

CITY COUNCIL AGENDA

MARCH 16, 2004

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
TERRY O. GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO, VICE MAYOR

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.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:32 a.m. - Closed Session, Room 600, City Hall
Absent Council Members: Chirco. (Excused)

1:34 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: Chirco. (Excused)

7:05 p.m. - Public Hearings, Council Chambers, City Hall
General Plan Hearings, Council Chambers, City Hall
Absent Council Members: Chirco; Gonzales. (Excused)

- **Invocation (District 3)**
Mehran Mamkar, Iranian Chamber of Commerce spoke of the events at the NoRooz Spring Festival, an ancient tradition celebrating the coming of Spring, and the Iranian American Community, during March 20 and 21, 2004 at the Mexican Heritage Plaza.

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

- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved, with Item 12.2 deferred to April 6, 2004.

1 CEREMONIAL ITEMS

- 1.1 Administer the Oath of Office for Jeff Clett, Fire Chief. (City Manager's Office/City Clerk's Office)
Deferred to 3/30/04.

1 CEREMONIAL ITEMS

- 1.2 Presentation of a proclamation declaring the week of March 15-19th, 2004, “Adult Education Week.” (Yeager)

Mayor Gonzales was joined at the podium by Council Member Yeager to proclaim the week of March 15 through March 19, 2004, “Adult Education Week”. Council Member Yeager invited Superintendent Tim Hallet and Principal Nancy Arnold, Metropolitan Adult Education, to the podium. Council Member Yeager explained the Metropolitan Adult Education Program teaches English and citizenship, and is the primary community resource for providing basic skills, literacy, and an opportunity for adults to complete their high school diploma or general equivalency degree. Mayor Gonzales presented a plaque on behalf of Council Member Yeager and the Council Members to Mr. Hallet and Ms. Arnold, celebrating the years the Metropolitan Adult Education Program has contributed to improve the quality of life for residents throughout the Santa Clara Valley. Mr. Hallet expressed appreciation to Mayor Gonzales and the City Council.

- 1.3 Presentation of a commendation to the Rescue Personnel (SJPD, SJFD, Air National Guard, Santa Clara County Rescue Rangers) involved in rescuing two hikers from Alum Rock Park February 22, 2004. (Campos)

Heard in the evening.

Vice Mayor Dando was joined at the podium by Council Member Campos to recognize and commend several rescue groups involved in a heroic joint effort. Council Member Campos explained that last month two San José citizens, one of which was in need of medical attention, had become stranded while hiking in a remote area of Alum Rock Park, and a multi jurisdictional team that subsequently arrived to rescue the hikers, included the 129th Rescue Wing Air National Guard team who provided the helicopter, San José Search and Rescue Response Team, San José Fire Department, San José Police Department, Department of Parks, Recreation and Neighborhood Services, Santa Clara County Sheriff’s Office, San José Police Department Air Two team who coordinated the efforts from the air, San José Police Public Safety Dispatchers, American Medical Response West, and the Fire Association Volunteers who supported the rescue teams with food and coffee. Council Member Campos remarked that during the operation one of the rescue team members was injured when she fell off a 200 foot cliff, and Chris Houston, a volunteer on his own initiative and despite the danger, was the first to reach the two hikers. Police Chief Robert Davis, and Fire Chief Jeffrey Clet recognized the allied agencies, and the volunteers. Vice Mayor Dando presented the plaques to all of the rescue groups on behalf of Mayor Gonzales, Council Member Campos, and the Council Members, recognizing their heroic and courageous efforts.

- 1.4 Presentation of a commendation to the YWCA Rape Crisis Center. (Dando)
(Rules Committee referral 3/10/04)

Item 1.4 was dropped.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of February 17, 2004

Approved.

2.2 Final adoption of ordinances.

There were none.

2.3 Approval to amend an agreement for the Acoustical Treatment Program (Phase 5).

Recommendation: Approval of a continuation agreement with Anderson Brule Architects, Inc. for consultant services related to Phase 5 of the Acoustical Treatment (ACT) Program, extending the term of the agreement from June 30, 2002 until June 30, 2004, at no increase in the total compensation of \$4,193,921. CEQA: Resolution Nos. 67380 and 71451, PP04-03-066. (Airport)

Approved.

2.4 Approval of various fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

- (a) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the O'Donnell's Gardens Park Development Project, the Floyd and Locust Park Development Project, and the Greater Gardner Street Reconstruction Project, with a net impact to the fund of \$1,732,000.

Ordinance No. 27084 adopted.

Resolution No. 71986 adopted.

- (b) Adoption of a resolution making certain determinations regarding the related expenditures of Redevelopment Agency funds on certain public improvements. CEQA: O'Donnells Gardens Park, Exempt, PP02-04-084; Floyd and Locust Park, Exempt, PP434-11-043; and Greater Gardner Street Reconstruction, Not a Project. (City Manager's Office)

Resolution No. 71987 adopted.

