

SPECIAL MINUTES OF THE CITY COUNCIL

SAN JOSÉ, CALIFORNIA

THURSDAY, JUNE 19, 2008

The Council of the City of San José convened in Special session at 8:37 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chirco, Chu, Constant, Cortese, Liccardo, Nguyen, Oliverio, Pyle, Williams; Reed.

Absent: Council Members - None.

(1) Opening Remarks: Purpose of Special Session

Mayor Reed provided opening comments.

(2) Overview of proposed Charter amendments. (City Attorney's Office)

Documents Filed: (1) Memorandum from City Attorney Richard Doyle, dated June 13, 2008, providing an overview of the proposed charter amendments. (2) Memorandum from City Clerk Lee Price, dated June 12, 2008, transmitting the recommendations of the Rules and Open Government Committee.

City Attorney Richard Doyle introduced Senior Deputy City Attorney Lisa Herrick, who outlined the proposed charter amendments and responded to Council questions. Discussion followed.

(2) (a) Council Appointee Administrative Leave

Action: No Council action.

(b) Council Salary Setting Methods and Options

Action: Council Salary Setting Methods/Options. (6-5. Noes: Chirco, Cortese, Liccardo, Williams; Reed.)

(3) Overview of proposed fiscal ballot measures to address a portion of the City's General Fund Structural Deficit. (City Manager's Office)

Documents Filed: (1) Memorandum from City Manager Debra Figone and Redevelopment Agency Executive Director Harry S. Mavrogenes, dated June 13, 2008, recommending that staff further analyze and draft ballot language for a communications tax and utility users tax and enter into discussion regarding a potential increase to the card room business license tax. (2) Letter from Ash Kalra, Chair, Planning Commission, dated June 11, 2008, regarding proposed changes to the conveyance tax and construction and conveyance fund. (3) Letter from Jim Zito, Chair, Parks Maintenance Funding Subcommittee, dated June 11, 2008, regarding proposed changes to the conveyance tax and construction and conveyance fund. (4) Letter from Melanie Richardson, Chair, Parks and Recreation Commission, dated June 18, 2008, regarding proposed changes to the conveyance tax and construction and conveyance fund.

Assistant City Manager Christine Shippey provided a review of the proposed ballot measures. Budget Director Jennifer Maguire responded to questions regarding the proposed budget deficit and anticipated revenues.

(4) Presentation of Consultant's Report on Telephone Survey Results for fiscal ballot measures.

Documents Filed: Report of Survey Results, City of San José 2008 Ballot Measure Assessment Study, dated June 19, 2008.

Dave Metz, Senior Vice President, Fairbank, Maslin, Maullin & Associations, presented the results of the polling and responded to Council questions.

(5) Adopt a resolution ordering, on the Council's own motion, the submission to the electors of the City, at the Municipal Election to be held on November 4, 2008, a measure entitled "Fire Station Construction – Lincoln Glen Park site". CEQA: Exempt PP08-050. (Fire/Public Works/Parks, Recreation and Neighborhood Services)

Documents Filed: (1) Memorandum from Fire Chief Darryl Von Raesfeld, Director of Parks, Recreation and Neighborhood Services Albert Balagso and Director of Public Works Katy Allen, dated May 22, 2008, recommending adoption of a resolution. (2) Memorandum from Deputy City Manager Ed Shikada, dated June 12, 21008, providing a letter from the Public Safety Bond Citizen Oversight Committee in support of the Lincoln Glen Park Site ballot measure.

Deputy City Manager Ed Shikata presented a brief overview of the Lincoln Glen Park Site.

City Attorney Richard Doyle responded to Council questions. Extensive Council discussion ensued with direction as noted in "Action".

(5) (Cont'd.)

Action: Upon motion by Council Member Liccardo, seconded by Council Member Nguyen and carried, [Resolution No. 74459](#), entitled: “A Resolution of the Council of the City of San José Calling and Giving Notice of, on Its Own Motion, A Special Municipal Election to Be Held on November 4, 2008, to Submit to the Electors of the City of San José a Measure about Fire Station Construction – Lincoln Glen Park”, was adopted. (8-3. Noes: Chu, Cortese, Oliverio.)

Public Comments:

- (1) Kerri Hamilton and Helen Chapman (Joint Parks Maintenance Funding Subcommittee) expressed disappointment with the polling numbers and desire to keep the City Manager’s proposal for changes in the Construction and Conveyance Tax Fund alive for the future as the economy improves.
- (2) Ross Signorino objected to the communication tax on both land and cellular phones.
- (3) William Garbett objected to the card room and communications taxes.
- (4) Tom Cochran (Council Salary Setting Commission) urged the Council to put on the ballot a new method for setting Council salaries.

(6) Council discussion and direction to Staff to return to Council on August 5, 2008 with selected ballot measures to be included on the November 2008 Ballot.

Staff directed to do further analyses, draft ballot measure language and return on August 5, 2008 for final action to place the following matters on the November Ballot: (1) Item 3(a) Communications Tax (general tax) (9-2. Noes: Constant, Cortese.)

Item 3(e) Telephone User’s Tax (General Tax). Direction was given to package as revenue neutral; year one with tax reduction. (11-0.)

Item 3(b) Card Room Tax (General Tax only, no expansion of tables). (7-4. Noes: Constant, Oliverio, Pyle; Reed.)

Item 2(g) Duration of Leases on City Parks. (11-0.)

(2) (c) Charter Section 600 - Ability to Abstain for Appearance of a Conflict

Action: Referred to Rules and Open Government Committee for consideration of a Council Policy.

(f) Charter Amendment for Redistricting

Action: Deferred to 2010 Election Cycle.

- (2) (d) **City Clerk - Power of Appointment**
- (e) **Instant Run Off Voting**
- (3) (b) **Amendments to Real Property Conveyance and Construction Taxes**
- (c) **Public Parking Users' Tax**

Action: No Council action.

ADJOURNMENT

The Council of the City of San José adjourned at 12:02 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC
City Clerk

smd/6-19-08 SPECIAL MIN

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