

(a) 12/5/2022 CC Draft Special Meeting Minutes



City Council Special Meeting Draft MINUTES

Monday, December 5, 2022

**Hybrid Meeting - Council Chambers and Virtually -
<https://sanjoseca.zoom.us/j/88957084529>**

SAM LICCARDO MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
DAVID COHEN, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
MATT MAHAN, DISTRICT 10



**MINUTES OF THE SAN JOSÉ CITY COUNCIL
SPECIAL MEETING: FILLING VACANCIES IN COUNCIL DISTRICTS
8 AND 10**

DECEMBER 5, 2022

COVID-19 NOTICE

Consistent with AB 361 and City of San Jose Resolution Nos. 80628, 80659, 80685, 80724 and 80758, Councilmembers may be teleconferencing from remote locations.

The Council Special Meeting Session convened at 5:00 p.m. from remote locations and in Council Chambers. Mayor Sam Liccardo called the Special Meeting to order.

Present: Councilmembers -Arenas, Carrasco, Cohen, Davis, Esparza, Foley, Jimenez, Jones, Mahan, Peralez, Liccardo.

Absent: Councilmembers -All present.

1. SPECIAL MEETING

1.1 22-1824 Special Meeting on Filling Vacancies in Council Districts 8 and 10

Discuss and direct the City staff to agendize at a future meeting filling upcoming vacancies in Council Districts 8 and 10 pursuant to the options found in Charter Section 410: (a) APPOINTMENT. If the vacancies are filled by appointments, the appointments shall be effective until the end of the unexpired term of office, December 31, 2024. (b) ELECTION. If the vacancies are to be filled by election; the election will be for the entire unexpired term of the office. The election will either be conducted at a Regular Municipal Election, a General Election or at a Special Municipal Election, as determined by the Council. The election will be conducted in accordance with Section 1600. (c) INTERIM APPOINTMENT. If vacant office is to be filled by election, the Council may make an interim appointment to fill the office until a candidate has been duly elected and the results of the election have been officially certified. A person who is appointed during the interim period shall meet the eligibility requirements to hold office under Section 404 of this Charter.

City Clerk, Toni Taber provided the presentation and responded to questions.

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Item 1.1 (Cont'd.)

When questioned by Council, City Clerk Toni Taber indicated that if there was a run-off election, it would take place on July 11, 2023.

Mayor Sam Liccardo opened the floor for public comment and stated at 5:28 p.m. that public comments were going to be 1-minute long to allow all members of the public to speak.

Public Comments (in person): Tom McHenry, Joanie Murphy, Lan Bui, Cheryl L., Jo Kawanami, Brenda Dohmen, Jonathan Padilla, June Tran, Jason Xu (SVCA), Maurice Webb, Bill Wallace, Daniel Chung, Mary Pollett, Lilly Liang, Gail Osmer, Rick Kowalczyk, David Pandori, Ann Webb, Sondra Weber, Sarah Weng, Sue Ruggles, Maxwell Love, Michael Fitzgerald, Brian Allen, Bernie Vogel, Karen Gillette, Steve Cohen, Speaker, Vasundhara Tadimeti, William Chea, John Powers, Bill Baron, David Heindel, Patty Fishburn, Dmitriy Kruglyak, Gina Zari, Alice Saelee, Louise Auerhahn, Alice, Dajit Singh, Surinderjit Kaur, Bill James (Santa Clara County Democratic Party), Calvin Gill, Thuong Hoang, Jeff Doan, Doug Andrey, Doris Livezey, Roberta W., Elizabeth Monley, Jenny Zhao, Pamela Mahowald, Ha Tran, Maylyne Ho, Neil Collins, Francis Seludo, Thomas Nguyen, Nooran Bayzaie, Kraig Constantino, Gail Dance, Ellen, Winnie, Meina Young, Jimmy Phan, Tinh Cao, Stephanie Ligsay, Victor Morris, Steve Pagan, Bob Brownstein, Krystal Le, Kim Vase, Benjamin Hoang, John Davis, Jim Zito, Greg Holsen, Bonnie Mace, Huascar Castro, Arun Singh, Jennifer Mena, Thomas Landgraf, Gabe Cardenas, Robert Mickanen, Lucila Ortiz, Laura Muugaila, Izzac Khayo, Karina Liao, Phuc Le, Sandra Harrison Kay, Cindy Liu, Carol Garvey, Carl San Miguel, Diem Dang, Blake Balak, Betsy Hammer Carr, Ken Hinh, Balbir Dhillon, Christopher Lee, Ramin Ekhtiar, Timothy He, Fred Landis, Chamu Palaniappan, Jesse Powar, May Lan, Amy Zhu, Choon Hoe Yeoh, Pierlivi Oliverio, Naci Solomon, Jimmy Phan, Mike McCullough, Rose Sullivan, Shane, Hannah Cai, Shane Patrick Connolly, Cheney, Barbara, Claudia Shope, Tami S., Kimi, Clarence Madrilego, Aegean Lee, Dean Daily, 'Dan from District 10', Ken Schneebeli, Natalie Mondesir, and Melanie Griswold collectively provided public testimony on voter suppression, their right to vote, and their individual sentiments regarding a special election.