2.5 Approval of actions related to the Ballet San José Silicon Valley.

Recommendation: Adoption of a resolution providing Ballet San José Silicon Valley with an exemption from eligibility requirements for the Arts Grants: Operating Grant Program pertaining to accessibility for persons with disabilities to allow the Ballet's grant application to be considered in the review process for FY 2004-05 grant awards, which exemption is conditioned upon the Ballet providing the City, no later than November 30, 2004, with a specific work plan and timeframe for meeting the grant program's accessibility requirements. CEQA: Not a Project. (Conventions, Arts and Entertainment)

Resolution No. 71988 adopted.

2 CONSENT CALENDAR

2.6 Approval to amend the lease for the San José Unified School District's use of City owned land adjacent to Watson Park.

Recommendation: Approval of an amendment to the lease between the City of San José and the San José Unified School District for District's use of 3.316 acres of City owned land adjacent to Watson Park, extending the term of the lease by 35 years to June 30, 2048. CEQA: Exempt, PP04-02-029. Council District 3. SNI: 13th Street. (General Services)

Deferred one week to 3/23/04 per Council Action.

2.7 Approval of a contract and related action for the creation and publication of a historical work.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Tempus Publishing Group, dba Arcadia Publishing, for the creation and publication of a historical work, provisionally entitled: "*The Images of America Series: Historic Downtown San José, California;*" and approving the use of any profits from the sale of the book in the General Fund. CEQA: Not a Project. (Library)

Resolution No. 71989 adopted.

2.8 Adoption of a resolution approving the reorganization and annexation of Burbank No. 37.

Recommendation: Adoption of a resolution authorizing the reorganization of territory designated as Burbank No. 37 which involves the annexation to the City of San José of 0.11 acre of land more or less, located on the east side of North Bascom Avenue, approximately 160 feet southerly of Forest Avenue and adjacent to the City of San José annexation Burbank No. 34, and the detachment of the same from Burbank Sanitary, County Lighting Services, Central Fire Protection, Area No. 01 (Library Services) County Services. CEQA: GP2020 Resolution No. 65459. Council District 6. SNI: Burbank/Del Monte. (Planning, Building and Code Enforcement)

Resolution No. 71990 adopted.

2 CONSENT CALENDAR

2.9 Approval of actions related to the 2002-04 Spending Plan for the Local Law Enforcement Services Block Grant Fund.

Recommendation:

- (a) Approval of the proposed addition to the 2002-04 Spending Plan for the Local Law Enforcement Block Grant (LLEBG) Fund.

Approved.

- (b) Adoption of the following amendment to the annual appropriation ordinance and the annual funding sources resolution in the Local Law Enforcement Services Fund (Fund 415) for Fiscal Year 2003-04:

- (1) Increase the LLEBG 2002-04 appropriation for the Police Department in the amount of \$21,890;
- (2) Decrease the LLEBG Ending Fund Balance by \$14,640;
- (3) Increase the Earned Revenue by \$7,250.

CEQA: Not a Project. (Police/City Manager's Office)

Ordinance No. 27085 adopted.

Resolution No. 71991 adopted.

2.10 Approval of an agreement to purchase land and related improvements located at 360 North White Road.

Recommendation: Approval of an agreement in the amount of \$25,100, with Mayfair Post American Legion Building Corporation, for the purchase of a portion of the land and improvements located at 360 North White Road, together with an immediate right of entry thereon, and a 3-month right of entry on the adjoining portion of property, and authorization for the Director of Public Works to execute any additional documents necessary to complete the transaction. CEQA: Negative Declaration, PP03-11-355. Council District 5. (Public Works)

Approved.

2.11 Approval of an agreement to purchase land located at Zanker Road.

Recommendation: Adoption of a resolution authorizing the City Manager to execute an agreement in the amount of \$114,000, with the Santa Clara Valley Transit District (VTA), for the purchase of a portion of land located at Zanker Road, together with a Temporary Construction Easement (TCE) on an adjoining portion of the subject property, and authorization to the Director of Public Works to execute any additional documents that are necessary to complete the transaction. CEQA: Negative Declaration, PP03-12-374. Council District 4. (Public Works)

Resolution No. 71992 adopted.

2 CONSENT CALENDAR

2.12 Approval of a Storm Drain Easement and Maintenance Agreement for a public storm sewer through private property.

Recommendation: Adoption of a resolution authorizing the City Manager to execute a Storm Drain Easement and Maintenance Agreement with BP Almaden Associates, LLC, for the construction and maintenance of a public storm sewer through its private property. CEQA: Resolution Nos. 64273 and 68839 and addendum thereto, RH00-05-005. Council District 3. (Public Works/Transportation)

Resolution No. 71993 adopted.

2.13 Approval of one proposed City Event for use at the HP Pavilion at San José.

Recommendation: Approval of one proposed City Event for use at the HP Pavilion at San José on March 24, 2004 for Seagate/Sharks Foundation 8th Grade Leadership Awards. (San José Arena Authority)

Approved.

2.14 Approval of various fiscal actions for Redevelopment Agency Capital Projects.

Recommendation:

(a) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the 3rd and 4th Streets Couplet Conversion Project, with a net impact to the fund of \$900,000.

Ordinance No. 27086 adopted.

Resolution No. 71994 adopted.

(b) Adoption of a resolution making certain determinations regarding the related expenditures of Redevelopment Agency funds on certain public improvements. CEQA: Negative Declaration, PP02-05-115. Council District 3. SNI: 13th Street. (City Manager's Office)

(Rules Committee referral 3/10/04)

Resolution No. 71995 adopted.

