

MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

TUESDAY, AUGUST 3, 2010

The Council of the City of San José convened in regular session at 9:30 a.m. in the Council Chambers at City Hall.

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

Absent: Council Members - None.

Upon motion unanimously adopted, Council recessed at 9:32 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code subsection (b) of Section 54956.9 with respect to anticipated litigation of significant exposure (Claim Not Filed) in one (1) matter. (B) to confer with Legal Counsel pursuant to Government Code subsection (a) of Section 54956.9 with respect to existing litigation: (1) Villareal/Nguyen v. City of San José; Names of Parties Involved: Thuy Thanh Nguyen, Adam Villareal, City of San José; Court: Superior Court of California, County of Santa Clara; Case No: 1-09-CV-136325; Amount of Money or Other Relief Sought: Damages according to proof; (2) Watson/Stalker v. County, et al; Parties Involved: Tracy Watson, Renee Stalker, Olivia Stalker, Shafer Watson, Riley Watson, County of Santa Clara, County of Santa Clara Department of Family and Children Services; County of Santa Clara Department of County Counsel; County of Santa Clara District Attorneys Office; Santa Clara Valley Medical Center; Evergreen School District; City of San José, San José Police Department; Norma Sparks, Yazmina Letona; Sharon Burgan; Jewels Ramirez; Vu Tran; Ann Miller Ravel, Rima Singh; Aaron West; George Kennedy; Clifton Black; Rose Real; Robert Pruitt; Cheryl Harms; Claudia Blodgett; Gary Kishimoto; John Hamilton, Anita Noble, Janet Kahle, Mary Ritter, David Kearns, Rajul Kazi; Rob Davis; William Hoyt; Craig Blank; Court: United States District Court, Northern District of California; Case No.: C06-04029 RMW; Amount of Money or Other Relief Sought: Damages according to proof; (C) to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and

CLOSED SESSION (Cont'd.)

International Association of Firefighters; (2) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (3) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO; (4) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (5) San José Police Officers' Association (SJPOA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. How to obtain a copy of existing contract or MOA: web: http://www.sanjoseca.gov/employee_relations/moa.asp; Telephone for Employee Relations: 408-535-8150

By unanimous consent, Council recessed from the Closed Session at 11:05 a.m. and reconvened to Regular Session at 1:36 p.m. in the Council Chambers.

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

Absent: Council Members - None.

INVOCATION

Pastor Gerald Sakamoto of San José Buddhist Church Betsuin presented the Invocation.

PLEDGE OF ALLEGIANCE

Mayor Reed, accompanied by Cub Scout Troop 337, led the Pledge of Allegiance.

ORDERS OF THE DAY

Upon motion by Vice Mayor Chirco, seconded by Council Member Pyle and carried unanimously, the Orders of the Day and the Amended Agenda were approved. (11-0.)

CEREMONIAL ITEMS

1.1 Presentation of commendations to Tiffany Chu and Megan Marshall for their help in naming this year's City Hall peregrine falcons. (Mayor) (Rules in Lieu referral 7/21/10)

Action: Mayor Reed commended Tiffany Chu and Megan Marshall for their help in naming this year's City Hall peregrine falcons.

CONSENT CALENDAR

Upon motion by Council Member Herrera, seconded by Council Member Pyle and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

2.2 Final adoption of ordinances.

(a) **ORD. NO. 28759** – Adopting salaries and other compensation for the Mayor and Councilmembers for Fiscal Year 2010-2011.

Documents Filed: Proof of Publication of the Title of Ordinance No. 28759 executed on June 25, 2010, submitted by the City Clerk.

Action: [Ordinance No. 28759](#) was adopted. (11-0.)

(b) **ORD. NO. 28760** – Amending Section 9.10.2470 of Chapter 9.10 of Title 9 of the San José Municipal Code to allow the Construction Demolition Debris Program Diversion Deposits that are no longer eligible for refund to be transferred to the General Fund

Documents Filed: Proof of Publication of the Title of Ordinance No. 28760 executed on June 25, 2010, submitted by the City Clerk.

Action: [Ordinance No. 28760](#) was adopted. (11-0.)

(c) **ORD. NO. 28761** – Repealing Part 33 of Chapter 4.80 of Title 4 of the San José Municipal Code, the Anti-Tobacco Master Settlement Agreement Revenue Fund.

Documents Filed: Proof of Publication of the Title of Ordinance No. 28761 executed on June 25, 2010, submitted by the City Clerk.

Action: [Ordinance No. 28761](#) was adopted. (11-0.)

2.2 (Cont'd.)

- (d) **ORD. NO. 28762** – Deferring the payment of the Public Art Allocation required under San José Municipal Code Chapter 22.08 for Public Art Projects at the Norman Y. Mineta San José International Airport.

Documents Filed: Proof of Publication of the Title of Ordinance No. 28762 executed on June 25, 2010, submitted by the City Clerk.

Action: [Ordinance No. 28762](#) was adopted. (11-0.)

- (e) **ORD. NO. 28763** – Amending Sections 11.40.200 and 11.40.280 of Chapter 11.40 of Title 11 of the San José Municipal Code to modify the boundaries of the Downtown Business and the Arena/Diridon Area Parking Meter Districts.

Documents Filed: Proof of Publication of the Title of Ordinance No. 28763 executed on June 25, 2010, submitted by the City Clerk.

Action: [Ordinance No. 28763](#) was adopted. (11-0.)

- (f) **ORD. NO. 28766** – Approving an Amended and Restated Development Agreement with Cisco Technologies, Inc. relative to the development of real properties located in North San José, to preserve the ability to construct up to 2.5 million square feet of industrial park development under the provisions of the North San José Area Development Policy, and authorizing the City Clerk to execute the Amended Development Agreement.

Documents Filed: Proof of Publication of the Title of Ordinance No. 28766 executed on June 25, 2010, submitted by the City Clerk.

Action: [Ordinance No. 28766](#) was adopted. (11-0.)

- (g) **ORD. NO. 28773** – Amending Parts 1 and 5.5 of Chapter 3.36 of Title 3 of the San José Municipal Code relating to the Police and Fire Department Retirement Plan to add new Sections 3.36.130 and 3.36.140 defining “Limitation Year” and “Plan Year” and revising Section 3.36.730 to clarify provisions related to Internal Revenue Code limitations on Pension Benefit Calculations.

