed \$275,000; and NOVA in an amount not to exceed \$90,000;**
- (d) **Foothill-DeAnza Community College District - Occupational Training Institute for adult intensive services for a period from July 1, 2001 to June 30, 2002, in an amount not to exceed \$1,800,000;**
- (e) **San José Evergreen Community College District/Institute for Business Performance for dislocated worker services in an amount not to exceed \$2,600,000, for the period from July 1, 2001 to June 30, 2002;**
- (f) **California Municipal Technologies, Inc. to provide both, (a) continued customization to the Intrastate Training Resource and Information Network for usage by clients of the San José Silicon Valley Workforce Investment Board, and (b) continued development of the WIA Automated Forms System for usage by staff serving the clients of the San José Silicon Valley Workforce Investment Board in an amount not to exceed \$150,000, for the period from July 1, 2001 to June 30, 2002;**
- (g) **Center for Employment Training to provide intensive services and English as a Second Language classes to dislocated workers from the Del Monte, Mariani, Red Wing food processing facilities, and other related industries, in an amount not to exceed \$100,000, for the period from July 1, 2001 to June 30, 2002;**
- (h) **Center for Training and Careers, Inc. to provide intensive services to dislocated workers from the high tech sector in an amount not to exceed \$100,000, for the period from July 1, 2001 to June 30, 2002;**
- (i) **All contracts, agreements, leases, subleases, and memos of understanding with sub-contractors and vendors providing services to the Workforce Investment Act Program including, but not limited to novations or assignments, vendor training contracts, consultant contracts, memos of understanding with Mandatory Partners and cities whose residents receive service under the WIA program, so long as moneys have been appropriated.**
- (j) **All grant applications, grants, and sub grant agreements for the period from July 1, 2001 to June 30, 2002.**

#### **(Economic Development)**

Documents Filed: Memorandum from Senior Deputy City Manager, Darrell Dearborn, dated October 10, 2001, recommending Council adopt a resolution to implement Workforce Investment Act Programs and Projects for 2001-2002..

Discussion/Action: George Burkhart and Bart Walker addressed Council on the proposed action. Upon motion by Council Member Williams, seconded by Council Member Cortese and unanimously carried, Resolution No. 70687, entitled: "A Resolution of the Council of the City of San Jose Authorizing the City Manager to Negotiate and Execute Certain Agreements Related to WIA and Welfare to Work Programs 2001-2002", was adopted. Vote: 10-0-1-0. Absent: Dando.

**4.3 Adoption of a resolution authorizing the issuance of series of tax-exempt multifamily housing revenue bonds in a not-to-exceed principal amount of \$6,840,000 and a taxable series of multifamily housing revenue bonds in a not-to-exceed principal amount of \$950,000, and approving a loan of the proceeds to a limited partnership created by AIMCO for financing acquisition and rehabilitation of the Villa de Guadalupe Project including:**

- (a) Approving, in substantially final form, the Bonds, Trust Indenture, Loan Agreement, Regulatory Agreement, and Declaration of Restrictive Covenants, Private Placement Memorandum, and Bond Placement Agreement.**
- (b) Authorizing the Director of Finance and the Acting Director of Housing to execute and, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.**
- (c) Approval of an exception to the City's Investment Policy to allow the proceeds of the Bonds to be invested in one or more investment agreements with an institution(s) whose credit rating satisfies the City's requirements, as approved by the Director of Finance.**

**Council District 5. (Housing/Finance)**

Documents Filed: (1) Memorandum from Director of Finance, Scott P. Johnson, and Acting Director of Housing, Leslie Corsiglia, dated October 10, 2001, recommending Council adopt said resolution. (2) Supplemental Memorandum from Director of Finance, Scott P. Johnson, dated October 23, 2001, stating reason for supplemental memo. (3) Memorandum from City Attorney, J. Richard Doyle dated October 30, 2001, stating reason for supplemental memo.

Discussion/Action: Upon motion by Council Member Campos, seconded by Council Member Chavez and unanimously carried, Resolution No. 70688, entitled: "A Resolution of the City Council of the City of San Jose, California, Authorizing the Issuance, Sale and Delivery of Two Series of Multifamily Housing Revenue Bonds in an Aggregate Principal Amount Not to Exceed \$7,750,000 for the Purpose of Making a Loan to Provide Financing for the Villa De Guadalupe Apartments; Determining and Prescribing Certain Matters Relating Thereto; and Approving and Authorizing Related Actions and the Execution and Delivery of Related Documents", was adopted. Vote: 10-0-1-0. Absent: Dando.