2.15 Approval of an agreement related to the Animal Care Center Project.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute any necessary agreements with Travelers Casualty & Surety Company Insurance Co., the surety for Dennis J. Amoroso Construction Company, Inc., and any construction contractor for completion of the Animal Care Center Project at no additional cost to the City beyond \$1,087,000, and including the authority to negotiate liquidated damages. CEQA: Negative Declaration, H01-003. (Public Works/Parks, Recreation and Neighborhood Services)

(Rules Committee referral 3/10/04)

Resolution No. 71996 adopted.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee – March 3, 2004

Vice Mayor Dando, Chair

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review March 16, 2004 Draft Agenda

The Committee recommended approval of the March 16, 2004 City Council agenda with two additions.

(2) Add New Items to March 9, 2004 Amended Agenda

- Mayor and Council Member Requests
- City Manager Requests
- City Attorney Requests
- City Clerk Requests

The Committee recommended five additions to the March 9, 2004 City Council agenda.

(3) List of Reports Outstanding

The Committee noted and filed the City Manager's report stating there are four Staff reports outstanding for March 9, 2004 Council agenda.

(c) Legislative Update

(1) State

There was no report.

(2) Federal

There was no report.

(d) Meeting Schedules

There were none.

(e) The Public Record

The Committee noted and filed the Public Record.

(f) Appointment to Boards, Commissions and Committees

There were none.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – March 3, 2004 Vice Mayor Dando, Chair

- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Results of outreach and negotiation for “Evergreen Specific Plan Construction Tax, Building and Structures Tax, and Residential Construction Tax Fee Suspension/Exemption Renewal
The Committee accepted Deputy City Manager Ed Shikada’s oral report stating that the City Manager’s Office will report on this issue during the April 7, 2004 Rules Committee meeting.
 - (2) San José Family Camp Manager Hiring Process
The Committee directed the City Manager to return to the Rules Committee on March 17, 2004 with a written report on the San José Family Camp Manager hiring process.
- (h) Oral communications
None were presented.
- (i) Adjournment
The meeting adjourned at 2:15 p.m.

The Rules Committee Report and the Actions of March 3, 2004, were accepted.

3.3 Report of the Making Government Work Better Committee Council Member Campos, Chair No Report.

3.4 Approval of appointments to the Blue Ribbon Task Force for review of the Ethics and Lobbyist Ordinances.

Recommendation: Approval of appointments to the Blue Ribbon Task Force for review of the Ethics and Lobbyist Ordinances. (Mayor, Yeager)
(Rules Committee referral 3/10/04)

Approved.

- (1) **City Council Members and members of the public requested to make recommendations of speakers for the Task Force to the Mayor’s Office by March 19, 2004. The Mayor’s Office will work with the Chair of the Task Force to select the speakers and set the agenda.**
- (2) **The Blue Ribbon Task Force will provide the City Council with a status update within 90 days of its first meeting.**

3 STRATEGIC SUPPORT SERVICES

3.5 Adoption of a resolution in support of the Mid-Peninsula Regional Open Space District Coast Side Protection Program.

Recommendation: Adoption of a resolution in support of the Mid-Peninsula Regional Open Space District Coast Side Protection Program. (LeZotte)
(Rules Committee referral 3/10/04)

Resolution No. 71997 adopted.

Staff directed to send a letter of support from the City of San José to San Mateo Local Agency Formation Commission for the March 17, 2004 hearing.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee Council Member Chavez, Chair

No Report.

4.2 Report of the Driving a Strong Economy Committee Council Member Williams, Chair

No Report.

4.3 Approval of fiscal actions for the Evergreen Smart Growth Strategy.

Recommendation: Adoption of the 2003-2004 appropriation ordinance and funding sources resolution amendments in the General Fund as follows:

(1) Increase the Citywide appropriation for the Evergreen Smart Growth Strategy by \$1,102,581; and

(2) Increase the estimate for earned revenue from Other Revenue by \$1,102,581.

CEQA: Exempt, PP03-10-349. Council District 8. SNI: KONA/West Evergreen.

(Planning, Building and Code Enforcement/City Manager's Office)

Ordinance No. 27087 adopted.

Resolution No. 71998 adopted.

4.4 Approval to award a contract for Improvement District No. 99-218SJ (Hellyer-Piercy).

Recommendation: Report on bids and award of contract for Improvement District No. 99-218SJ (Hellyer-Piercy), Contract #3 to the low bidder, Granite Construction, in the amount of \$2,595,964, and approval of a contingency in the amount of \$390,000. CEQA: Resolution No. 69699. Council District 2. (Public Works)

Deferred to 3/30/04.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.5 Approval of an agreement to donate and transfer a 15-acre parcel of undeveloped land in the Alviso area.

Recommendation: Adoption of a resolution:

- (a) Approving an agreement with Cisco Technology Inc., for a donation and transfer of a 15-acre parcel of undeveloped land in the Alviso area to the City and authorizing and directing the City Manager to execute the necessary documents to complete the transaction; and
- (b) Authorizing the Director of Public Works to accept and record the deeds associated with this action.

