



City Council Meeting Minutes Draft

Tuesday, January 24, 2023

3:00 PM

Hybrid Meeting - Council Chambers and Virtually -

<https://sanjoseca.zoom.us/j/88957084529>

**Special Meeting on Filling Vacancies in Council
District 8**

MATT MAHAN, MAYOR
ROSEMARY KAMEI, 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
VACANT, DISTRICT 8
PAM FOLEY, DISTRICT 9
VACANT, DISTRICT 10

**MINUTES OF THE CITY COUNCIL
SPECIAL MEETING ON FILLING VACANCIES IN COUNCIL DISTRICT 8
JANUARY 24, 2023**

COVID-19 NOTICE

Consistent with AB 361 and City of San José Resolution Nos. 80628, 80659, 80685, 80724, 80758, 80809, and 80853, Councilmembers may be teleconferencing from remote locations.

The Special Council meeting was teleconferenced from remote locations and in Council Chambers and convened at 4:04 p.m. Interpretation in Spanish and Vietnamese was provided to the public.

Present: Council Members - All Present (in Council Chambers)

Absent: Council Members - All Present.

SPECIAL MEETING

1. **23-047** **Special Meeting on Filling Vacancies in Council Districts. (City Clerk)**
 - a) Interview candidates for the interim appointment to City Council District 8.
 - b) Consideration of appointment of candidate to a term to begin January 30, 2023 and end when a candidate has been duly elected in the next regularly scheduled election and the results of the election have been officially certified.

Mayor Mahan advised the public that there would not be an Open Forum by reason of a Special Meeting and that public comment would be limited to one minute given the high volume of speakers anticipated.

Mayor Mahan gave an overview of the Special Meeting: process questions, Candidate Statements, Council Questions/ Interviews, and Public Comments.

City Clerk, Toni Taber reviewed the Special Meeting process as it was posted.

Mayor Mahan opened the floor for Council questions regarding changes to the process before it proceeded. Council discussion followed.

Motion: Upon motion by Councilmember David Cohen, seconded by Councilmember Bien Doan and carried unanimously, the process as outlined by the City Clerk was accepted including the acceptance of the modifications outlined in Councilmember David Cohen’s memorandum, dated January 23, 2023, recommending to: Accept the revised supplemental memorandum from the City Clerk (dated January 23) with the following clarifications and revisions: (1) Each applicant will be interviewed by council in the random alphabet order laid out by the City Clerk in the Memorandum of January 13. (2) Each applicant will provide an opening statement of up to three (3) minutes. (3) After the opening statement, each Councilmember and the Mayor will have the opportunity to ask the applicant one question. Each applicant will be asked the same questions by the same Councilmembers. Each question will be completed within three (3) minutes, including the question and answer. (4) After all applicants have made their statements and answered each question, the Mayor will open public comment. (5) After public comment, each councilmember will have the opportunity ask a single follow-up question that may arise based on the initial round of questioning and the public comment. Each follow-up question and answer will be completed within two (2) minutes. (6) Appoint an applicant for each district to a term to begin January 30, 2023. (9-0.)

Mayor Mahan opened the floor for 3-minute Candidate statements, followed by 3-minute Council questions by District in numerical order.

The Candidates were interviewed in the following order:

1. Patricia Andrade; 2. Salvador Alvarez; 3. Sukhdev Baniwal; 4. Domingo Candelas; and 5. Tam Troung.

The following questions were asked of each candidate in numerical order by District:

District 1

Vice Mayor, Rosemary Kamei asked the following question to all five candidates:
You've already shared your thoughts on what do you think the biggest challenge the City of San José faces in the application. Can you tell us, or give us an example of how you would work with the community and Council colleagues on solutions?

District 2

Councilmember Sergio Jimenez asked the following question to all five candidates:
Can you share with us which elected official, past, or present, best captures the type of official you aspire to be if appointed?