**4.4 (a) Adoption of a resolution approving business terms for a construction loan of up to \$9,985,000 and a permanent loan of up to \$10,185,000 to JSM Enterprises, Inc., or its designated partnership, for the development of a 157-unit family housing development with 156 units affordable to low- and very low-income households and one unrestricted manager's unit on a 3.83 acre site located on the east side of North White Road, approximately 450 feet north of McKee Road. Council District 5. (Housing)**

#### 4.4 (Cont'd)

- (b) **Adoption of a resolution authorizing the issuance of a single series of tax-exempt multifamily housing revenue bonds in a not-to-exceed principal amount of \$16,845,000, and approving a loan of the proceeds to a limited partnership created by JSM Enterprises, Inc. for financing the construction of the North White Road Family Apartments Project including:**
- (1) **Approving, in substantially final form, the Bonds, Trust Indenture, Loan and Financing Agreement, Regulatory Agreement, and Declaration of Restrictive Covenants, and Promissory Note.**
  - (2) **Authorizing the Director of Finance and the Acting Director of Housing to execute and, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.**
  - (3) **Approval of an exception to the City's Investment Policy to allow the Bonds to be invested in one or more investment agreements with an institution(s) whose participation in the financing will not adversely affect the expected ratings on the Bonds, as approved by the Director of Finance.**

#### **Council District 5. (Housing/Finance)**

Documents Filed: Memorandum from Director of Finance, Scott P. Johnson, dated October 22, 2001, requesting a deferral of this Item to November 11, 2001.

Discussion/Action: This Item was deferred to November 11, 2001.

#### 4.5 **PUBLIC HEARING and adoption of a resolution approving the vacation of the public sidewalk easement in the north end of La Crescent Place. CEQA: Exempt. Council District 9. (Public Works)**

Documents Filed: Memorandum from Acting Director of Public Works Rajeev Batra, dated October 10, 2001, recommending Council adopt said resolution.

Discussion/Action: Mayor Gonzales opened the public hearing on the proposed vacation of public easement of the subject property. Brian Burke and Cindy Voss spoke in support of the proposed vacation. Upon motion by Council Member Diquisto, seconded by Council Member Cortese and unanimously carried, the public hearing was closed, and Resolution No. 70689, entitled: "Resolution of the Council of the City of San Jose Vacating the Public Sidewalk Easement Lying at the North End of La Crescent Place", was adopted. Vote: 10-0-1-0. Absent: Dando.

**4.6 Approval of an urgency ordinance amending Title 20, The Zoning Code, clarifying noise performance standards in the residential districts.**

- (a) **Adoption of the proposed urgency ordinance amending Title 20 of the San José Municipal Code clarifying the noise performance standards in residential zoning districts as presented in the memorandum.**
- (b) **Adoption of a resolution initiating proceedings for a regular ordinance of the City of San José amending the noise performance standards as contained in all zoning districts in Title 20 of the Municipal Code.**

**CEQA: ND. (Planning, Building and Code Enforcement)  
(Rules Committee referral 10/24/01)**

Documents Filed: Memorandum from Acting Director of Planning, Building and Code Enforcement, Joseph A. Horwedel, dated October 22, 2001, stating reason for addendum and recommending Council adopt an Urgency Ordinance.

Discussion/Action: William Garbett spoke against the proposed ordinance. Upon motion by Vice Mayor Shirakawa, Jr., seconded by Council Member Chavez and unanimously carried, Ordinance No. 26505, entitled: “An Urgency Ordinance of the City of San José Amending Section 20.30.700 of Chapter 20.30 of Title 20 of the San Jose Municipal Code to Clarify the Noise Performance Standards in Residential Zoning Districts and Setting Forth the Statement of the Facts Constituting Such Urgency”; and Resolution No. 70690, entitled: “A Resolution of the Council of the City of San Jose Initiating Proceedings to Amend the Title 20 of the San Jose Municipal Code to Amend the Noise Performance Standards in all Zoning districts and Referring said Ordinance to the Planning Commission for their Review and Recommendation”, were adopted. Vote: 10-0-1-0. Absent: Dando.

