

# CITY COUNCIL AGENDA

**JUNE 10, 2003**

## **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.ci.san-jose.ca.us/cty\\_clk/agenda.htm](http://www.ci.san-jose.ca.us/cty_clk/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: None.**

1:36 p.m. - Regular Session, Council Chambers, City Hall  
**Absent Council Members: None.**

- **Invocation (District 6)**

Willow Glen High School students performed two songs from the “Pajama Game”, entitled “I’ll Never Be Jealous Again”, and “Steam Heat.”

Mayor Gonzales expressed, on behalf of the City Council, the shock of the abduction of Jennette Tamayo on Friday, June 6, 2003, and the thrill of her return to her family on Sunday evening. He expressed gratitude to the City of San José Police Department, Chief of Police William M. Lansdowne, and all the other law enforcement agencies that came together for Jennette, including the volunteers that distributed leaflets.

- **Pledge of Allegiance**

Mayor Gonzales led the Pledge of Allegiance.

- **Orders of the Day**

The Orders of the Day were approved.

## **1 CEREMONIAL ITEMS**

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- 1.1 Presentation from the Silicon Valley Manufacturing Group on the Housing Trust Fund. (Silicon Valley Manufacturing Group)  
**Carl Guardino, President and CEO, and Roccie Hill, Executive Director, of Silicon Valley Manufacturing Group, gave a presentation highlighting the Housing Trust Fund Annual Report, stating two years ago the City Council made an investment of \$1 million in the Housing Trust that has already leveraged for the citizens of the City of San José, a return of \$6 million for affordable homes.**

## 2 CONSENT CALENDAR

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### 2.1 Approval of Minutes.

**Recommendation:** Approval of City Council Minutes for:

- (a) Regular meeting of October 8, 2002
- (b) Joint City Council/Redevelopment Agency Board meeting of October 8, 2002
- (c) Joint City Council/San José Financing Authority meeting of October 8, 2002

**Approved.**

### 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26901 – Amends Chapter 3.36 of Title 3 of the San José Municipal Code (Police and Fire Department Retirement Plan) to revise the procedures for medical examinations, to clarify calculations of disability retirement benefits, and to clarify calculations of survivorship benefits payable because of a service-connected death.

**Ordinance No. 26901 adopted.**

- (b) ORD. NO. 26902 – Amends Section 3.44.010 of Chapter 3.44 of Title 3 of the San José Municipal Code to clarify that cost-of-living adjustments apply to surviving spouse benefits provided under the optional settlement provisions of The Police and Fire Department Retirement Plan.

**Ordinance No. 26902 adopted.**

- (c) ORD. NO. 26903 – Amends Chapter 4.90 of Title 4 of the San José Municipal Code by repealing Part 3 relating to the Alviso Water Service Area Extension and Improvement Fund and amends Part 12 relating to the Consolidated Water Utility Fund, and amends Chapter 15.08 of Title 15 of the San José Municipal Code to add a new Part 2.5 relating to rates and charges for potable water service.

**Ordinance No. 26903 adopted. Noes: Reed.**

### 2.3 Approval of various actions related to Franklin No. 50.

**Recommendation:** Adoption of a resolution ordering the reorganization of territory designated as Franklin No. 50, which involves the annexation to the City of San José of 16.25 gross acres of land located on the southern side of Tully Road, approximately 500 feet easterly of 10<sup>th</sup> Street, generally bounded by the City of San José Annexations Monterey Park No. 5, Franklin 31, Franklin 4, and Franklin 17, and the detachment of the same from the Central Fire Protection, County Library Service Area, and County Sanitation 2-3, and the 16.25 acre parcel consists of a portion of one existing parcel. CEQA: Resolution No. 71359, Franklin 50. Council District 7. (Planning, Building and Code Enforcement)

(Deferred from 5/27/03 – Item 2.11)

**Resolution No. 71591 adopted.**

## 2 CONSENT CALENDAR

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### 2.4 Approval of various actions related to a series of grants to defray the cost of the Acoustical Treatment Program (Category 1B) expanded treatment area.