District 3

Councilmember Omar Torres asked the following question to all five candidates:
Among the greatest casualties of the pandemic were our small businesses. What measures or actions would you initiate to support small businesses? Not only in District 8, but across our city?

District 4

Councilmember David Cohen asked the following question to all five candidates:
I've heard the council position described as a glorified customer service representative. Can you tell me about your thoughts on how you'd respond to constituent needs and also provide an example from your public service or other work experience when you had a difficult interaction with a customer or member of the public, and how you dealt with it?

District 5

Councilmember Peter Ortiz asked the following question to all five candidates:
What does it mean for you to have a commitment to equity? How have you demonstrated that commitment? How would you see yourself demonstrating it here on this Council?

District 6

Council Member Dev Davis asked the following question to all five candidates:
If you are appointed, how will you get your office up and running quickly to begin serving residents? What are the specific District 8 issues that you will focus on?

District 7

Councilmember Bien Doan asked the following question to all five candidates:
Homelessness is a major concern of many San Jose residents. What would success look like to you in helping our unhoused residents? How would you accomplish these success metrics?

District 8

Vacant.

District 9

Councilmember Pam Foley asked the following question to all five candidates:
What's your work experience with the private sector? What did you learn from it?

District 10

Vacant.

Mayor Mahan asked the following question to all five candidates:

As public servants, we're responsible for serving the entire community and thinking about how our policies can do the greatest good for all of our cities residents over the long term. Taking this broader, more holistic view sometimes requires disappointing friends. Can you share a specific example from your professional experience in which you've had to discipline a colleague, boss, mentor, business partner, or other key stakeholder, because it was, in your view, the right thing to do even though maybe trusted friends or important individuals were strongly pressuring you to do otherwise?

Council recessed for dinner.

Mayor Mahan opened the floor for public comment.

PUBLIC COMMENT

In Person Speakers:

1. Hernan Hernandez (member of Spanish Band Los Tigres del Norte), Jayne Gonzalez, and another speaker spoke in support of candidate Domingo Candelas.
2. Surjit K. G., Kevin Larson, Raj Chahal, Satveer Bainiwal, Harkiran Bainiwal, Arun Singh, Jas Sohal, Satinder Singh, Balbir Singh, Rajinder Singh, Harpreet Singh, Sarjinder Singh, Himat Bainiwal, Bob Dhillon, Gurinder Pal Singh, Kamal Singh, and two additional speakers spoke in support of Candidate Sukhdev Bainiwal.
3. Jonathan Karf, Andrew Siegler, Bob Brownstein, Lucila Ortiz, Greg Miller, Gabriel Cardenas, and Sam M. Saiu offered their support of the election process to fill Districts 8 and 10 to ensure both districts have a voice, continuity, and representation in the March City Budget.
4. Gabby Chavez-Lopez (Latina Coalition of Silicon Valley) and Krista Delatorre (IFPTE Local 21 Employees) urged that Council select two Candidates that are ready to get to work, know the issues in those districts, and understand policies.
5. Jose Quiroz-Medrano urged council to focus on infrastructures and decisions that will be beneficial long term not just short term, as opposed to self-interests.
6. A speaker urged Council to allow residents to vote for their District's Councilmember.

Zoom Speakers:

1. Sandra, Brian Gordon, Dolores Carr, Rose Herrera, Jose L. Pavon, William Chea, Gene Hunt, and Andres Solomonoff spoke to the importance of a special election, concerns with the current process, and the democratic process.
2. Blair Beekman spoke to ideas of mixed incomes and low-income housing.
3. Kirpal Atwal and Gurkirat Kaur spoke in support of Candidate Sukhdev Bainiwal.
4. James Statenj spoke to income equality and housing issues.
5. Cayce Hill- Veggielution (Executive Director) spoke in support of candidate Salvador Alvarez.
6. Paul Soto and Brian Darby showed their support for all the candidates.

At 7:53 p.m., City Attorney, Nora Frimann recommended that Council propose an Urgency Adjournment to Closed Session due to a possible litigation risk that was brought to their attention, which would require a 2/3 vote to resume.