CEQA: Resolution No. 69636, dated June 6, 2000. Council District 4. (Public Works/Fire/Parks, Recreation and Neighborhood Services)

Resolution No. 71999 adopted.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair No Report.

5.2 Approval of an agreement for the Edenvale Branch Library Project.

Recommendation: Approval of an agreement with CWA AIA, Inc. for consultant services for the Edenvale Branch Library Project, from the date of execution to April 30, 2007, in an amount not to exceed \$998,750. CEQA: Not a Project. Council District 2. (Public Works/Library)

Approved.

5.3 Approval of an agreement for the Joyce Ellington Branch Library Project.

Recommendation: Approval of an agreement with Tetra Design, Inc. for consultant services for the Joyce Ellington Branch Library Project, from the date of execution to June 30, 2007, in an amount not to exceed \$972,000. CEQA: Not a Project. Council District 3. (Public Works/Library)

Approved.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee Council Member Cortese, Chair No Report.

6 TRANSPORTATION SERVICES

6.2 Approval of an ordinance establishing a residential permit parking zone in the Arena West neighborhood.

Recommendation: Approval of an ordinance amending Chapter 11.48 of Title 11 of the San José Municipal Code to establish a residential permit parking zone in the Arena West neighborhood as part of the Arena Residential Permit Parking (RPP) Zone. CEQA: Exempt, PP03-05-163. Council District 6. (Transportation)

Heard in the evening.

Ordinance No. 27088 passed for publication.

Arena West was renamed as “Cahill Park”.

6.3 Approval of an ordinance establishing a residential permit parking zone in the Delmas Park Neighborhood.

Recommendation: Approval of an ordinance amending Chapter 11.48 of Title 11 of the San José Municipal Code to establish a residential permit parking zone in the Delmas Park Neighborhood. CEQA: Exempt, PP04-02-043. Council District 3. SNI: Delmas Park. (Transportation)

Heard in the evening.

Ordinance No. 27089 passed for publication.

6.4 Approval of an ordinance designating 17th Street between San Fernando and San Antonio as a one-way street.

Recommendation: Approval of an ordinance to amend Chapter 11.24 of Title 11 of the San José Municipal Code to designate 17th Street between San Fernando and San Antonio as a one-way street. CEQA: Exempt, PP04-02-03. Council District 3. (Transportation)

Heard in the evening.

Ordinance No. 27090 passed for publication. Disqualified: Chavez.

6.5 Approval of trial period for enforcement of traffic regulations on the private roads within the Silver Creek Country Club.

Recommendation: Adoption of a resolution providing for enforcement of California Vehicle Code traffic regulations on the private roads within the Silver Creek Country Club for a one-year trial period and authorizing the Police Chief to approve continuation of the enforcement beyond the one-year trial period. CEQA: Exempt, PP04-02-044. Council District 8. (Transportation/Police)

Heard in the evening.

Resolution No. 72004 adopted. Noes: LeZotte.

Staff to return in one year with a report describing the results of the trial period, including costs and implementation issues.

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

8.1 Approval of finding that Airport traffic and transit improvement conditions have been met and City can commence construction efforts consistent with Airport Master Plan.

Recommendation: Adoption of a resolution finding that the Airport traffic and transit improvement conditions set forth in Part 4 of Chapter 25 of the San José Municipal Code have been met and that the City may therefore commence construction of a new Central Terminal facility and expand the number of air carrier gates at the Airport beyond the existing 31 gates, as provided in the Airport Master Plan. CEQA: Resolution Nos. 67380 and 71451, PP04-01-002. (Airport/Transportation)
(Deferred from 1/27/04 – Item 8.1)

Resolution No. 72000 adopted.

8.2 Approval of actions for the Airport's North Concourse Building Projects.

Recommendation:

- (a) Report on bids and take appropriate action based on the evaluation of bids for the Norman Y. Mineta San José International Airport North Concourse Building -- Communication Cables Relocation (Package 0C), and approval of a ten percent contingency. CEQA: Resolution Nos. 67380 and 71451, PP03-12-388. (Public Works/Airport)

[Deferred from 1/13/04 – Item 8.1(a) and 1/27/04 – Item 8.2(a)]

Item 8.2(a) dropped.

- (b) Report on bids and award of contract for the Norman Y. Mineta San José International Airport North Concourse Building, Gate A1-C Relocation (Package 0B) Project to the low bidder, Apex Construction, in the amount of \$729,289, and approval of a contingency in the amount of \$110,000. CEQA: Resolution Nos. 67380 and 71451, PP 03-12-393. (Public Works/Airport)

[Deferred from 1/13/04 – Item 8.1(b) and 1/27/04 – Item 8.2(b)]

Approved.

8 AVIATION SERVICES

8.3 Approval of owner controlled insurance program for the Airport Master Plan Projects.

Recommendation: Adoption of a resolution authorizing the City Manager to:

- (a) Procure from American International Group ("AIG") Owner Controlled Insurance Program ("OCIP") insurance coverage for Airport Master Plan Projects with the insurance premium of \$3,943,972;
- (b) Determine the most cost effective method to establish a claims loss reserve in the amount of \$3,900,000 to pay deductibles by either the establishment of a letter of credit or cash payment and to enter into the agreements required to establish the claims loss reserve; and
- (c) Procure builders' risk coverage and owner's protective professional indemnity insurance including contractor's pollution liability coverage with aggregate insurance premiums not to exceed \$1,350,000.