## **RECREATION & CULTURAL SERVICES**

**5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – October 15, 2001**

Documents Filed: Education, Neighborhood, Youth and Seniors Committee Report of the meeting on October 15, 2001.

- (a) Youth Commission Monthly Report. Attachment: Memorandum from Chairperson, San Jose Youth Commission, Stephanie Tsai, dated October 03, 2001, containing the September Youth Commission Monthly Report.

With two (2) members present, the Committee forwarded the report to Council for consideration.

- (b) Annual Report on Library Usage. Attachment: Memorandum from City Librarian, Jane Light, dated October 3, 2001, recommending the Committee accept the Fiscal Year 2000/01 Report of Library Usage.

The Committee accepted the staff report.

**5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – October 15, 2001 (Cont'd)**

- (c) Quarterly Report on the new Dr. Martin Luther King, Jr. Library. Attachment: Memorandum from City Librarian, Jane Light, dated October 3, 2001, recommending the ENYS Committee accept the quarterly status report.

The Committee accepted the staff report.

- (d) Green Print Implementation Strategies. Attachment: Memorandum from Director of Parks, Recreation and Neighborhood Services, Mark Linder, dated October 3, 2001, recommending Council accept and file the report on the *Greenprint* Implementation Strategies.

The Committee accepted the staff report, with the following directives to staff:

- The draft Green Print marketing brochure is sent to each Council Member for their comments and suggestions.
- A boilerplate joint use agreement is produced including: length of time of agreement, responsibilities for financial support from all parties, maintenance of calendar, and maintenance of the facility.

- (e) Report on Blight Ordinance:

- (1) To include single family homes
- (2) Holiday lights. Attachment: Memorandum from Acting Director of Planning, Building and Code Enforcement, Joseph A. Horwedel, dated October 4, 2001, recommending Council accept the report on Policy Options related to (a) Single Family residential landscape requirements, (b) Front Yard Paving Limitations, (c) Outside storage limitations for residential properties and (d) the regulation of temporary outdoor lighting and holiday displays.

The Committee accepted the staff report, with the following directives to staff:

- A meeting is scheduled in November 2001 with all Neighborhood Association Presidents. Invitations will be sent by the end of October.
- A report is brought back to the Committee in November 2002, with an update on the four options selected.
- The options for Residential Park Strip Maintenance be reworked and returned to Council in December 2001.

- (f) Proposed Implementation of Skate Parks. Attachment: Memorandum from Director of Parks, Recreation and Neighborhood Services, Mark Linder, dated October 3, 2001, recommending (1) acceptance of the staff report and (2) Send funding issues to the 2002/03 budget process.

The Committee deferred this Item to the November 19, 2001 Education, Neighborhood and Youth Services Committee Meetings.

**5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – October 15, 2001 (Cont'd)**

- (g) Aging Services Master Plan Update.
  - a. Preliminary report on strategies and process for updating the Plan, including cost per unit
  - b. Plans for Senior's citywide event for May 2002. Attachment: Memorandum from Director of Parks, Recreation and Neighborhood Services, Mark Linder, dated October 3, 2001, recommending Council accept this report on an informational basis, with no action recommended at this time.

The Committee deferred this Item to the November 19, 2001 Education, Neighborhood and Youth Services Committee Meeting.

- (h) Adjournment

The meeting was adjourned at 3:35 p.m.

Discussion/Action: Upon motion by Council Member Chavez, seconded by Council Member Diquisto and unanimously carried, the Education, Neighborhoods, Youth and Seniors Committee Report and actions of October 15, 2001 were accepted. Vote: 10-0-1-0. Absent: Dando.

- 5.2**
- (a) **Report on bids and award of contract for the West Valley Branch Library Project to the low bidder, West Bay Builders, Inc. in the amount of \$6,083,000. CEQA: ND.**
  - (b) **Adoption of the following appropriation ordinance amendments in the Library Construction and Conveyance Tax Fund:**
    - (1) **Increase the appropriation for the West Valley Branch Replacement Project by \$499,000.**
    - (2) **Decrease the Ending Fund Balance by \$499,000.**
- Council District: 1. (Public Works/City Manager's Office)**  
**(Deferred from 10/2/01 – Item 5.4 and 10/16/01 – Item 5.2)**

Documents Filed: (1) Memorandum from Acting Director of Public Works Rajeev Batra and Budget Director, Larry D. Lisenbee dated October 24, 2001, stating reason for Supplemental Memorandum and recommending Council award contract to the low bidder and adopt an appropriation Ordinance. (2) Memorandum from Acting Director of Public Works Rajeev Batra, dated September 12, 2001, recommending award of contract for the construction of the West Valley Branch Library Project to the low bidder.