Action: Deferred to August 10, 2010 per City Attorney.

2.2 (Cont'd.)

- (h) **ORD. NO. 28774 – Providing for an alternative allocation of costs of providing medical insurance coverage for Calendar Year 2010.**

Documents Filed: Proof of Publication of the Title of Ordinance No. 28774 executed on June 25, 2010, submitted by the City Clerk.

Action: [Ordinance No. 28774](#) was adopted. (11-0.)

2.3 Approval of Council Committee Reports.

- (a) **Rules and Open Government Committee Report of May 26, 2010. (Mayor)**
(b) **Rules and Open Government Committee Report of May 19, 2010. (Mayor)**
[Deferred from 6/15/10 – Items (a) – (b) and 6/22/10 – Items (e) – (f)]
(c) **Rules and Open Government Committee Report of June 2, 2010. (Mayor)**
(e) **Rules and Open Government Committee Report of June 9, 2010. (Mayor)**
[Deferred from 6/22/10 – Items (a) – (d)]
(g) **Rules and Open Government Committee Report of June 16, 2010. (Mayor)**
(h) **Rules and Open Government Committee Report of June 23, 2010. (Mayor)**
(i) **Revised Transportation and Environment Committee Report of May 3, 2010. (Liccardo)**

Documents Filed: (1) The Rules and Open Government Committee Reports dated May 26 and 19, 2010, and June 2, 9, 16 and 23, 2010. (2) The Revised Transportation and Environment Committee Report dated May 3, 2010.

Action: The reports were approved. (11-0.)

- (d) **Transportation and Environment Committee Report of June 7, 2010. (Liccardo)**
(f) **Neighborhood Services and Education Committee Report of June 10, 2010. (Campos)**
(j) **Community and Economic Development Committee Report of June 28, 2010. (Pyle)**

Action: Deferred to August 10, 2010 per City Clerk.

2.6 Adopt a resolution declaring the results of the June 8, 2010 Municipal Election pursuant to Elections Code Section 15400. (City Clerk)

Documents Filed: (1) Memorandum from City Clerk Lee Price, dated July 9, 2010, recommending adoption of a resolution. (2) Supplemental memorandum from City Clerk Lee Price, dated July 30, 2010, updating the implementation of Ballot Measure K and providing cardroom audit recommendations.

2.6 (Cont'd.)

Action: [Resolution No. 75498](#), entitled: "A Resolution of the Council of the City of San José Reciting that a Regular Municipal Election was Held in the City of San José on Tuesday, June 8, 2010; Stating the Offices to be Filled at the Election and Confirming the Passage of Measure K; Finding and Declaring that the Registrar of Voters of the County of Santa Clara has Canvassed the Returns of the Election and Confirming the Results of the Canvass; Stating the Whole Number of Votes Cast, the Names of the Persons and Offices Voted For, the Name of the Measure Voted For, the Number of Votes Given at Each Precinct to Each Person and the Measure; and Finding and Declaring Who Received the Highest Number of Votes of the Votes Cast That Measure K Received a Majority of the Votes Cast", was adopted. (11-0.)

2.7 **Approve the award of open purchase orders for supplies, materials, equipment and services for FY 2010-2011 #2 and authorize the Director of Finance to execute the purchase orders. CEQA: See Administration's memo to Council for specific CEQA clearance determinations on each recommended action. (Finance)**

Documents Filed: Memorandum from Director of Finance Scott P. Johnson, dated July 12, 2010, recommending approval of an award for open purchase orders.

Action: An award of open purchase orders for supplies, materials, equipment and services for FY 2010-2011 #2 and authorization for the Director of Finance to execute the purchase orders, was approved. (11-0.)

2.8 **Adopt a resolution delegating to the Mayor the authority to approve, after consultation with the City Attorney, requests by the Independent Police Auditor (IPA) to engage in outside employment providing mediation services. (Independent Police Auditor)**

Documents Filed: Memorandum from Independent Police Auditor, LaDoris Cordell, dated July 12, 2010, recommending adoption of a resolution.

Item 2.8 was pulled by Council Member Constant.

Motion: Council Member Constant moved approval of the recommendation that outside employment requests be first submitted to the Rules and Open Government Committee for approval. Vice Mayor Chirco seconded the motion.

Council Member Campos expressed opposition to the Independent Police Auditor requiring authority or approval from the Mayor or City Attorney to provide mediation.

Substitute Motion: Council Member Herrera moved approval of the Independent Police Auditor's (IPA's) original request that the IPA be allowed to engage in outside employment providing mediation services following consultation with the Mayor and City Attorney. Council Member Liccardo seconded the motion.

2.8 (Cont'd.)

Public Comments: Stephen Hazel spoke in support of the IPA being allowed to engage in outside employment providing mediation services under advisement of the City Attorney.

Action: On a call for the question, the substitute motion carried, and [Resolution No. 75499](#), entitled: "A Resolution of the Council of the City of San José Authorizing the Mayor to Approve, After Consultation with the City Attorney, Requests by the Independent Police Auditor to Engage in Outside Employment Providing Mediation Services", was adopted. (9-2. Noes: Campos, Constant.)

2.9 (a) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2010-2011:

- (1) Increase the estimate for Beginning Fund Balance by \$26,254; and
- (2) Establish an appropriation to the Department of Parks, Recreation, and Neighborhood Services Department for the Barberrry Lane Trail Improvement project (PSM 607) in the amount of \$26,254.

(b) Adopt a resolution making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with the Barberrry Lane Trail Improvement project as more specifically described in the memorandum from the Redevelopment Agency, dated June 10, 2010.

CEQA: Barberrry Lane Trail Improvement Project: Exempt, File No. PP10-131. Council District 8. SNI: West Evergreen. (Parks, Recreation and Neighborhood Services/City Manager's Office)

Documents Filed: Joint memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso and Budget Director Jennifer Maguire, dated July 12, 2010, recommending adoption of appropriation ordinance and funding sources resolution amendments, and a resolution.