CEQA: Resolution Nos. 67380 and 71451, PP04-02-042. (Airport/Finance)

Resolution No. 72001 adopted.

8.4 Approval of agreements related to the Airport Revenue Bonds, Series 2004 (Security Projects).

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with Fullerton & Friar, Inc. and Public Resources Advisory Group for financial advisory services in an amount not to exceed \$210,000, for the term of January 12, 2004, to December 31, 2004.

Resolution No. 72002 adopted.

- (b) Adoption of a resolution authorizing the City Attorney to negotiate and execute an agreement with Orrick, Herrington & Sutcliffe LLP for bond and disclosure counsel services, in an amount not to exceed \$250,000, for the term of January 12, 2004, to December 31, 2004.

CEQA: Resolutions Nos. 67380 and 71451, PP 04-02-052. (Finance/Airport)

Resolution No. 72003 adopted.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 7:40 p.m. to consider Items 10.1 and 10.2 in a joint session.

10.1 Approval of the Downtown Design Guidelines.

Recommendation: Approval of the Downtown Design Guidelines. Director of Planning, Building and Code Enforcement recommends approval. CEQA: Exempt, PP03-01-010. Council District 3. (City Manager's Office/Redevelopment Agency)

Heard in the evening concurrently with Items 11.1 and 11.2.

The memorandum from Mayor Gonzales and Council Member Chavez, dated March 16, 2004, related to Items 10.1, 11.1, and 11.2 was approved.

- (1) The draft Downtown Design Guidelines were approved, with the following direction to Staff to return within 45 days, a Design Review Process that:**
 - Achieves the goals of enhancing the character of the City, encourages creativity, achieves design excellence and promotes high quality projects.**
 - Incorporates review by architects/planners with expertise in relevant types of development.**
 - Integrates opportunities for public comment into the review process.**
 - Articulates clear expectations of each party (City, applicant, experts, and public) during each phase of review.**
 - Works in conjunction with relevant CEQA proceedings, Staff review, and Commission/Council hearings.**
- (2) Staff directed to provide an overview within 24 months regarding the impact of the new design review process, guidelines, and zoning, and potential amendments to them.**
- (3) Staff directed to bring back to Council for consideration any amendments needed to the Ground Floor Retail Ordinance or other provisions of the Zoning Code to change the area covered by the Ordinance consistent with the attached map.**
- (4) Staff directed to incorporate the Historical Guidelines into all the documents.**
- (5) Staff directed to amend regulations, adding "financial institution" to be allowed as an auxiliary use.**
- (6) Staff directed to return in two weeks with clarifications to the Downtown Parking Regulations.**

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.2 Approval of actions for the San José Child Care Facility Development Project.

Recommendation:

- (a) Adoption of an appropriation ordinance and funding source resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) by the City Council to:
 - (1) Establish an appropriation to the Department of Parks, Recreation and Neighborhood Services for the San José Child Care Facility Development Project (PSM 345) by \$856,000.
 - (2) Increase the estimate for Earned Revenue by \$856,000.
- (b) Adoption of a resolution by the City Council authorizing the City Manager to negotiate and execute an agreement with San José Day Nursery in an amount not to exceed \$856,000 for the development and renovation of San José Day Nursery's existing facilities located at 33 North Eighth Street, San José, CA 95112 to be operated as a Smart Start San José Early Care and Education Center for a term ending June 30, 2018.
- (c) Adoption of a resolution by the Redevelopment Agency Board authorizing the Interim Executive Director to negotiate and execute an agreement with the City and San José Day Nursery, providing for the Agency's monitoring of the design and construction of San José Day Nursery's Project.

CEQA: Exempt, PP04-03-062. Council District 3. (City Manager's Office/Redevelopment Agency)

Deferred to 3/30/04.

The Redevelopment Agency Board portion of the meeting was adjourned at 8:10 p.m.

- **Closed Session Report**
No Report.

- **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:
None.

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:
None.

- **Open Forum**
 - (1) **Daniel McCall spoke on societal issues.**
 - (2) **Mark Trout spoke on the issue of same sex marriage.**
 - (3) **Ross Signorino spoke of Mayor Gonzales' completion of the State of the City Address on March 17, 2004.**

The Council of the City of San José adjourned the afternoon session at 3:05 p.m.

11 PUBLIC HEARINGS

11.1 Public Hearing and approval of an ordinance modifying Downtown Zoning Regulations.

Recommendation: PUBLIC HEARING on and approval of an ordinance amending Chapter 20.70 of Title 20 of the San José Municipal Code by modifying the provisions of the Downtown Zoning Regulations. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2). CEQA: Resolution No. 65459, PP03-05-169. (Planning, Building, and Code Enforcement)
(Continued from 6/3/03 – Item 11.3 et al., and 1/13/04 – Item 11.1)

Heard concurrently with Items 10.1 and 11.2.

Ordinance No. 27091 passed for publication.

See Item 10.1 for other Council Actions.