## 5.2 (Cont'd)

Discussion/Action: Upon motion by Council Member LeZotte, seconded by Council Member Chavez and unanimously carried, the report on bids was accepted and award of contract to West Bay Buildings, Inc., the low bidder, was approved and execution of the contract authorized; and Ordinance No. 26506, entitled: "An Ordinance of the City of San Jose Amending Ordinance No. 26415 Which Appropriates Moneys in the Construction Tax and Property Conveyance Tax Fund in the Amount of \$499,000, for the West Valley Branch Library Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", was adopted. Vote: 10-0-1-0. Absent: Dando.

## 5.3 **Acceptance of the quarterly status report on the Parks and Recreation and Branch Library Bond Projects (Measures O&P). (City Manager's Office)** **Council accepted the quarterly status report with directive to staff to identify in the footnote non-bond funds.**

Documents Filed: Memorandum from City Manager, Del D. Borgsdorf dated October 22, 2001, recommending Council accept the quarterly status report.

Discussion/Action: Council Member Cortese recommended acceptance of the report with the directive that Staff put a footnote identifying non-bond funding. Upon motion by Vice Mayor Shirakawa Jr., seconded by Council Member Diquisto and unanimously carried, Council accepted the quarterly status report. Vote: 10-0-1-0. Absent: Dando.

## 5.4 **Approval of the Operating Grant Agreement with Our City Forest for Fiscal Year 2001-2002, in the amount of \$135,000. (Transportation)**

Documents Filed: Memorandum from Director of Transportation Wayne Tanda dated October 10, 2001, recommending Council approve the Operating Grant Agreement.

Discussion/Action: See Item 2.12 for Council action.

Council Member Yeager left Chambers during discussion of Item 5.5.

## 5.5 **Approval of a grant agreement with the Mexican Heritage Corporation for operating support of the Mexican Heritage Plaza-Centro Cultural de San José for the period October 16, 2001 to July 31, 2002, in an amount not to exceed \$500,000. Council District 5. (Conventions, Arts and Entertainment)** **(Rules Committee referral 10/24/01)**

Documents Filed: Memorandum from Director, Conventions, Arts and Entertainment, Nancy Johnson, dated October 19, 2001, stating reason for addendum and recommending Council approve the Grant Agreement.

Discussion/Action: Upon motion by Vice Mayor Shirakawa, Jr., seconded by Council Member Chavez and unanimously carried, the Grant Agreement with the Mexican Heritage Corporation was approved and its execution authorized. Vote: 9-0-2-0. Absent: Dando, Yeager.

Council Member Yeager returned to chambers during discussion of Item 6.1.

Council Member Diquisto left chambers during discussion of Item 6.1.

## **TRANSPORTATION SERVICES**

- 6.1 Adoption of a resolution expressing the preliminary support of the City Council for the BART (transportation) alternative along the Union Pacific Rail Corridor (Alternative #11) as the Preferred Investment Strategy and recommending that alternative for further study and development to the Valley Transportation Authority for their consideration and action. Council Districts 3 and 4. (Transportation)**

Documents Filed: (1) Memorandum from Mayor Ron Gonzales and Council Members Chavez, Cortese, Dando and Williams, dated October 29, 2001, recommending Council support designation of BART on the Union Pacific Railroad alignment. (2) Memorandum from Director of Transportation Wayne Tanda, dated October 10, 2001, recommending Council approve the BART alternative along the Union Pacific rail corridor.