Mayor Matt Mahan called for an Urgency Adjournment.

Action: Upon motion by Councilmember Bien Doan, seconded by Councilmember David Cohen and carried unanimously, the Urgency Adjournment passed. (7-2. Noes: Torres, Ortiz.)

Council recessed for an Urgency Adjournment at 7:56 p.m.

Council reconvened at 8:48 p.m., and roll call was taken. (7-0-2. Absent: Ortiz, Torres.)

Mayor Matt Mahan opened the floor to resume Public Comment.

In Person Public Comments (Continued):

1. Candidate Salvador Alvarez spoke to actions he observed regarding a candidate.
2. Candidate Tam Troung spoke to actions he observed regarding a candidate.
3. Alex Caraballo spoke to the importance of the democratic process.
4. Candidate Domingo Candelas spoke to actions that were observed.
5. Candidate Sukhdev Baniwal spoke to actions he observed regarding a candidate.
6. Ronnie Pratt spoke to affordable housing.

Zoom Public Comments (Continued):

1. Gustavo Gonzales, Kelly Hunt, Sondra Weber, Gina Zari, Jenny Zhao, and Neal Collins, Carlos, spoke in opposition of the appointment process.
2. Gurdip Singh, Gurpreet Singh, Virpal Kaur, Harjap Kaur, Harbir K. Bhatia, and Prof. Mann (SJSU) spoke in support of Candidate Sukhdev Baniwal.
3. Louise Auerhahn, Araceli, Carl San Miguel, and Janet spoke to the importance of having continual representation for District 8
4. Mike Sodergren spoke to housing topics.
5. Carol Garvey, Misrayn Mendoza, Bob Nunez, and Daniella Baldivia, Forest Peterson spoke in support of the appointment process.

At 9:23 p.m. Mayor Mahan closed the floor for public comment and called for a five minute recess.

Mayor Mahan opened the floor for Council to ask follow up Candidate questions.

Action: Upon motion by Councilmember David Cohen, seconded by Councilmember Peter Ortiz and carried unanimously, the motion to vote for up to three candidates and the candidates with the most votes to move forward in the process passed (9-0.)

The vote was as followed:

Patricia Andrade: 6

Salvador Alvarez: 6

Sukhdev Baniwal: 4

Domingo Candelas: 6

Tam Troung: 3

The top three Candidates were: Patricia Andrade, Salvador Alvarez, and Domingo Candelas.

Motion: Upon motion by Councilmember Sergio Jimenez, seconded by Councilmember Dev Davis and carried unanimously, the motion to vote for one candidate from the top three candidates passed. (9-0.)

City Attorney, Nora Frimann suggested that Mayor Mahan read the language for the term of the appointment to ensure the record is clear as to what the vote is for at this point in the process.

Mayor Mahan read the language for the term of the final appointment stating it will require a 2/3 vote of the Council for approval. The appointment will stand until a Candidate is duly elected in the next regularly scheduled election; and the results officially certified.

The vote was as followed:

Patricia Andrade: 1

Salvador Alvarez: 3

Domingo Candelas: 5

Motion: Councilmember Peter Ortiz made the motion to call for a revote. The motion was seconded by Councilmember David Cohen.

Friendly Amendment: Councilmember Omar Torres requested that Council vote from the top two candidates as part of the motion. The friendly amendment was accepted by the maker of the motion and seconder.

Action: On a call for question, the motion carried, including the friendly amendment. The motion to revote from the top two candidates passed. (9-0.)

The vote was as followed:

Salvador Alvarez: 2

Domingo Candelas: 7

After tallying the votes, it was concluded that Domingo Candelas was chosen to fill the vacancy for the interim appointment to City Council District 8.

Mayor Mahan congratulated Domingo Candelas.

ADJOURNMENT

Mayor Mahan adjourned the Special Meeting at 10:37 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

DRAFT

Toni J. Taber,
CMC City Clerk

yj/1-24-23/SPECMIN