**Recommendation:** Adoption of a resolution authorizing the City Manager to apply for, and execute upon receipt, a series of grants with the Federal Aviation Administration (FAA), at such time or times as the grant monies are available in succeeding Federal Fiscal Years to be used to defray the cost of the Airport Acoustical Treatment (ACT) Program Category 1B expanded treatment area in an amount in excess of the City Manager's contract authority. CEQA: Resolution Nos. 67380 and 71451, PP 03-05-156. Council District 3. (Airport)

**Resolution No. 71592 adopted.**

### 2.5 Approval to amend the agreement with the Ethics Board Evaluator.

**Recommendation:** Adoption of a resolution authorizing the City Attorney to negotiate and execute a third amendment to the agreement with Hanson, Bridgett, Marcus, Vlahos, Rudy LLP to provide investigation services as the Evaluator to the Ethics Board, extending the term through June 30, 2004, at no additional cost to the City. (City Attorney's Office)

**Resolution No. 71593 adopted.**

### 2.6 Approval of various actions related to a grant for the Senior Companion Program.

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

- (a) Submit an application to the Corporation for National and Community Service (CNCS) for a one-year Federal grant not to exceed \$125,791, for the Senior Companion Program (SCP) with a match requirement of \$83,516; and
- (b) Accept grant funds and to negotiate and execute all agreements if grant is awarded provided that the \$83,516 match has been appropriated by City Council in the 2003-2004 Budget.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

**Resolution No. 71594 adopted.**

### 2.7 Approval of an agreement for an Environmental Impact Report for Phase III of the Housing Opportunity Study.

**Recommendation:** Approval of an agreement with David J. Powers & Associates, Inc. for the preparation of an Environmental Impact Report for Phase III of the Housing Opportunity Study (HOS), in the amount of \$152,000. CEQA: Not a Project. (Planning, Building and Code Enforcement)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.8 Approval to award a contract for the Paul Moore Park New Restroom Building Project.

**Recommendation:** Report on bids and award of contract for the Paul Moore Park New Restroom Building Project to the low bidder, Beacon Construction, Inc., in the amount of \$171,000, and approval of a contingency in the amount of \$18,000. CEQA: Exempt, PP03-05-142. Council District 9. (Public Works)

**Approved.**

### 2.9 Approval to award a contract for the Gregory Street Bridge Project.

**Recommendation:** Report on bids and award of contract for the Gregory Street Bridge Project to the low bidder, JFC Construction, in the amount of \$257,717, and approval of a contingency in the amount of \$25,800. CEQA: Negative Declaration, PP01-02-019. Council District 6. (Public Works)

**Approved.**

### 2.10 Approval to award a contract for miscellaneous Sanitary Sewer Rehabilitation Projects.

**Recommendation:** Report on bids and award of contract for the Department of Transportation Miscellaneous Sanitary Sewer Rehabilitation Project to the low bidder, Pacific Underground Construction, in the amount of \$289,912, and approval of a contingency in the amount of \$29,000. CEQA: Exempt, PP 02-09-255 and PP 03-04-122. Council Districts 3 and 4. SNI: SNI: Spartan/Keyes and Market/Almaden. (Public Works)

**Approved.**

### 2.11 Approval of an agreement for the San Tomas Expressway Trunk Rehabilitation Project (Phase II).

**Recommendation:** Approval of an agreement with Montgomery Watson Harza for consultant services including project design, preparation of construction documents, and construction support services for the San Tomas Expressway Trunk Rehabilitation Phase II Project, for the period June 24, 2003 to January 30, 2005, in a total amount not to exceed \$204,830. CEQA: Exempt, PP 02-10-277. Council District 1. (Public Works)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.12 Approval of various actions related to the Aerial Photograph Project.

**Recommendation:**

- (a) Approval of the first amendment to the agreement with Triathlon, Inc. for consultant services for the Ortho-rectified Aerial Photographs Phase II Project.

**Approved.**

- (b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Construction Excise Tax Fund:

- (1) Establish an appropriation to the Department of Public Works for the Orthophoto Project in the amount of \$311,000.
- (2) Increase the Estimate for Earned Revenue by \$311,000.

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

**Ordinance No. 26912 adopted.**

**Resolution No. 71595 adopted.**

### 2.13 Approval of a Contract Change Order for the Hellyer-Piercy Project Improvement District (99-218SJ).

**Recommendation:** Approval of Contract Change Order No. 19 with Graniterock Company dba Pavex Construction Division for the Improvement District 99-218SJ (Hellyer-Piercy) Contract #1 Project, in the amount of \$117,600, for a total contract amount of \$16,649,037.44, and providing for an additional 14 working day time extension. Council District 2. (Public Works)  
(Deferred from 6/3/03 – Item 2.8)

**Approved.**

### 2.14 Adoption of a resolution authorizing the City Clerk to execute an agreement with the County of Milwaukee for the services of Douglas Jenkins to conduct a performance audit of the City Auditor's Office for 2001-02 and 2002-03.