Discussion/Action: Using a PowerPoint presentation, Department Of Transportation Director Wayne Tanda, accompanied by Division Manger of Transportation Planning Hans Larsen summarized the proposed alignment and recommended Council approve the concept as the preferred selection. Ben Tripousis, Project Manager, commented on the proposed action. Upon motion by Vice Mayor Shirakawa, Jr., seconded by Council Member Chavez and unanimously carried, Resolution No. 70691, entitled: "A Resolution of the Council of the City of San Jose Expressing the Preliminary Support of the City Council for the BART (Transportation) Alternative Along the Union Pacific Rail Corridor (Alternative #11) as the Preferred Investment Strategy and Recommending that Alternative for Further Study and Development to the Valley Transportation Authority for their Consideration and Action", was adopted. William Garbett spoke against the proposed action. Vote: 9-0-2-0. Absent: Dando, Diquisto.

## **AVIATION SERVICES**

- 8.1 Adoption of a resolution:**

- (a) Authorizing the City Manager to negotiate and execute a reimbursable agreement with the Federal Aviation Administration (FAA) for design and inspection services for navigational and visual aids for the San José International Airport 12L/30R Improvement Project for a period not to exceed three years from the date of execution by the FAA, in an amount not to exceed \$425,429.**
- (b) Authorizing the City Manager to negotiate and execute an Equipment Transfer Agreement with the FAA for the transfer of ownership to the FAA of navigational and visual aid equipment purchased by the City in the amount of \$1,600,000 for the San José International Airport 12L/30R Improvement Project, at no cost to the FAA.**

**8.1 (Cont'd)**

- (c) **Authorizing the City Manager to negotiate and execute a Lease with the FAA for the navigational and visual aids for the San José International Airport 12L/30R Improvement Project for a year-to-year term not to exceed two years, at no cost to the FAA.**

**CEQA: Resolution No. 67380. (Airport)**

Documents Filed: Memorandum from Director of Aviation, Ralph G. Tonseth, dated October 10, 2001, recommending Council adopt said resolution.

Discussion/Action: Upon motion by Council Member Williams, seconded by Council Member Reed and unanimously carried Resolution No. 70692, entitled: "A Resolution of the Council of the City of San Jose Authorizing the City Manager to Negotiate and Execute Agreements with the Federal Aviation Administration Relating to Navigational and Visual Aids for the San Jose International Airport 12L/30R Improvement Project, was adopted. Vote: 9-0-2-0. Absent: Dando, Diquisto.

**JOINT COUNCIL/REDEVELOPMENT AGENCY**

- 10.1 (a) Adoption of resolutions by City Council and Agency Board approving the first amendment to the cooperation agreement between the City and Agency relative to the Civic Center Project providing for the repayment of the Agency by the City for the Civic Center site and Civic Center garage site;**
- (b) Adoption of a resolution by the Agency Board approving the reduction of \$5,850,000 to the Adopted FY 2001-2002 Capital Budget Civic Center Plaza – Infrastructure project line in the Civic Plaza Redevelopment Area; and**
- (c) Adoption of a resolution by the Agency Board amending the FY 2001-2002 Agency appropriations resolution to reflect the reduction of the \$5,850,000.**

**(City Attorney's Office)**

**(Deferred from 9/25/01 – Item 10.1 et al., and 10/23/01 – Item 10.1)**

Documents Filed: None.

Discussion/Action: This Item was deferred to November 11, 2001.

- 10.2 City and Agency positions on the Open Space Authority ballot measure. (Mayor)**  
**(Deferred from 10/23/01 – Item 3.5)**

Documents Filed: None.

Discussion/Action: This Item was deferred to November 6, 2001.

Notice of City Engineer's Pending Decision on Final Maps  
 In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

Tract	Location	Council District	Developer	Lots/Units	Type	Proposed Decision
9349	N. First Street (W/s) S/o Ryland Park	3	Pulte Homes	36 lots/ 34 SFAR66 units 32 MFAU	Approve	

**OPEN FORUM**

Pete Campbell spoke in opposition to the renaming of the San Jose International Airport with the suggestion that Council place the item on the ballot.

**RECESS/RECONVENE**

The City Council recessed at 3:50 p.m. and reconvened at 4:03 to consider Item 9.1.

Present: Council Members: Campos, Chavez, Cortese, Diquisto, LeZotte, Reed, Shirakawa Jr., Williams, Yeager; Gonzales.

