



City Council Meeting Special Meeting Minutes

**Tuesday, August 6, 2024
1:30 PM**

MATT MAHAN, MAYOR
ROSEMARY KAMEI, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
OMAR TORRES, DISTRICT 3
DAVID COHEN, DISTRICT 4
PETER ORTIZ, DISTRICT 5
DEV DAVIS, DISTRICT 6
BIEN DOAN, DISTRICT 7
DOMINGO CANDELAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
ARJUN BATRA, DISTRICT 10

• Call to Order and Roll Call

11:00 a.m. - Closed Session. *See Pages 5-6 for Closed Session Minutes.*

Present Councilmembers: Mahan, Kamei, Cohen, Foley, Davis,
Jimenez, Torres, Ortiz, Candelas, Doan, Batra.

Absent Councilmembers: All present.

1:32 p.m. - Special Meeting.

Present Councilmembers: Mahan, Kamei, Cohen, Foley, Davis
Jimenez, Torres, Ortiz, Candelas, Doan, Batra.

Absent Councilmembers: All present.

• Pledge of Allegiance

Mayor Matt Mahan led the Pledge of Allegiance.

• Closed Session Report

City Attorney, Nora Frimann offered a follow up to the memorandum dated June 6, 2024, directing the City Manager and City Attorney to draft ballot language and return to the City Council for the consideration of its placement on the November 5, 2024 ballot; regarding the Measure amending the City Charter to change the contracting for legal services by the Retirement Boards and appointing authority to the Chief Executive Officer of the Office of Retirement Services. The June 6, 2024 memorandum also discussed a potential agreement with the Retirement Boards. Nora Frimann informed that an agreement had been reached with the Retirement Boards. The City Manager's office and the City Attorney's Office did not bring forward a ballot measure, but there is a Settlement Agreement with the Retirement Boards covering a variety of issues on the Office of Retirement Services. The Settlement Agreement will be publicly available.

3. STRATEGIC SUPPORT

3.1 Potential Parcel Tax Ballot Measure.

- (a) Review survey results for a potential parcel tax ballot measure for the November 5, 2024 Presidential General Election.
- (b) Defer placing a parcel tax measure on the ballot for the November 5, 2024 election, and direct staff to include consideration of options for funding park maintenance through the analysis of potential revenue measures for 2026 directed through the City Council's adoption of Manager's Budget Addendum #10 as part of the 2024-2025 Adopted Budget.
- (c) If the City Council does not defer action to 2026 and instead directs to place a parcel tax measure on the ballot for the November 5, 2024 election, adopt a resolution of the City Council:

- (1) Calling and giving notice, on its own motion, the submission to the electors of the City of San José at a Special Municipal Election, to be consolidated with the Presidential General Election on November 5, 2024, a ballot measure proposal to impose an annual special tax in the form of a parcel tax for the purpose of funding Parks and Clean Neighborhoods Services with the following statement of the measure to be printed in the ballot:
San José Parks, Clean Neighborhoods Measure
To clean, maintain and improve parks, playgrounds, trails, restrooms, recreation facilities; remove homeless encampments in parks, creeks, neighborhoods; remove trash, illegal dumping, graffiti; provide gang prevention, recreation programs; shall an ordinance be adopted levying an annual parcel tax of 1¢ per square foot on single-family parcels, with a cap, and for other properties at rates described in ordinance until repealed by voters raising approximately \$21 million annually with public disclosure be adopted?
 - (2) Direct the City Clerk to, pursuant to Elections Code Section 12111, cause a synopsis of the proposed measure to be published at least one time not later than one week before the election in the *Mercury News*, a newspaper of general circulation within the City of San José, instead of printing the full text of the measure in the Sample Ballot;
 - (3) Authorize the Mayor to submit a ballot argument in support of the measure, pursuant to Elections Code Section 9282;
 - (4) Authorize the submittal of rebuttal arguments pursuant to Elections Code Section 9285;
 - (5) Direct the City Attorney to prepare an Impartial Analysis of the measure, where, as authorized under Elections Code Section 9280, the following statement will be printed in the Impartial Analysis to be prepared by the City Attorney: “If you would like to read the full text of the measure, see www.sanjoseca.gov/yourgovernment/appointees/city-clerk or call 408-535-1260 and a copy will be sent at no cost to you.”; and
 - (6) Direct the City Clerk to take all other actions necessary to place this measure on the November 5, 2024 ballot.
- (d) If the City Council decides to place a parcel tax measure on the ballot for the November 5, 2024 election, direct the City Manager to return to the City Council in September 2024 with a spending plan that shows how the City intends to spend the revenue from the parcel tax if it were approved. CEQA: Statutorily Exempt, File No. PP17-001, CEQA Guidelines Section 15262, Feasibility and Planning Studies with no commitment to future actions. (City Manager)