Public Comments (on Zoom): Irene Shoberg, David Noel, Issa, David Eisbach, Jacquie Heffner, Michael Tsai, Brad I., Geoff Schuller, Andres Solomonoff, Gabby Chavez-Lopez (Latina Coalition of Silicon Valley), Elizabeth Kamya, Martin Rauchwerk, Amrit Kaur, Araceli, Mike Sodergren, Brian Gordon, Nancy Stevens, Bill Keller, Michelle Leavitt and her son, Gregory Braley, Tammy Dhanota, Sam Saiu, Kelsey C., Shiloh Ballard, Sarah McDermott, David Parker, Willy, Michael Baratz, Sara Salerno, Gio, Todd Langton, Leo Gelman, Topher Kessler, Derrick No New Jail, Andrea Schwartz, Jill Borders, Carol Robledo, Jose L. Pavon, Greg K., Lisa Boissier, Dee Dee O'Moore, Chau Nguyen, Misrayn Mendoza, Steve, Charlie Cluff, Sandra, Sean Shrum (Disabilities Advocate), Beth Fisher, Peter Hernandez, Aman Diwakar, Caller '6028', Jose Barbara, Diane Gaskill, Will Xia, Les Levitt, Barbara Fontana, Kathy Fuchs Oberstar, Carolyn Bauer, 'Call in User_2', Jason Day, Kai, Enrique Fernandez, Carlin Black, Blair Beekman, Ramona Snyder, Dan Kearnan, Murgesh Navar, Jonathan Fleming, Mayra Pelagio, Yumi Hunt, DJ Alex Reyes, Lilian, Wavin, Gustavo Gonzalez, Gina Whitney,

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Item 1.1 (Cont'd.)

Tonya Kee, Frank Austin (UA Local 393), Calvin Gill, Stacy Ruth, Quain, Qian, Tony, Yunyun Jiang, Antonio Loebus, Dennis Hawkins, Mundo Escarcega, Cindy Fulk, Keith Hertzberg, Amy Cody, Monica Chen, Deborah Miller, T. Srinivasan, Uyenthy Nguyen, Chand Trehan, Chuy, Michelle DeOcampo, Caller '1367', Kathryn Hedges, Paul Soto, Faisal, Elizabeth Agramont-Justiniano, Michael Henshaw, Joseph Parry, Ning, Kama, Janet Holt, Sarah, Ann Wolfe, Rev. Sammie Evans (PACT), Himat Bainiwal, Cindy, Gurkirat Kaur, Helen Blain, Jeff Heimbarger, Amy Poole, Karen Chen, Ed Mendenice, Charles Howard, caller '5285', Jesse Singh, and caller 'Terry8SanJose' collectively provided public testimony on voter suppression, their right to vote, and their individual sentiments regarding a special election.

Mayor Sam Liccardo announced at 8:57 p.m. that public comments would stop at 10:00 p.m. to allow Council to come to a resolution by midnight.

Mayor Sam Liccardo closed the floor for public comment at 10:00 p.m.

Motion: Vice Mayor Chappie Jones made a motion to call for a Special Election on April 25, 2023 and directed the City Clerk to work on figuring out strategies to minimize and reduce costs, as well as compressing the timeline. The motion was seconded by Councilmember Matt Mahan.

City Manager, Jennifer Maguire responded to questions regarding the impacts to services and reserves for unexpected expenses.

Substitute Motion: Councilmember Dev Davis moved the December 2, 2022 memorandum she cosigned. Councilmember Sergio Jimenez seconded the motion.

Action: On a call for question, the Substitute Motion passed to accept the joint memorandum from Councilmember Sergio Jimenez, Councilmember Dev Davis, and Councilmember Sylvia Arenas dated December 2, 2022, recommending: (1) Implement a process to make interim appointments that includes the following: (a) Shortly after the special meeting on December 5, 2022, initiate the recruiting process for the expected Council vacancies in Districts 8 and 10, including the release of an application for interested candidates. The application should be similar to that for the Planning Commission, along with City Attorney review for potential conflicts of interest and include the following questions: (i) Why are you interested in representing this district on the City Council? (ii) Please list your past community experience and other qualifications for the role. (iii) Do you plan to run for the full term of this seat? (iv) What do you think is the biggest challenge the city faces? What is the biggest challenge specific to the council district you aspire to be appointed to represent? (b) Provide a minimum of 3 weeks for candidates to file their applications; (c) Schedule a special Council meeting before the end of January 2023 for the Council to interview qualified candidates and make the appointments; (d) The final appointments shall require a 2/3 vote of the council for approval. (2) Direct the City Manager to work with outgoing Councilmembers in assigning staff to continue constituent services in their offices during the recruitment process. 3. The appointment will stand until a candidate has been duly elected in the next regularly scheduled election and the results have been officially certified. (7-4-0. Noes: Foley, Mahan, Jones, Liccardo.)

ADJOURNMENT

The Council of the City of San José adjourned at 11:47 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

To be approved by Council

Toni J. Taber, CMC City Clerk
yj/12-5-22/SPECMIN