Absent: Council Members: Dando (excused)

**PUBLIC SAFETY SERVICES**

**9.1 Acceptance of the Fire Department Master Plan for use as a foundation for current and future Fire Department service improvements and related funding decisions. (Fire)**

Documents Filed: (1) Memorandum from City Manager, Del D. Borgsdorf, dated October 15, 2001, submitting a report outlining a strategy for addressing the fire response gaps, fire fighter training needs and facilities and improvements to analytical and management information systems. (2) Executive Summary of Master Plan Summaries dated October 30, 2001, submitted by Fire Department Senior Staff. (3) Executive Summary and final report of the Strategic Plan for Fire Protection, Rescue and Emergency Medical Services, dated December 2000. (4) Volumes I and II of the Strategic Plan for Fire Protection, Rescue and Emergency Medical Services, dated December 2000, submitted by Fire Department Senior Staff. (5) Hard copy of the San Jose Fire Departments presentation of Master Planning Strategies, dated October 30, 2001.

## 9.1 (Cont'd)

Discussion/Action: Fire Chief Manuel P. Alarcon, and City Auditor, Gerald A. Silva, presented a comprehensive summation of the key findings in the areas of Information Technology Systems and Support, Organizational Support Staff, Professional Development and Training, Fire Driver Training and Facilities, and Emergency Response Service Gaps relative to the Fire Department Master Plan. They reviewed the strategy for addressing the fire response gaps that currently exist in the System, and identified fire fighter training needs and facilities, as well as improvements to the analytical and management information systems of the Department. With respect to the next step, they recommended the Fire Department's priority action items and recommendations to be referred to the regular City Capital and Operating Budget processes and to incorporate them into future capital and operating budgets in accordance with Council direction. They recommended approval of the Master Plan and the seven studies with future updates.

Using the PowerPoint presentation, staff reviewed the five recommendations in the report that (1) the Department obtain a legal opinion from the City Attorney regarding the use of the Silver Creek Development Integrated Finance and Improvement District Funds for a new fire station; (2) Council direct the Fire Department to do a detailed analysis for the proposed Blossom Hill and Yerba Buena stations; (3) the Department develop for City Council consideration plans for expanding the use of the Omega Priority Response Level; (These plans should include obtaining the software necessary to fully implement the Omega Priority Response Level options and cost for dispensing non emergency medical advise and any other issues that need to be addressed); (4) should the department choose to convert some engine companies to QUINT companies that it also reevaluate existing engine and truck companies to convert one to a QUINT company; and (5) the Department implement a pilot project to evaluate the use of SUV's or light units to respond to lower priority emergency medical calls.

Mayor Gonzales conveyed Council Member Dando's concerns pertaining to (a) the need for more than two paramedics on a call through the use of QUINTS; (b) an explanation for excluding from the Plan recruiting and retention efforts, and will the issue be incorporated and within what timeframe; (c) plans for selecting a Department Safety Officer; and (d) strategy to address special operating training needs, and directed Staff to report to Council Member Dando upon her return to the Office. Council deliberation of the Fire Department Master Plan resulted in a variety of concerns and direction to Staff to prepare an informational memorandum responding to underlying principles for the sequence of priorities; potential funding of fire stations by other jurisdictions within Santa Clara County; justification for the 80% emergency response performance standard, versus that of 90% or greater, as reported by the City Auditor; from the Firefighter Association's perspective, provide additional information on the use of QUINTS; the utilization of HAZMAT Teams in North San José; whether the implementation of the Master Plan would require a bond measure and if so, when would that take place. Randy Sekany addressed Council on the proposed action.

**9.1 (Cont'd)**

Upon motion by Council Member Chavez, seconded by Vice Mayor Shirakawa, Jr. and unanimously carried, the Fire Department Master Plan for use as a foundation for current and future Fire Department service and improvements and related funding decisions, was accepted with modification of Item Number 9 (removing QUINT capabilities) and the addition of Item Number 12 (to follow up on special operations with additional items not included in the training manual coming in the summer of 2002) and 13 (to add more in-depth follow up on the strategic support component as part of the budget process), were approved. Vote: 9-0-2-0. Absent: Dando, Cortese.

**ADJOURNMENT**

The Council of The City of San Jose Adjourned at 6:00 p.m. in memory and honor of Officer Jeffrey Fontana, for his dedication and service to the City of San José.

**RON GONZALES, MAYOR**

**ATTEST:**

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

**REGCNCL/MP**