Sarah Zárate, Director, Office of Administration, Policy, and Intergovernmental Relations; Peter Hamilton, Assistant to the City Manager; Angel Rios, Deputy City Manager, City Manager’s Office; Jim Shannon, Budget Director, City Manager's Budget Office; and Dave Metz, President, FM3 Research offered the presentation and responded to questions.

Motion: Councilmember Arjun Batra moved acceptance of the Staff recommendation, regarding the deferral mentioned in Item (b). Councilmember Bien Doan seconded the motion.

Councilmember David Cohen requested information regarding the date of the deferral.

Clarification was provided regarding the motion on the floor.

Friendly Amendment: Councilmember David Cohen requested to drop the 2026 specificity regarding the date of deferral. The friendly amendment was accepted by maker of the motion and seconder.

Councilmember Pam Foley requested that future polling include Senior Exemptions.

Action: On a call to question, the motion carried unanimously, the survey results for a potential parcel tax ballot measure for the November 5, 2024 Presidential General Election were reviewed, the placement of the parcel tax measure on the ballot for the November 5, 2024 election was deferred, staff was directed to include consideration of options for funding park maintenance through the analysis of potential revenue measures directed through the City Council's adoption of Manager's Budget Addendum #10 as part of the 2024-2025 Adopted Budget. (11-0-0)

• Public Comment

Mayor Mahan requested that public comment be heard prior to Council discussion.

Tim Collins, Larry Ames, Jean Dresden, and Pier Luigi Oliverio offered public testimony.

• Adjournment

The Council of the City of San José adjourned the Special Meeting at 2:54 p.m.

Minutes Recorded, Prepared, and Respectfully Submitted by,

DRAFT

Yasmin Johnson, Deputy City Clerk
City of San José

Approved at Council on:

of Actions: 1

Attest By:

Toni Taber, MMC,
City Clerk, City of San José



Office of the City Attorney

SANJOSE CITY COUNCIL CLOSED SESSION MINUTES

August 6, 2024

Present Councilmembers: Mahan, Kamei, Cohen, Foley, Ortiz, Torres, Candelas, Batra.

Absent Councilmembers: Jimenez, Davis, Doan.

Place: City Hall Conference Room W-133

Time: 11:00 a.m.

CLOSED SESSION ITEM(S) DISCUSSED:

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

1. Case Name: County of San Benito, et al. v. McKinsey and Company, Inc.
 Name(s) of Party(ies) COUNTY OF SAN BENITO, CITY OF SAN JOSE, MCKINSEY AND COMPANY, INC.
 Court: United States District Court, Northern District of California
 Case No: 5:22-cv-06302
 Amount of Money or Other Relief Sought: Damages according to proof, Injunctive Relief

2. Case Name: County Sanitation District 2-3, et al. v. City of San Jose, et al.
 Name(s) of Party(ies) COUNTY SANITATION DISTRICT 2-3, W. VALLEY SANITATION DISTRICT, & BURBANK SANITATION DISTRICT, CITY OF SAN JOSE AND CITY OF SANTA CLARA
 Court: Superior Court of California, County of Santa Clara
 Case No: 18CV325480
 Amount of Money or Other Relief Sought: Damages according to proof

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to Sections 54956.9(d)(2) and (e)(1) of the Government code:

Number of matter(s) to be discussed: 1