



# **CITY COUNCIL AGENDA**

**JUNE 19, 2008**

**SPECIAL MEETING**

## **SYNOPSIS**

PETE CONSTANT  
FORREST WILLIAMS  
SAM LICCARDO  
KANSEN CHU  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO  
MADISON P. NGUYEN  
JUDY CHIRCO  
NANCY PYLE

DAVID D CORTESE, 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.
- **Community & Economic 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.
- **Neighborhood Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation & Aviation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for 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 9 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:

- **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.
- When the Council reaches your item on the agenda, Mayor Reed 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.
- 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.
- To assist you in tracking your speaking time, there is a display on 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.asp](http://www.sanjoseca.gov/clerk/agenda.asp). Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2<sup>nd</sup> Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (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**  
8:37 a.m. Special Meeting, Council Chambers, City Hall  
**Absent Council Members: None.**

## **CITY COUNCIL SPECIAL MEETING**

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1. **Opening Remarks: Purpose of Special Session**  
**Mayor Reed provided opening comments.**
2. **Overview of proposed Charter amendments. (City Attorney's Office)**
  - (a) Council Appointee Administrative Leave  
**No Action.**
  - (b) Council Salary Setting Methods and Options  
**(See Item 6 for Action)**
  - (c) Charter Section 600 - Ability to Abstain for Appearance of a Conflict  
**Referred to Rules and Open Government Committee for consideration of a Council Policy.**
  - (d) City Clerk - Power of Appointment  
**No Action.**
  - (e) Instant Run Off Voting  
**No Action.**
  - (f) Charter Amendment for Redistricting  
**Deferred to 2010 Election Cycle.**
  - (g) Duration of Leases on City Parks  
**(See Item 6 for Action)**

# CITY COUNCIL SPECIAL MEETING

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3. **Overview of proposed fiscal ballot measures to address a portion of the City's General Fund Structural Deficit. (City Manager's Office)**
  - (a) Communications Tax  
**(See Item 6 for Action)**
  - (b) Amendments to Real Property Conveyance and Construction Taxes  
**No Action.**
  - (c) Public Parking Users' Tax  
**No Action.**
  - (d) Cardroom Tax  
**(See Item 6 for Action)**
  - (e) Telephone User's Tax  
**(See Item 6 for Action)**
4. **Presentation of Consultant's Report on Telephone Survey Results for fiscal ballot measures.**  
**Received.**
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)  
**Resolution No. 74459 adopted.**  
**Noes: Chu, Cortese, Oliverio.**
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)**  
**Vote: 9-2. Noes: Constant, Cortese.**  
**Item 3(e) Telephone User's Tax (general tax) Vote: 11-0.**  
*Direction given to package the above as revenue neutral; year one with tax reduction.*
  - (2) **Item 3(b) Card Room Tax (general tax only, no expansion of tables)**  
**Vote: 7-4. Noes: Constant, Oliverio, Pyle; Reed.**
  - (3) **Item 2(b) Council Salary Setting Methods/Options**  
**Vote: 6-5. Noes: Chirco, Cortese, Liccardo, Williams; Reed.**
  - (4) **Item 2(g) Duration of Leases on City Parks**  
**Vote: 11-0.**

# **CITY COUNCIL SPECIAL MEETING**

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## **Public Comments:**

- (1) Kerri Hamilton and Helen Chapman (Joint Parks Maintenance Funding Subcommittee) expressed disappointment about the polling of the Construction and Conveyance Tax Fund.**
- (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.**

## **ADJOURNMENT**

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