Action: [Ordinance No. 28778](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 28765 to Appropriate Monies in the Services for Redevelopment Capital Projects Fund for the Barberrry Lane Trail Improvement Project; Providing that this Ordinance Shall Become Effective Immediately Upon Adoption", [Resolution No. 75500](#), entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 75447 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2010-2011 to Adjust Revenues in the Services for Redevelopment Capital Projects Fund", and [Resolution No. 75501](#), entitled: "A Resolution of the Council of the City of San José Making Certain Determinations Regarding the Expenditure of Redevelopment Agency Funds for Certain Public Improvements in the West Evergreen Strong Neighborhoods Initiative Redevelopment Project Area", were adopted. (11-0.)

- 2.10 Adopt a resolution amending the Schedule of Fees and Charges (Resolution No. 72737, as amended) to correctly set forth the Public Entertainment Ownership/Management License Fee as \$1,145 per two years. CEQA: Not a Project, File No.PP10-067 (a) Adjustment to Fees, Rates & Fares. (Police/City Manager’s Office)**

Documents Filed: Memorandum from Chief of Police Robert L. Davis and Budget Director Jennifer Maguire, dated July 12, 2010, recommending adoption of a resolution.

Action: [Resolution No. 75502](#), entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 72737 as Previously Amended by Resolutions Nos. 73019, 73056, 73242, 73637, 73831, 73879, 73881, 74035, 74047, 74452, 74839, 74841, 74981, 75135, 75334, 75338 and 75442 to Correctly Set Forth the Public Entertainment/Ownership/Management License”, was adopted. (11-0.)

- 2.11 As recommended by the Rules and Open Government Committee on June 23, 2010, adopt a position of support for SB 1084 (Liu) – Task Force on Economic Security. (Housing)
[Rules Committee referral 6/23/10 – Item D(1)(a)]**

Documents Filed: Memorandum from City Clerk Lee Price, dated July 21, 2010, transmitting the recommendations of the Rules and Open Government Committee.

Action: A position of support for SB 1084 (Liu) – Task Force on Economic Security (Housing), was adopted. (11-0.)

- 2.12 (a) Designate Councilmember Nguyen as the City’s representative to the Silicon Valley Leadership Group’s “CEO/Senior Officer Advocacy Trip”; and
(b) Approve travel by Councilmember Nguyen to Washington, D.C. on September 28-29, 2010 to represent the City on the Silicon Valley Leadership Group’s “CEO/Senior Officer Advocacy Trip”. Source of Funds: Council District 7 Office funds.
(c) Request for an excused absence for Councilmember Nguyen from the Regular Meeting of the City Council on September 28, 2010 due to Authorized City Business: City’s representative to the Silicon Valley Leadership Group’s “CEO/ Senior Officer Advocacy Trip”.
(Nguyen)
(Rules in Lieu referral 7/21/10)**

Documents Filed: Memorandum from Council Member Nguyen, dated July 6, 2010, requesting authorization to travel, designation as representative to the Silicon Valley Leadership Group’s “CEO/Senior Officer Advocacy Trip” and an excused absence on September 28, 2010.

Action: Designation of Council Member Nguyen as representative to the Silicon Valley Leadership Group’s “CEO/Senior Officer Advocacy Trip”, approval to travel, and the excused absence were approved. (11-0.)

- 2.13 Adopt a resolution authorizing the City Clerk to negotiate and execute a continuation agreement with Westcoast Online dba Netfile to provide online posting of campaign disclosure forms, statements of economic interest, and lobbyist registration forms. (City Clerk)
(Rules Committee referral 7/28/10)**

Documents Filed: Memorandum from City Clerk Lee Price, dated July 29, 2010, recommending adoption of a resolution.

Action: [Resolution No. 75503](#), entitled: “A Resolution of the Council of the City of San José Authorizing the City Clerk to Negotiate and Execute a Continuation Agreement with Westcoast Online DBA Netfile”, was adopted. (11-0.)

- 2.14 As recommended by the Rules and Open Government Committee on July 28, 2010:**
- (a) Approve the District 2 Indian Flag Raising and Cultural Show as a City Sponsored Special Event; and**
 - (b) Approve and accept donations from various individuals, businesses or community groups to support the event.**
- (Kalra)**
[Rules Committee referral 7/28/10 – Item H(6)]

Documents Filed: Memorandum from City Clerk Lee Price, dated July 28, 2010, transmitting the recommendations of the Rules and Open Government Committee.

Action: Approval of the 2010 District 2 Indian Flag Raising and Cultural Show as a City Council Sponsored Special Event; and approval to accept donations from various individuals, businesses or community groups to support the event

- 2.15 As recommended by the Rules and Open Government Committee on July 28, 2010:**
- (a) Approve the District 2 Start! Walking Day as a City Council sponsored special event; and**
 - (b) Approve and accept donations from various individuals, businesses or community groups to support the event.**
- (Kalra)**
[Rules Committee referral 7/28/10 – Item H(7)]

Documents Filed: Memorandum from City Clerk Lee Price, dated July 28, 2010, transmitting the recommendations of the Rules and Open Government Committee.

Action: The District 2 Start! Walking Day as a City Council Sponsored Special Event was approved; and approval to accept donations from various individuals, businesses or community groups to support the event was authorized.

STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report)

The City Manager reported on employee impacts, including redeployments and layoffs, resulting from budget decisions and its affect on services City-wide. She denounced the excessive salaries paid to the City of Bell's managers and City Council as reported in the L.A. Times.

JOINT COUNCIL/REDEVELOPMENT AGENCY

- 9.1 As recommended by the Rules and Open Government Committee on July 28, 2010 and outlined in the attached memo previously submitted to the Committee, it is recommended that the City Council and Redevelopment Agency adopt resolutions:
- (a) Supporting the efforts of the Oakland Athletics Baseball team to move to San Jose; and,
 - (b) Amending the negotiating principles established by the City Council on May 12, 2009 as outlined in the attached memo dated July 23, 2010 submitted by Mayor Reed and Councilmembers Liccardo, Herrera, and Pyle
- (Mayor/Redevelopment Agency)
[Rules Committee referral 7/28/10 – Item H(1)]

Documents Filed: Memorandum from City Clerk Lee Price, dated July 29, 2010, transmitting the recommendations of the Rules and Open Government Committee.

Mayor Reed provided an overview of the proposal, and Council discussion followed.