**Recommendation:** Adoption of a resolution authorizing the City Clerk to execute an agreement with the County of Milwaukee, Wisconsin, for the services of Douglas Jenkins to conduct a performance audit of the City Auditor's Office for 2001-02 and 2002-03, in exchange for reimbursement of expenses of approximately \$5,000 for the audit team, pursuant to the peer review guidelines of the National Association of Local Government Auditors (NALGA). (Mayor)  
(Rules Committee referral 6/4/03)

**Resolution No. 71596 adopted.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

#### 3.2 Report of the Rules Committee – May 28, 2003

Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council  
Review June 9, 2003 Draft Agenda  
**The Committee recommended approval of the June 9, 2003 City Council Agenda.**
  - (1) Review June 10, 2003, 2003 Draft Agenda  
**The Committee recommended approval of the June 10, 2003 City Council Agenda with one addition.**
  - (2) Add New Items to June 3, 2003 Amended Agenda  
**The Committee recommended one addition to the June 3, 2003 City Council Agenda.**
  - (3) List of Reports Outstanding  
**The Committee noted and filed the City Manager's report listing three staff reports outstanding for the June 3, 2003 Council Meeting.**
- (c) Legislative Update
  - (1) State
    - (a) SB 916 (Perata), Toll Bridge Revenues  
**This item was reported at the June 3, 2003 Council meeting.**
    - (b) Approval of staff recommendations on four State legislative bills:  
AB 792 (Yee) Vehicles: Removal: Storage  
ACA 9 (Levine) Local Government Taxation: Special Taxes:  
Voter Approval  
ACA 11 (Levine) Local Government: General Obligation Bonds,  
Infrastructure Projects  
SCA 11 (Alarcon) Local Government: Special Taxes and General  
Obligation Bonds; Infrastructure Projects  
**The Committee deferred this item to the 6/4/03 Rules  
Committee meeting.**

*(Item Continued on Next Page)*

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – May 28, 2003 (Cont'd.) Vice Mayor Dando, Chair

- (c) Legislative Update (Cont'd.)
  - (2) Federal
    - (a) Federal Lobbyist Monthly Report  
**The Committee accepted the Federal Lobbyist's monthly report.**
- (d) Meeting Schedules  
**There were none.**
- (e) The Public Record  
**The Committee directed the City Clerk to respond to Item (a) on the May 22, 2003 Public Record, a letter from Marty Peterson highlighting the importance of Needs Assessments for use by Project Diversity Screening Committee members. The Committee noted and filed the Public Record.**
- (f) Boards, Commissions and Committees  
**There were none.**
- (g) Council Referrals for Assignment to Administration or Council Appointee  
**There were none.**
- (h) Administrative Reviews and Approval  
**There were none.**
- (i) Oral communications  
**None were presented.**
- (j) Adjournment  
**The meeting adjourned at 2:25 p.m.**

**The Rules Committee Report and Actions of May 28, 2003 were accepted.**

### **3 STRATEGIC SUPPORT SERVICES**

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

**3.4 Approval of various actions related to PG&E Franchise Fee Ordinances.**

(a) Approval of an ordinance amending the franchise with PG&E for the sale of gas within the City (Ordinance No. 15879 as amended by Ordinance No. 21676) providing that in the event of an overpayment of PG&E's annual franchise fees to the City, upon approval by the City, PG&E may deduct from the next year's quarterly payments the overpayment in equal amounts, without interest.

**Ordinance No. 26913 passed for publication.**

(b) Approval of an ordinance amending the franchise with PG&E for the sale of electricity within the City (Ordinance No. 15880 as amended by Ordinance No. 21677) providing that in the event of an overpayment of PG&E's annual franchise fees to the City, upon approval by the City, PG&E may deduct from the next year's quarterly payments the overpayment in equal amounts, without interest.