11.2 Public hearing on Director-initiated conventional rezoning of the property located within the area generally bounded 4th Street, Interstate 280, State Route 87 (Guadalupe Parkway), and Bassett Street.

Recommendation: PUBLIC HEARING ON DIRECTOR-INITIATED CONVENTIONAL REZONING of the property located within the area generally bounded by:

- (a) 4th Street, Interstate 280, State Route 87 (Guadalupe Parkway), and Julian Street, from CG General Commercial, R-M Multiple Residence, R-2 Two-Family Residence, LI Light Industrial Districts to DC Downtown Commercial District and
- (b) Balbach Street, South Market Street, Interstate 280, and Almaden Boulevard to DC-NT 1 Downtown Commercial-Neighborhood Transition 1 Districts, to allow mixed use, commercial, and residential uses on approximately 389 gross acres. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2). (Planning, Building, and Code Enforcement)

C 03-072 - District 3

(Continued from 10/21/03 – Item 11.9 et al., and 1/13/04 – Item 11.2)

Heard concurrently with Items 10.1 and 11.1.

Ordinance No. 27092 passed for publication.

See Item 10.1 for other Council Actions.

11 PUBLIC HEARINGS

11.3 Public Hearing on conforming planned development rezoning of the property located at 929 Berryessa Road.

Recommendation: PUBLIC HEARING ON CONFORMING PLANNED DEVELOPMENT REZONING of the property located at the north side of Berryessa Road, approximately 50 feet easterly of Mabury Road (929 Berryessa Road), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to remove the warehouse use restriction and allow similar industrial uses in an existing 9,994 square foot structure. (Borelli Development Company, Ralph Borelli, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required.

PDC 03-106 - District 4

(Deferred from 2/17/04 – Item 11.9)

Ordinance No. 27093 passed for publication.

11.4 Public Hearing on planned development rezoning of the property located at Vera Lane and Azucar Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of Vera Lane and Azucar Avenue, from R-M Multiple Residence to A(PD) Planned Development Zoning District, to allow up to 4 detached and 2 attached single-family residences on a 0.46 gross acre site. (Kawadri Mazen M. Trustee & et al., Owner/Developer). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). CEQA: Mitigated Negative Declaration. SNI: Edenvale/Great Oaks.

PDC 03-031 - District 2

Ordinance No. 27094 passed for publication.

11.5 Public Hearing on planned development rezoning of the property located at 1803 Oakland Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Rock Avenue and Oakland Road (1803 Oakland Road), from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District, to allow up to 107 single-family detached residences on a 13.7 gross acre site. (Orchard Property LLC, Owner; Summerhill Homes, Developer).

PDC 03-068 - District 4

Item 11.5 was dropped, same Item as 12.2(b).

11 PUBLIC HEARINGS

11.6 Public Hearing on planned development rezoning of the property located at 912 Boynton Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of Boynton Avenue, approximately 150 feet northerly of Underwood Drive (912 Boynton Avenue), from R-1-8 Residence District to A(PD) Planned Development Zoning District, to allow up to four single-family attached residential units on a 0.2 acre site. (Ku Hammond and Sophia, Owner). CEQA: Exempt. SNI: Blackford. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 03-063 - District 1

Ordinance No. 27095 passed for publication.

The Planned Development Rezoning Application was approved, with the following provisions:

- **As a result of neighborhood input the following measures will be taken before PD permits are issued.**
 - (1) **The project will be amended to preserve the existing trees called out in the application for preservation, as well as the one large redwood that is currently recommended for removal. This can be accomplished through minor adjustments to one of the buildings.**
 - (2) **The applicant will meet with representatives from the Cabernet Vineyards Home Owners Association to address their concerns regarding privacy to ensure the best possible interaction with the existing neighbors.**
 - (3) **Staff to contact individuals from the Cabernet Vineyards Home Owners Association in order to provide additional noticing and information as the project moves forward.**

11.7 Public Hearing on planned development rezoning of the property located at 432 South Cypress Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of Cypress Avenue, approximately 70 feet northerly of Adra Avenue (432 South Cypress Avenue), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to six residential units (four single-family detached court home units and two apartments) on a 0.4 acre site. (E & H Third Family Partnership, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 03-055 - District 1

Ordinance No. 27096 passed for publication.

11 PUBLIC HEARINGS

11.8 Public Hearing on planned development rezoning of the property located at 777 Almaden Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northwest corner of Almaden Avenue and West Virginia Street (777 Almaden Avenue), from CN Neighborhood Commercial District to A(PD) Planned Development Zoning District, to allow 10 single-family attached residences on a 0.47 gross acre site. (David D. Tsang and Cathy C. Lucia Wu, Owner). SNI: Washington. CEQA: Mitigated Negative Declaration. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).
PDC 02-057 - District 3

Ordinance No. 27097 passed for publication, with Staff directed to:

1. **Ensure the design of the project does not lead to overcrowding.**
2. **Work with Council Member Chavez's office on the next phase of the development.**

11.9 Public Hearing on planned development rezoning of the property located at 12385 Blossom Hill Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the north side of Blossom Hill Road, opposite the terminus of Croydon Avenue (12385 Blossom Hill Road), from A-Agriculture Zoning District to A(PD) Planned Development Zoning District, to allow up to seven (7) single-family detached residential units on a 0.44 gross acre site. (San José Conservation Corps/Ken Fuller, Owner). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). CEQA: Resolution No. 65459.
PDC 03-088 - District 9

Ordinance No. 27098 passed for publication. Disqualified: LeZotte.