Motion: Council Member Liccardo moved approval of the resolutions to support the efforts of the Oakland Athletics Team move to San José and amendment of negotiation principles as outlined in the memorandum he cosigned with Mayor Reed and Council Members Herrera and Pyle. Council Member Herrera seconded the motion.

Public Comments: Expressing support of the City's participation in a Downtown professional ballpark project, were: Susan Hammer (former Mayor – Co-chair, Baseball San José), Michael Mulchay (Baseball San José), Carl Guardino (Silicon Valley Leadership Group), Paul Higgins (Baseball San José), Kymberli Brady (Downtown Residents Association), Neil Struthers and Jose Garcia (Building Trades Council), and Christopher Moles. Offering suggestions and criticism of the project were Yolanda Reynolds, Marc Morris and Stephen Hazel.

Council Member Campos disclosed that a previous speaker Neil Struthers, representing the Building Trades Council, is her husband.

Action: On a call for the question, the motion carried unanimously, [Resolution No. 75513](#), entitled: "A Resolution of the Council of the City of San José Expressing Support for Allowing the A's to Move to San José and Amending the Negotiating Principles for the Development of a Major League

9.1 (Cont'd.)

Baseball Stadium in the Diridon Area of downtown San José”, and Redevelopment Agency Resolution No. 5977, entitled: “A Resolution of the Board of Directors of the Redevelopment Agency of the City of San José Expressing Support for Allowing the A’s to Move to San José and Amending the Negotiating Principles for the Development of a Major League Baseball Stadium in the Diridon Area of Downtown San José”, were adopted. (11-0.) Note: Resolution No. 75514 was not used.

- 3.2**
- (a) Amending Section 2.08.130 of Chapter 2.08 of Title 2 of the San José Municipal Code to revise provisions for removal of Retirement Board Members.**
 - (b) Amending Part 12 of Chapter 2.08 of Title 2 and Section 3.36.330 of Part 3 of Chapter 3.36 of the San José Municipal Code to revise the structure of the Board Of Administration for the Police And Fire Department Retirement Plan, adopt minimum qualification criteria for public members of said Board, revise provisions for compensation of Board Members and revise the definition of a Board quorum.**
 - (c) Amending Part 10 of Chapter 2.08 of Title 2 of the San José Municipal Code to revise the structure of the Board of Administration for the Federated City Employees Retirement System, adopt minimum qualification criteria for public members of said Board and revise provisions for compensation of Board Members.**

**CEQA: Not a Project; File No. PP10-068. (City Attorney’s Office)
(Deferred from 6/22/10 – Item 3.6)**

Action: Deferred to August 10, 2010 per City Attorney.

- 3.4**
- (a) Adopt a resolution approving the terms of an agreement for the period of July 1, 2010 through June 30, 2011, between the City and the San José Police Officers’ Association.**
 - (b) Restoration of 70 Police Officer positions as follows:**
 - (1) Restore 62 Police Officer positions, on a one-time basis, effective August 1, 2010 through June 30, 2011.**
 - (2) Restore 8 Police Officer positions ongoing, effective August 1, 2010.**
 - (c) Adopt the following 2010-2011 Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:**
 - (1) Decrease the Police Department Personal Services appropriation by \$883,954.**
 - (2) Increase the Police Department Non-Personal/Equipment appropriation by \$331,504.**
 - (3) Decrease the Office of the City Attorney Personal Services appropriation by \$20,932.**
 - (4) Establish a 2011-2012 Future Deficit Earmarked Reserve of \$1,230,000.**

3.4 (Cont'd.)

- (c) (5) **Decrease the Unemployment Insurance Earmarked Reserve by \$985,000.**
 - (6) **Decrease the revenue estimate for Transfers and Reimbursements by \$301,094.**
 - (7) **Decrease the revenue estimate for Licenses and Permits by \$27,288.**
 - (d) **Adopt the following 2010-2011 Appropriation Ordinance amendments in the Airport Maintenance and Operations Fund (Fund 523):**
 - (1) **Decrease the Transfer to the General Fund by \$301,094.**
 - (2) **Increase the Ending Fund Balance by \$301,094.**
 - (e) **Adopt a resolution amending the Schedule of Fees and Charges (Resolution No. 72737, as amended) to decrease the Cardroom Card Table Fee from the adopted \$24,755 per table to an adjusted fee of \$24,413 per table.**
- CEQA: Not a Project, File No. PP10-066 (g) Agreements/Contracts. (City Manager's Office)**

Documents Filed: Joint memorandum from Director of Employee Relations Alex Gurza and Budget Director Jennifer Maguire, dated July 19, 2010, recommending approval of the terms of an agreement with the San José Police Officer's Association.

City Manager Debra Figone announced that the City has reached labor agreement with the San José Police Officer's Association to avoid lay-offs.

Public Comments: George Beatty (San José Police Officer's Association) and Shane Patrick Connolly expressed appreciation to City staff and negotiating teams for their efforts in reaching an equitable agreement.

Action: Upon motion by Council Member Constant, seconded by Council Member Liccardo and carried unanimously, [Ordinance No. 28779](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 28765 to Appropriate Monies in the General Fund for the Police Department Personal Services, for the Police Department Non-Personal/Equipment, for the City Attorney's Office Personal Services, for the 2011-2012 Future Deficit Earmarked Reserve, and for the Unemployment Insurance Earmarked Reserve; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption"; [Ordinance No. 28780](#), entitled: "An Ordinance of the City of San José Amending Ordinance No. 28765 to Appropriate Monies in the Airport Maintenance and Operation Fund to Decrease the Transfer to the General Fund; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption"; [Resolution No. 75507](#), entitled: "A Resolution of the Council of the City of San José Approving an Agreement Between the City of San José and the San José Police Officer's Association with a Term of July 1, 2010 to June 30, 2011"; [Resolution No. 75508](#), entitled: "A Resolution of the

3.4 (Cont'd.)

Council of the City of San José Amending Resolution No. 75447 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2010-2011 to Adjust Revenues in the General Fund”; and [Resolution No. 75509](#), entitled: “A Resolution of the Council of the City of San José Amending Resolution No. 72737 as Previously Amended by Resolutions Nos. 73019, 73056, 73242, 73637, 73831, 73879, 73881, 74035, 74047, 74452, 74839, 74841, 74981, 75135, 75334, 75338, 75442, and 75502 to Decrease the Cardroom Table Fee, to be Effective Immediately”, were adopted. (11-0.)