(Finance)

**Ordinance No. 26914 passed for publication.**

**3.5 Approval of the Statement of Policy and City Council Questions related to the selection of a new Fire Chief.**

**Recommendation:** Adoption of the Statement of Policy and City Council Questions related to the selection of a new Fire Chief as described in the memo, in compliance with City Charter Section 411.1. (City Manager's Office)  
(Rules Committee referral 6/4/03)

**Approved.**

**3.6 Recommend adoption of a position in regard to Senate Bill 60 (Cedillo).**

**Recommendation:** Recommend adoption of a position in regard to Senate Bill 60 (Cedillo). (Cortese)  
(Rules Committee referral 6/4/03)

**Deferred to 6/11/03 Rules to be placed on the 6/17/03 Agenda.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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**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 various actions related to the Community Facilities District #10  
(Hassler - Silver Creek).**

**Recommendation:** Adoption of a resolution of the City Council:

- (a) Authorizing the issuance and sale of special tax bonds for Community Facilities District #10 (Hassler - Silver Creek) in an aggregate principal amount not to exceed \$15,000,000, to be sold on a competitive basis.
- (b) Approving the form of and authorizing the execution of the Fiscal Agent Agreement and certain other related financing documents, and directing and authorizing certain other related actions.
- (c) Approving the form and authorizing the use of the Official Statement in connection with the competitive sale of bonds, and directing and authorizing certain other related actions.

CEQA: Resolution No. 64913, PP02-11-347. Council District 8. (Finance/Public Works)

**Deferred to 6/17/03.**

**4.4 Public Hearing on the designation of 128 Pierce Avenue as a landmark.**

**Recommendation:** PUBLIC HEARING on the designation of 128 Pierce Avenue as a landmark of special historic, architectural, cultural, aesthetic, or engineering interest or value of a historic nature. CEQA: Exempt, PP03-03-074. SNI: Market/Almaden. (Planning, Building, and Code Enforcement)

HL 03-147 – District 3

(Continued from 5/6/03 – Item 4.5 and 6/3/03 – Item 4.3)

**Resolution No. 71597 adopted.**

## **5 RECREATION & CULTURAL SERVICES**

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

- 5.2 Approval of various actions related to the new Dr. Martin Luther King, Jr. Library.**

**Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute:

- (a) The first amendment to the agreement between the City and the Trustees of the California State University System on behalf of San José State University for the operation and maintenance of the new Dr. Martin Luther King, Jr. Library, in order to update the allocation of space, to specify the method of collecting and disbursing funds for payment of maintenance expenses; and
- (b) A Memorandum of Agreement on Technology for the new Library, to provide for reimbursement to the University in an amount not to exceed \$997,200, for the acquisition of a joint Automated Library System, and to specify cost allocation formulas for the acquisition of telephone, data, and computer systems.

CEQA: Not a Project. Council District 3. (Library)

**Resolution No. 71598 adopted.**

## **6 TRANSPORTATION SERVICES**

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

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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- 7.1 Public Hearing and approval of a Commercial Solid Waste and Recyclables Collection Franchise agreement.**

**Recommendation:** PUBLIC HEARING on the Commercial Solid Waste and Recyclables Collection Franchise application of Redwood Services, Inc., dba Redwood Debris Box Service, approval of ordinance granting the franchise, and approval of Commercial Solid Waste and Recyclables Collection Franchise agreement with Redwood Services, Inc., dba Redwood Debris Box Service for a term from July 25, 2003 to June 30, 2004. CEQA: Negative Declaration, PP92-11-308. (Environmental Services)

**Ordinance No. 26915 passed for publication.**

## 8 AVIATION SERVICES

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## 9 PUBLIC SAFETY SERVICES

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## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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### CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEMS 10.1, 10.2, and 10.3 IN A JOINT SESSION

#### 10.1 Approval of various actions related to Housing Bonds.

##### **Recommendation:**

- (a) Adoption of a resolution of the Agency Board:
  - (1) Authorizing the issuance of Redevelopment Agency of the City of San José Merged Area Redevelopment Project Housing Set-Aside Taxable Tax Allocation Bonds, Series 2003J and Housing Set-Aside Tax Allocation Bonds, 2003K (collectively, the "Bonds") in an aggregate principal amount not to exceed \$69,000,000;
  - (2) Approving in substantially final form the Bonds, Sixth Supplemental Agreement, Continuing Disclosure Agreement, Preliminary Official Statement and for each series a Notice of Intention to Sell, Official Notice Inviting Bids and Bid Form; authorizing the Executive Director, or her designee, to execute and, as appropriate, negotiate these documents and other related documents as necessary; and
  - (3) Authorizing the Executive Director and the Director of Finance to take all necessary actions in connection with the issuance of the Bonds.