11.10 Public Hearing on planned development rezoning of the property located at 1629 Alum Rock Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the north side of Alum Rock Avenue, approximately 200 feet southwesterly of 34th Street (1629 Alum Rock Avenue), from R-2 Two-Family Residence Zoning District and CG Commercial General Zoning District to A(PD) Planned Development Zoning District, to allow a radio station use on a 0.33 gross acre site. (Dolores M. Viera and S. Batista, Owner). CEQA: Exempt. SNI: Five Wounds/Brookwood Terrace.
PDC 03-090 - District 5

Continued to 4/6/04.

11 PUBLIC HEARINGS

11.11 Public Hearing on conforming planned development rezoning of the property located at Hillsdale Avenue and Vistapark Drive.

Recommendation: PUBLIC HEARING ON CONFORMING PLANNED DEVELOPMENT REZONING of the property located at the north side of Hillsdale Avenue, opposite the northerly terminus of Vistapark Drive, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to reconfigure four previously approved residential blocks (212 previously approved units) to allow a mix of detached and attached unit types, on a 7.3 acre site. (KB Home, Owner/Developer). CEQA: Resolution No. 63624. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required.
PDC 03-107 - District 7

**Heard immediately following Item 12.1(f).
Ordinance No. 27100 passed for publication.**

11.12 Public Hearing on conforming rezoning of the property located at Wabash and North First Street.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located at the south side of Wabash Street, approximately 440 feet easterly of North First Street, from CN Neighborhood Commercial Zoning District to RM Residential Zoning District, to allow a Single-Family Residence on a 0.137 gross acre site. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required.

C 04-005 - District 4

Ordinance No. 27099 passed for publication.

12 GENERAL PLAN PUBLIC HEARINGS

12.1 Approval of General Plan Consent Calendar items.

Recommendations:

- (a) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park to Industrial Park with Mixed Industrial Overlay for property located on the southerly side of Piercy Road (474 Piercy Road), approximately 300 feet easterly of Hellyer Avenue on an approximately 16-acre site. (Barry DiRaimondo, Owner/Family Community Church, Applicant).
GP03-02-04 - District 2
Deferred to 6/1/04.
- (b) PUBLIC HEARING on the following items located between the Union Pacific Railroad tracks, Market Street, Julian Street, and Highway 87 on a 9-acre site. (Brandenburg Staedler & Moore, Owners/Redevelopment Agency, Applicant). CEQA: Environmental Impact Report Pending. Council District 3.
- (1) FINAL ENVIRONMENTAL IMPACT REPORT for the Mixed use Project/North San Pedro Housing sites General Plan amendment (GP03-03-01a/GPT03-03-01a/GP03-03-01b) to change the Land Use/Transportation Diagram From General Commercial on 6.2-acres, Combined Industrial/Commercial on 1 acre, and Residential Support for the core area [25 + Dwelling Units per Acre (DU/AC)] on 1.8-acres to Core Area, a General Plan text amendment to redefine the Downtown Core Area and Downtown Frame Area boundaries, and a General Plan Transportation Diagram amendment to realign Julian Street between Market and Saint James Streets.
[Continued from 12/16/03 - Item 12.1(d)(1)]
Item 12.1(b)(1) dropped.
- (2) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the land use/Transportation Diagram designation from General Commercial on 6.2 acres, Combined Industrial/Commercial on 1 acre, and Residential Support for the core area [25 + Dwelling Units per Acre (DU/AC)] on 1.8 acres to Core Area.
GP03-03-01a
[Continued from 12/16/03 - Item 12.1(d)(2)]
Deferred to 6/1/04.
- (3) PUBLIC HEARING ON GENERAL PLAN TEXT AMENDMENT request to redefine the Downtown Core Area and Downtown Frame Area boundaries.
GPT03-03-01a
[Continued from 12/16/03 - Item 12.1(d)(3)]
Deferred to 6/1/04.

12 GENERAL PLAN PUBLIC HEARINGS

12.1 Approval of General Plan Consent Calendar items (Cont'd.)

Recommendations:

- (4) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Transportation Diagram to realign Julian Street between Market and Saint James Streets.
GP03-03-01b
[Continued from 12/16/03 - Item 12.1(d)(4)]
Deferred to 6/1/04.
- (c) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Light Industrial to General Commercial for property located on the southwest corner of West Hedding Street and Coleman Avenue (879 Coleman Avenue) on a 0.45-acre site. (Pinn Brothers, Inc., Owner/Pinn Brothers Construction, Inc., Applicant). CEQA: Mitigated Negative Declaration, GP03-03-18. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1; Platten Absent).
GP03-03-18 - District 3
Item 12.1(c) deferred to 4/6/04.
- (d) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to General Commercial for property located on the southwest corner of McKee Road (3490 McKee Road) and Vista Avenue on a 0.35-acre site. (Henry Ho, Owner/Applicant). In addition, Planning staff has proposed an expansion to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to General Commercial for three adjacent parcels located at the southeast corner of Kirk Avenue and McKee Road (3454, 3468, and 3490 McKee Road) on 0.53 acre. CEQA: Mitigated Negative Declaration, GP03-05-06. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1; Platten Absent).
GP03-05-06 - District 4
Staff/Planning Commission recommendation was tentatively approved.