3.5 **Conduct a public hearing on the Sewer Service and Use Charges and Storm Sewer Service Charges report filed by the Director of Finance with the City Clerk’s Office and adopt a resolution to approve the placement of recommended charges on the 2010-2011 Santa Clara County assessment roll, with such modifications as the City Council may make based on public hearing testimony. CEQA: Not a Project, File No. PP10-069(a) City Organizational & Administrative Activities. (Finance)**

Documents Filed: (1) Memorandum from Director of Finance Scott P. Johnson, dated July 12, 2010, recommending a public hearing be held and adoption of a resolution. (2) Proof of Publication of Notice of Public Hearing, executed on July 16, 2010 and July 23, 2010 submitted by the City Clerk.

Public Comment: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, [Resolution No. 75510](#), entitled: “A Resolution of the Council of the City of San José Approving the Annual Report for Fiscal Year 2010-2011 of the Director of Finance on Sanitary Sewer Service and Use Charges and Storm Sewer Service Charges and Approving the Placement of Charges as Set Forth Therein on the 2010-2011 Tax Roll”, was adopted. (11-0.)

COMMUNITY & ECONOMIC DEVELOPMENT

4.1 **As recommended by the Community and Economic Development Committee on June 28, 2010, accept staff’s report on the results of the 2009 Development Services Customer Satisfaction Survey. (Planning, Building and Code Enforcement) [Community and Economic Development Committee referral 6/28/10 – Item D(2)]**

Action: Deferred to August 10, 2010.

COMMUNITY & ECONOMIC DEVELOPMENT

4.2 As recommended by the Community and Economic Development Committee on June 28, 2010, accept the status report and the following staff recommendations regarding consideration of the draft Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (Plan or HCP/NCCP):

- (a) Continue to work with Wildlife Agencies to ensure feasible and reasonable requirements are identified in the HCP/NCCP, including but not limited to financial obligations;**
- (b) Continue to ensure that the costs incurred to meet the Plan requirements as adopted by the partner agencies are less than or equal to the benefits of the Plan;**
- (c) Continue to ensure that the Draft Plan does not put the City's General Fund at risk for being responsible to fund Plan implementation in the absence of development fees or other assumed revenue sources; and**
- (d) Continue to be diligent in the review and comment of non-local partner agencies' CEQA documents with regard to direct and indirect impacts on the Plan area from projects outside the Plan area, and encourage the Wildlife Agencies to do the same.**

(Planning, Building and Code Enforcement)

[Community and Economic Development Committee referral 6/28/10 – Item D(3)]

Action: Deferred to August 10, 2010.

TRANSPORTATION & AVIATION SERVICES

6.1 Approval of the following action to receive funding grants by the Metropolitan Transportation Commission (MTC) for the 2010 Transportation for Livable Communities (TLC) program in the amount of \$8,162,000 for three transportation improvement projects on San Fernando Street, The Alameda, and San Carlos Street.

- (a) Adopt a resolution authorizing the City Manager to negotiate and execute all documents necessary to effectuate the grants, including but not limited to submission of the grant applications for the three (3) projects to MTC for the 2010 TLC grant program, in the total amount of \$8,162,000, with \$6,529,800 of that amount reimbursable to the City as the three projects progress, and including a non-reimbursable local match of \$1,632,200.**
- (b) Adopt a resolution authorizing the loan of \$1,351,000 from developer impact fees collected for the US101/Blossom Hill Interchange project to partially fund the local match of \$1,632,200 for two (2) projects to the MTC for the 2010 TLC grant projects and, among other conditions, to repay the US 101/Blossom Hill Interchange Reserve in full by 2012-2013 including interest payment at the City's pooled investment rate and to reserve as collateral for repayment of the US101/Blossom Hill Interchange funds in the Route 101/Tully Interchange which is a future City proposal to the VTA in the amount of \$6.0 million towards construction of the interchange.**

6.1 (Cont'd.)

- (c) **Adopt the following Appropriation Ordinance amendments in the Building and Structure Construction Tax Fund:**
- (1) **Establish an appropriation to the Department of Transportation for The Alameda – A Plan for the Beautiful Way project in the amount of \$845,000;**
 - (2) **Establish an appropriation to the Department of Transportation for the San Carlos Multimodal Streetscape Improvements – Phase II project in the amount of \$506,000; and**
 - (3) **Decrease the Reserve – Route 101/Blossom Hill Interchange Improvements project by \$1,351,000.**
- (d) **Adopt the following Appropriation Ordinance amendments in the Construction Excise Tax Fund:**
- (1) **Establish an appropriation to the Department of Transportation for the San Fernando Street Enhanced Bikeway and Pedestrian Access project in the amount of \$281,200; and**
 - (2) **Decrease the Bicycle and Pedestrian Facilities project by \$281,200.**

CEQA: San Fernando Street Enhanced Bikeway and Pedestrian Access – Statement of Exemption, File No. PP10-124; The Alameda “A Plan for the Beautiful Way” – Statement of Exemption, File No. PP10-132; and San Carlos Multimodal Streetscape Improvements – Re-use of the Downtown Strategy SEIR, Resolution No. 68839, File No. PP03-254. Council Districts 3 and 6. (Transportation/City Manager’s Office)

Documents Filed: Joint memorandum from Acting Director of Transportation Hans Larsen and Budget Director Jennifer Maguire, dated July 12, 2010, recommending approval of actions to receive funding grants from the Metropolitan Transportation Commission.

Acting Director of Transportation Hans Larsen offered a presentation on the Metropolitan Transportation Commission Grant Program and responded to questions from Council.