##### **Redevelopment Agency Resolution No. 5405 adopted.**

- (b) Adoption of a resolution of the City Council:
  - (1) Approving the issuance of the Bonds by the Redevelopment Agency; making a finding pursuant to Redevelopment Law that the Merged Area will benefit from the projects funded by the Bonds that are located outside of the Merged Area; and
  - (2) Authorizing certain City officials to take all necessary actions in connection with issuance of the Bonds.

CEQA: Not a Project. (Finance/Housing/Redevelopment Agency)

##### **Resolution No. 71599 adopted.**

## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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### 10.2 Approval of the Mayor's June Budget Message.

**Recommendation:** Approval of the Mayor's June Budget Message. (Mayor)

**HEARD CONCURRENTLY WITH ITEM 10.3**

**The Mayor's June Budget Message for Fiscal Year 2003-2004 was approved, with Item (h)(3) amended to indicate "Real Estate and Relocation" budget reduced from \$2 million to \$1 million, rather than maintained at the FY 2002-03 level.**

### 10.3 Approval of the FY 2003-2004 Operating and Capital Budgets for the City of San José and Redevelopment Agency and Schedule of Fees and Charges.

**Recommendation:**

- (a) Adoption of resolutions by the City Council approving:
- (1) Operating Budget for Fiscal Year 2003-2004 for the City of San José.  
**Resolution No. 71600 adopted.**
  - (2) Capital Budget for Fiscal Year 2003-2004 for the City of San José.  
**Resolution No. 71601 adopted.**
  - (3) Five Year Capital Improvement Program for Fiscal Year 2004-2008 for the City of San José.  
**Resolution No. 71602 adopted.**
  - (4) Adoption of a resolution establishing the Schedule of Fees and Charges for Fiscal Year 2003-2004.  
**Resolution No. 71603 adopted.**
  - (5) Adoption of a resolution establishing fees and charges for recreational and park activities.  
**Resolution No. 71604 adopted.**
  - (6) Adoption of a resolution establishing fees and charges for Sewer and Storm Sewer Service and Use Charges.  
**Resolution No. 71605 adopted. Noes: Dando, Williams.**
  - (7) Adoption of a resolution to establish new quantity charges for potable water service effective July 1, 2003.  
**Resolution No. 71606 adopted.**

*(Item Continued on Next Page)*

## **10 JOINT COUNCIL/REDEVELOPMENT AGENCY**

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### **10.3 Approval of the FY 2003-2004 Operating and Capital Budgets for the City of San José and Redevelopment Agency and Schedule of Fees and Charges. (Cont'd.)**

- (b) Adoption of resolutions by the Agency Board approving:
- (1) Operating Budget for Fiscal Year 2003-2004 for the Redevelopment Agency of the City of San José.  
**Redevelopment Agency Resolution No. 5406 adopted.**
  - (2) Capital Budget for Fiscal Year 2003-2004 for the Redevelopment Agency of the City of San José.  
**Redevelopment Agency Resolution No. 5407 adopted.**
  - (3) Five Year Capital Improvement Program for Fiscal Year 2004-2008 for the Redevelopment Agency of the City of San José.  
**Redevelopment Agency Resolution No. 5408 adopted.**
- (c) Adoption of a resolution setting a public hearing on Tuesday, August 5, 2003, at 1:30 p.m. for the Fiscal Year 2003-2004 Annual Sanitary Sewer Service and Use and Storm Sewer Service Charge Reports of the Director of Finance and direction for the City Clerk to publish notice of the time and place of the hearing.  
(Finance)  
(City Manager's Office/Redevelopment Agency)  
**HEARD CONCURRENTLY WITH ITEM 10.2**  
**Resolution No. 71607 adopted.**

**REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING  
ADJOURNED AT 3:37 P.M.**

- **Closed Session Report**  
**None.**

- **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:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9454	East side of Dow Dr., approximately .250 feet northerly of Farm Drive	6	Pinn Brothers	16 units	SFD	Approve

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—Heard jointly with Redevelopment Agency Public Discussion.**  
**None.**
- **Adjournment**  
**The Council of the City of San José adjourned at 3:37 p.m.**