12 GENERAL PLAN PUBLIC HEARINGS

12.1 Approval of General Plan Consent Calendar items (Cont'd.)

Recommendations:

- (e) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to General Commercial for property located on the west side of South White, approximately 300 feet north of Story Road (1075 and 1085 South White Road) on a 0.53-acre site. In addition, Planning staff has proposed an expansion to amend the General Plan designation from Medium Low Density Residential (8 DU/AC) to General Commercial for the adjacent parcel located at 1095 South White Road on 0.43 acre. (De La Torres Properties, Owner/Mike Ma, Applicant). CEQA: Mitigated Negative Declaration, GP03-05-09. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1; Platten Absent). SNI: East Valley/680 Communities.
GP03-05-09 - District 5

Staff/Planning Commission recommendation was tentatively approved.

- (f) PUBLIC HEARING on the following items located at the north side of Hillsdale Avenue, opposite the terminus of Vista Park Drive on a 7.3-gross-acre site in the Communications Hill Specific Plan area. (Rob Bettencourt et al, Owner/ KB Home, Applicant).

- (1) PUBLIC HEARING Request to modify the Communication Hill Specific Plan as follows: 1) allow a reduction from the 24 DU/AC minimum density on certain blocks to a minimum 17 DU/AC provided that the average density within the project area is within the 24-40 DU/AC range; and 2) allow reduction to the required 30-foot minimum front-to-front building separation distance. CEQA: Final Environmental Impact Report for the Communications Hill Specific Plan, Resolution No. 63624, GP03-07-11. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0-1; Dhillon Abstained).
GP03-07-11 - District 7

Staff/Planning Commission recommendation was tentatively approved.

- (2) PUBLIC HEARING ON GENERAL PLAN TEXT AMENDMENT to revise the Communication Hill Planned Community to reflect the proposed changes to the Communications Hill Specific Plan. CEQA: Final Environmental Impact Report for the Communications Hill Specific Plan, Resolution No. 63624, GPT03-07-11. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0-1; Dhillon Abstained).

GPT03-07-11 - District 7

Staff/Planning Commission recommendation was tentatively approved.

12 GENERAL PLAN PUBLIC HEARINGS

12.2 Public Hearing on the following items located on the southwest corner of Oakland Road and Rock Avenue (1803 Oakland Road) on a 13.7-gross acre site.

Recommendations:

- (a) PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Industrial Park to Medium Density Residential (8-16 DU/AC) for property located on the southwest corner of Oakland Road (1803 Oakland Road) and Rock Avenue on a 13.7-acre site. (Orchard Property, LLC, Owners/Tom Armstrong, HMH, Applicant). CEQA: Resolution No. 04-017, GP03-04-01. Director of Planning, Building and Code Enforcement recommends denial and Planning Commission recommends approval with Preference for park on-site (5-2-0; Levy & Zito Opposed).
GP03-04-01 - District 4
(Continued from 4/15/03 - Item 1.5 and 11/18/03 - Item 1.2)
- (b) PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 107 single-family detached residences on a 13.7-gross acre site, located on the southwest corner of Oakland Road (1803 Oakland Road) and Rock Avenue. (Orchard Property LLC, Owner; Summerhill Homes, Developer). CEQA: Resolution No. 04-017, PDC03-068. Director of Planning, Building and Code Enforcement recommends approval with one acre park on site with a frontage road and Planning Commission recommends approval as proposed by the applicant (4-2-1; Levy & Zito Opposed, James Absent).
PDC03-068 - District 4

Item 12.2(a) (b) continued to 4/6/04 per Orders of the Day.

12.3 Public Hearing on General Plan amendment for property located on both sides of Rosemar Court, north of Rosemar Avenue on an 8.5-acre site.

Recommendation: PUBLIC HEARING ON GENERAL PLAN AMENDMENT request to change the Land Use/Transportation Diagram designation from Estate Residential (1.0 DU/AC) to Very Low Density Residential (2.0 DU/AC) for property located on both sides of Rosemar Court, north of Rosemar Avenue on an 8.5-acre site. (Rosemar Enterprises Corp., Owners/Gerry De Young, Applicant). CEQA: Mitigated Negative Declaration, GP03-05-08. Director of Planning, Building and Code Enforcement recommends approval and Planning Commission recommends denial (4-3-0; Campos, Levy & James opposed).
GP03-05-08 - District 5

Continued to 6/1/04.

12.4 Adoption of a resolution approving all General Plan amendment actions taken on March 16, 2004.

Recommendation: Adoption of a resolution approving all General Plan amendment actions taken on March 16, 2004. (Planning, Building and Code Enforcement)

Item 12.4 was deferred to 4/6/04.

- **Open Forum**
None.

- **Adjournment**
The Council of the City of San José was adjourned at 8:57 p.m.