Action: Upon motion by Council Member Liccardo, seconded by Council Member Herrera and carried unanimously, [Ordinance No.28781](#), entitled: “An Ordinance of the City of San José Amending Ordinance No. 28765 to Appropriate Monies in the Building and Structure Construction Tax Fund for the Alameda – A Plan for the Beautiful Way Project and for the San Carlos Multimodal Streetscape Improvements – Phase II Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; [Ordinance No. 28782](#), entitled: “An Ordinance of the City of San José Amending Ordinance No. 28765 to Appropriate Monies in the Construction Excise Tax Fund for the San Fernando Street Enhanced Bikeway and Pedestrian Access Project; and Providing that this Ordinance Shall Become Effective Immediately Upon Adoption”; [Resolution No. 75511](#), entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager, or Designee, to File an Application for and Negotiate and Execute all Documents Necessary to Effectuate the Grant for Federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement Funding and

7.1 (Cont'd.)

Committing the Necessary Non-Federal Match and Stating the Assurance to Complete the Project”; and [Resolution No. 75512](#), entitled: “A Resolution of the Council of the City of San José Authorizing the Loan of \$1,351,000 From Developer Impact Fees Collected for the US101/Blossom Hill Interchange Project to Partially Fund the Local Match of Funds of \$1,632,200 for Two Projects to the Metropolitan Transportation Commission for the 2010 Transportation for Livable Communities Grant Program”, were adopted. (11-0.)

ENVIRONMENTAL & UTILITY SERVICES

7.1 **Conduct a public hearing and approve an ordinance granting a franchise to Wickland Pipelines, LLC for the purpose of transmitting and distributing jet fuel in the City’s public right-of-way. CEQA: Mitigated Negative Declaration, File No. CP09-012. Council District 4. (Public Works)**

Documents Filed: (1) Memorandum from Director of Public Works Katy Allen, dated July 12, 2010, recommending a public hearing be held and adoption of an ordinance. (2) Proof of Publication of Notice of Public Hearing, executed on July 2, 2010 submitted by the City Clerk.

Public Comment: Mayor Reed opened the public hearing. There was no testimony from the floor. Mayor Reed closed the public hearing.

Action: Upon motion by Council Member Chu, seconded by Council Member Oliverio and carried unanimously, [Ordinance No. 28783](#), entitled: “An Ordinance of the City of San José Granting a Franchise to Wickland Pipelines, LLC to Use or to Lay and Use, Oil Pipes and Appurtenances for the Purpose of Transmitting and Distributing Oil and Products Thereof In, Along, Across, Upon and Under Certain Public Streets and Rights-Of-Way Within the City of San José”, was adopted. (11-0.)

STRATEGIC SUPPORT SERVICES

3.3 (a) **Review results of polling for two potential measures under consideration for the November 2 ballot:** **(1) Quarter-Percent Tax on Retail Transactions; and** **(2) Marijuana Business Tax Measure.**

Documents Filed: (1) Memorandum from Communications Director Tom Manheim, dated July 23, 2010, providing review results of survey for potential ballot measures. (2) Supplemental memorandum from Communications Director Tom Manheim, dated July 27, 2010 transmitting “2010 Ballot Measure Survey Report of Findings”, providing further analysis of survey results.

3.3 (a) (Cont'd.)

David Metz, polling consultant representing Fairbanks, Maslin, Maulin, Metz and Associates, presented results of the 2010 Ballot Measures Survey.

- (b) (1) **Council discussion and consideration of a one-quarter percent Retail Transactions and Use Tax measure for the November 2, 2010 Election;**
- (2) **If the Council wishes to proceed, adoption of a resolution of the City Council calling and giving notice, on its own motion, a Special Municipal Election to be held on November 2, 2010, to submit to the electors of the City of San José the following measure:**

MEASURE ____

Measure to enact a one-quarter percent tax on retail transactions in San José

In order to provide funding for essential City services such as police, fire, emergency response, street maintenance, pothole repair, parks, libraries, and youth and senior programs, shall an ordinance be adopted to enact a one-quarter percent tax on retail transactions in San José, subject to existing independent financial audits, with all revenue controlled by the City.	YES	
	NO	

- (3) **Council discussion and consideration of adopting of provisions to permit rebuttal arguments in the November 2010 Voter’s Sample Ballot, pursuant to Elections Code Section 9285.**
- (4) **Council discussion and consideration of adopting provisions to permit any member or members of the City Council to submit arguments in the November 2010 Voter’s Sample Ballot, pursuant to Elections Code Section 9282.**

CEQA: Not A Project under CEQA, per Section 15378(b)(4) of the CEQA Guidelines.

Documents Filed: Memorandum from Assistant City Manager Ed Shikada, dated July 22, 2010, submitting Council consideration of a Sales Tax Ballot Measure.

Public Comments: Pat Sausedo, San José/Silicon Valley Chamber of Commerce, spoke in opposition to the proposed ballot measure.

Motion: Council Member Oliverio moved approval to deny placing a one-quarter percent Retail Transactions and Use Tax Measure on the November 2, 2010 Election Ballot. The motion was seconded by Council Member Kalra.

Action: On a call for the question, the motion carried unanimously, and the Council voted to take no action in placing a measure enacting a one-quarter percent tax on retail transactions in San José on the November 2, 2010 Election Ballot. (11-0.)

- 3.3 (c) (1) **Council discussion and consideration of a proposed Marijuana Business Tax measure for the November 2, 2010 Election;**
 (2) **If the Council wishes to proceed, adoption of a resolution of the City Council calling and giving notice of, on its own motion, a Special Municipal Election to be held on November 2, 2010, to submit to the electors of the City of San Jose the following measure:**

MEASURE__
Marijuana Business Tax

In order to provide funding for essential City services such as police, fire, emergency response, street maintenance, pothole repair, parks, libraries, and youth and senior programs, shall an ordinance be adopted to impose a tax at the rate of 10% of gross receipts on marijuana businesses in San José, subject to existing independent financial audits, with all revenue controlled by the City?	YES	
	NO	

Documents Filed: (1) Joint memorandum from Deputy City Manager Deanna J. Santana and Director of Finance Scott P. Johnson, dated July 23, 2010, submitting Council consideration of a Marijuana Business Tax Ballot Measure. (2) Memorandum from Deputy City Manager Deanna J. Santana, dated July 29, 2010, clarifying factors regarding the ballot measure proposal.

Deputy City Manager Deanna J. Santana provided an overview of the ballot measure proposal, and Director of Finance Scott P. Johnson outlined key policy decisions that the Council should consider.

Council Member Constant voiced concerns that illegal sales would be sanctioned if illegal purveyors of marijuana are taxed. Council Member Pyle offered that she could not support the measure and feels it's premature until the State measure has been voted upon.

Public Comments: Expressing concerns regarding the taxation as proposed by a Marijuana Business Tax Measure, were James Anthony (MC3) Lauren Vazquez, Brian David and Jon Lustig (Silicon Valley Americans for Safe Access); Dave Hodges (SJCBC), Paul Stewart (Medicinal Cannabis Collective Coalition), Michael and Daniel Hovland (Medex Collective & Deliveries), James Rowan and Jeremy Pierry (University Avenue Wellness Center). Tili Ayala (Justice for Families) spoke in opposition to marijuana use and sale.

Motion: Council Member Oliverio moved approval of the Staff recommendation. Council Member Liccardo seconded the motion.

Motion to Amend: Council Member Liccardo requested to amend the motion by revising the ballot question by inserting the words "up to" before "10% of gross receipts" to allow flexibility for both voters and the Council by setting a maximum tax rate that is authorized to be imposed. Council Member Oliverio accepted the amendment.

- 3.3 (c) Action: On a call for the question, the motion carried, [Resolution No. 75504](#), entitled: “A Resolution of the Council of the City of San José Calling and Giving Notice of, On its Own Motion, the Submission to the Electors of the City of San José, at a Special Municipal Election to be Held on November 2, 2010, a Ballot Measure Proposal to Tax Marijuana Businesses”, was approved as amended, revising the ballot question by inserting the words “*up to*” before “*10% of gross receipts*”. (7-4. Noes: Campos, Constant, Nguyen; Pyle).

- (3) **Council discussion and consideration of adopting of provisions to permit rebuttal arguments in the November 2010 Voter’s Sample Ballot, pursuant to Elections Code Section 9285.**

Action: Upon motion by Council Member Oliverio, seconded by Council Member Liccardo and carried unanimously, the City Clerk was directed to NOT print the entire text of measure in the Voter’s Sample Ballot, instead to make it easily accessible to the public, with NO rebuttal arguments to be accepted. (11-0.)

- (4) **Council discussion and consideration of adopting provisions to permit any member or members of the City Council to submit arguments in the November 2010 Voter’s Sample Ballot, pursuant to Elections Code Section 9282.**

CEQA: Not A Project under CEQA, per Section 15378(b)(4) of the CEQA Guidelines.

Council Member Oliverio was designated as the primary author of the ballot argument in favor.

- (d) (1) **Council discussion and consideration of a proposed Charter amendment to Charter Section 1111 regarding limitations on binding arbitration for the November 2 Election;**
(2) **If the Council wishes to proceed, adoption of a resolution of the City Council calling and giving notice of, on its own motion, a Special Municipal Election to be held on November 2, 2010, to submit to the electors of the City of San Jose the following measure:**

3.3 (d) (Cont'd.)

MEASURE

Limit Powers of Outside Arbitrators

To provide fiscal stability, control costs and maintain City services to residents, shall the Charter be amended to permit binding arbitration only if outside arbitrators are (1) required to base awards to employees primarily on the City's ability to pay; and (2) prohibited from: creating any unfunded liability for the City, increasing police and firefighter compensation more than the rate of increase in General Fund revenues or granting retroactive benefits?	YES	
	NO	

Documents Filed: (1) Memorandum from Mayor Reed, dated July 30, 2010, recommending revised language for Charter Amendment to Limit the Powers of Outside Arbitrators. (2) Joint memorandum from Council Members Kalra and Pyle, dated July 30, 2010, recommending consideration of an Amendment to or Repeal of Charter Section 1111. (3) Memorandum from City Clerk Lee Price, dated July 28, 2010, transmitting the recommendations of the Rules and Open Government Committee.

Public Comments: Speaking in support of placing the binding arbitration item on the November 2, 2010 Election Ballot, were Jerry Mungai (Almaden Valley Community Association), Larry Pegram, Ann Webb; Bill Baron and Pat Sausedo (San José/Silicon Valley Chamber of Commerce); Pat Dando and Pat Connelly.

Speaking in opposition of placing this item on the Ballot, were: Rick Wardall, Art Fernandez, Elisa Koff-Ginsborg (Working Partnerships), Stephen Kline, Michael Randolph, Rachel, Dan Rodriguez, Jim Kelly, Randy Sekany (SJFF), Ann Sandoval, Anna Schlotz (South Bay Labor Council), Kevin Conant, Bob Sippel, Clark Williams, Reverend Reginald Swilley, Neil Struthers (Building Trades Council), James Gonzales, Jim Unland, John Tennant and George Beattie (SJPOA); Kari Hardgrove (Interfaith Council) and Fred Hirsch.

Mayor Reed made opening comments, and Council discussion ensued.

Motion: Council Member Pyle moved approval of the memorandum she cosigned with Council Member Kalra, dated July 30, 2010, proposing that the measure be fully evaluated with sufficient time for public discussion and postponed for the Spring election. The motion was seconded by Council Member Kalra.

Substitute Motion: Council Member Constant moved approval of the ballot measure as outlined and for its inclusion on the November Ballot. Council Member Liccardo seconded the motion.

3.3 (d) (Cont'd.)

Council Member Liccardo requested to amend the motion to modify the text of the measure as shown below in “Action”. The amendment to the motion was accepted.

Action: On a call for the question, the substitute motion carried; [Resolution No. 75505](#), entitled: “A Resolution of the Council of the City of San José, Calling and Giving Notice of, On its Own Motion, the Submission to the Electors of the City of San José, at a Special Municipal Election to be Held on November 2, 2010, a Ballot Measure Proposal to Amend Section 1111 of the San José City Charter to Limit the Powers of Outside Arbitrators”, was adopted, as amended (modify the text of the measure to add the words “but excluding base wages” at the end of subsection (g)(2) as it relates to retroactive increases or decreases in compensation or enhancements to pension and retiree health benefit for service already rendered). (7-4. Noes: Campos, Chu, Kalra, Pyle).

(3) Council discussion and consideration of adopting of provisions to permit rebuttal arguments in the November 2010 Voter’s Sample Ballot, pursuant to Elections Code Section 9285.

Action: Upon motion by Council Member Oliverio, seconded by Council Member Liccardo and carried, the City Clerk was directed to NOT print the entire text of measure in the Voter’s Sample Ballot, instead to make it easily accessible to the public, with NO rebuttal arguments to be accepted. (8-3. Noes: Campos, Kalra, Pyle.)

(4) Council discussion and consideration of adopting provisions to permit any member or members of the City Council to submit arguments in the November 2010 Voter’s Sample Ballot, pursuant to Elections Code Section 9282.

Mayor Reed was designated as the primary author of the ballot argument in favor.

- 3.3 (e) (1) **Council discussion and consideration of a proposed Charter amendment to Article XV regarding alternative retirement plans, minimum benefits and contributions/cost sharing for pensions for the November 2 Election.**
- (2) **If the Council wishes to proceed, adoption of a resolution of the City Council calling and giving notice of, on its own motion, a Special Municipal Election to be held on November 2, 2010, to submit to the electors of the City of San Jose the following measure:**

MEASURE
Pension Reform

Shall the Charter be amended to allow the Council, by ordinance and subject to the requirements of applicable law, to exclude any officer or employee hired on or after the ordinance's effective date from any retirement plan or benefit of any plan?	YES	
	NO	

Documents Filed: (1) Joint memorandum from Council Member Pyle and Kalra, dated July 30, 2010, recommending consideration of a modification to Charter Section 1504 and 1505. (2) Memorandum from Council Member Oliverio, dated August 2, 2010, proposing ballot language for a Pension Reform Ballot Initiative. (3) Memorandum from City Clerk Lee Price, dated July 28 2010, transmitting the recommendations of the Rules and Open Government Committee. (4) Two memoranda from City Attorney Richard Doyle, both dated July 30, 2010, regarding proposed City Charter Amendment Ballot Measures.

Public Comments: Speaking in favor of the Pension Reform Ballot Initiative, were Betty Sakai, Shane Patrick Connolly, Larry Pegram, Pat Sausedo, Pat Dando, Jerome Krinock, Spencer Horowitz, Nancy Garrison and Scott Knies.

Bob Sippel and Mike Alvarado offered alternative suggestions to the initiative, and Neil Struthers, Carol Garvey, Jim Eller, Sue Bradford-Moore, Sandy Perry, Father Bill Leininger, Yolanda Cruz, LaVerne Washington, Tom Brim, George Beattie, Anna Schlotz, Joan Gallo, Elisa Koff-Ginsborg, Linda Dittes, Randy Sekany, Jim Kelly, Stephen Kline, Nancy Ostrowski, Cay Denise MacKenzie, Greg Miller, Becca Harvey, Kevin Fish, Bob Leininger and Reverend Rebecca Kuiken spoke in opposition to the proposed initiative.

Council Member Oliverio outlined an addendum to the proposed ballot initiative (as noted below in "Action")

Motion: Council Member Oliverio moved approval of his memorandum dated August 2, 2010 and the addendum to the ballot initiative. The motion was seconded by Council Member Liccardo.

3.3 (e) (Cont'd.)

Director of Employee Relations Alex Gurza and the City Attorney's staff responded to questions from Council.

Substitute Motion: Council Member Kalra moved approval of the memorandum he co-signed with Council Member Pyle, dated July 30, 2010, recommending convening a task force to explore options for Pension Reform, including a Two-Tier Retirement System. The motion was seconded by Council Member Pyle. Following debate, the motion failed. (4-7. Noes: Chirco, Constant, Herrera, Liccardo, Oliverio, Nguyen; Reed.)

Action: On a call for the question, the original motion carried, [Resolution No. 75506](#), entitled: "A Resolution of the Council of the City of San José Calling and Giving Notice of, On Its Own Motion, the Submission to the Electors of the City of San José, at a Special Municipal Election to be Held on November 2, 2010, a Ballot Measure Proposal to Amend Sections 1500 and 1501 of the San José City Charter to Reform City Pensions", was approved as amended (ballot question revised to read: "*To provide fiscal stability, control costs and maintain City services to residents, shall the Charter be amended to allow the Council, by ordinance and subject to the requirements of applicable law, to exclude any officer or employee hired on or after the ordinance's effective date from any retirement plan or benefit of any plan then in existence and to require that any new or different plan shall be actuarially sound?*"), and direction provided to the City Manager to convene a Task Force to study options and seek input from stakeholders. The Task Force membership shall be modeled after the Three-Year General Fund Structural Deficit Elimination Plan Stakeholder Group. (7-4. Noes: Campos, Chu, Kalra; Pyle.)

(3) Council discussion and consideration of adopting of provisions to permit rebuttal arguments in the November 2010 Voter's Sample Ballot, pursuant to Elections Code Section 9285.

Action: The City Clerk was directed to NOT print the entire text of measure in the Voter's Sample Ballot, instead to make it easily accessible to the public, with NO rebuttal arguments to be accepted.

(4) Council discussion and consideration of adopting provisions to permit any member or members of the City Council to submit arguments in the November 2010 Voter's Sample Ballot, pursuant to Elections Code Section 9282.

**[Rules Committee referral 7/28/10 – Items H(1) and H(2)]
(City Manager's Office/Finance/City Attorney's Office)**

Council Member Oliverio was designated as the primary author of the ballot argument in favor.

NOTICE OF CITY ENGINEER’S PENDING DECISION ON FINAL MAPS

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
10054	4203 San Felipe Road	8	Hawkstone San Felipe LLC	15 Lots / 9 Units	8 SFDR & 1 Non-Residential
10057	W/S Cadwallader Ave 500’ s/o Prunetree Lane	8	ACS Properties, LLC	38 Lots / 38 Units	SFDR

OPEN FORUM

Paul Kindle suggested a carbon tax and a fee for all monetary transactions. He also proposed that the City decouple public services, make public meetings more public and place limits on the terms of City employees.

ADJOURNMENT

The Council of the City of San José adjourned at 7:47 p.m. in memory of Herbert “Herb” Wadley, the former Superintendent of Berryessa Union School District. He passed away on June 11, 2010 after a long struggle with cancer.

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC
City Clerk

rmk/8-3-10.MIN

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/clerk/agenda.asp> or <http://www.sanjoseca.gov/clerk/MeetingArchive.asp>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.