

## MINUTES OF THE CITY COUNCIL

SAN JOSE, CALIFORNIA

FRIDAY, DECEMBER 19, 2014

The Council of the City of San José convened in Regular Adjourned Session at 1:34 p.m. in the Council Chambers at City Hall.

Present: Council Members - Constant, Herrera, Khamis, Liccardo, Nguyen, Oliverio; Reed.

Absent: Council Members - Campos, Kalra, Rocha. (Excused)

Vacant: - District 4.

### CLOSED SESSION

The motion to adjourn to Closed Session failed. (6-1-3. Noes: Oliverio. Absent: Campos, Kalra, Rocha.)

### STRATEGIC SUPPORT SERVICES

- 3.13 As recommended by the Rules and Open Government Committee on December 10, 2014, appoint an interim representative for Council District 4 to serve until a new Council Member has been elected. (Mayor/Liccardo)  
[Rules Committee referral 12/10/14 – Item G(7)]  
(Continued from 12/16/14 – Item 3.13)**

Documents Filed: (1) Memorandum from Mayor Reed and Council Member Liccardo, dated December 12, 2014, recommending Marjorie McInnis Matthews as the interim appointment to serve as District 4 Council Member effective January 13, 2015 and concluding with the seating of an elected Council Member in August 2015. (2) Memorandum from Council Member Kalra, dated December 12, 2014, recommending reopening the appointment process and postponing decisions until 2015. In the event that the Council allows for the appointment process, the opportunity to apply should be reopened for a reasonable amount of time for proper community outreach and for all

### 3.13 (Cont'd.)

Documents Filed: (Cont'd.) prospective candidates to apply. (3) Memorandum from Council Member Rocha, dated December 12, 2014, recommending dropping consideration of an appointment to the District 4 Seat. If the Council desires to proceed with consideration of an appointment, direct the City Clerk to bring back, at the January 13, 2015 Council Meeting, an option for making the appointment pursuant to an application process. (4) Memorandum from City Clerk Toni J. Taber, CMC, dated December 11, 2014, transmitting the recommendations of the Rules and Open Government Committee. (5) Supplemental memorandum from City Clerk Toni J. Taber, CMC, dated December 16, 2014, submitting four applicants for consideration for the Interim District 4 Council Appointment, noting that all were confirmed to be registered voters residing in District 4. (6) Updated supplemental memorandum from City Clerk Toni J. Taber, CMC, dated December 19, 2014, submitting five applicants for consideration. (7) Letter from Ty Greaves, Berryessa Citizens Advisory Council, dated December 18, 2014, expressing support for the appointment of Marjorie Matthews. (8) Letter from County Supervisor David Cortese, dated December 12, 2014, urging the Council to vote against appointment of a representative until such time as a plan can be developed for outreach to the community and interested community members have sufficient time to apply. (9) Cecilie Schulze, San José/Santa Clara League of Women Voters, dated December 18, 2014, urged the Council to revisit the appointment and include more time for public comments. (10) Seven emails from the public all dated December 19, 2014, expressing support and/or opposition for the interim Council Member appointment for District 4.

The Mayor and Council Members interviewed Bob Dhillon approximately one hour.

Motion: Council Member Herrera moved approval to limit the questions to one hour each for the next two applicants, five minute increments per Council Member and any leftover time may be allotted to any Council Member until the hour is over. Council Member Liccardo seconded the motion.

On a call for the question, the motion carried. (6-1-3. Noes: Oliverio. Absent: Campos, Kalra, Rocha.)

The Mayor and Council Members interviewed Marjorie McInnis Matthews and Robyn Shearin for approximately one hour each.

Mayor Reed opened the floor for public testimony.

Public Comments: The following speakers expressed support and/or opposition to the appointment of Marjorie McInnis Matthews, complained and objected about the short process, Ty Greaves, Berryessa Citizens Advisory Council; Sim Ong, Jess Gutierrez, Johnny Lee, Mike Flaughner, Ross Signorino, Sam Saice, Claudia Shope, Fred Hirsch, Jon Max Reger, Stephen Hazel, Forrest Williams, Kara Capaldo, CAMP; Larry Ames, Bob Brownstein, Shaunn Cartwright, Dorsey Moore, Abel Mora, Michael Gallapher and David Wall.

### 3.13 (Cont'd.)

Council Member Liccardo thanked and acknowledged Council Member Oliverio's very important set of questions for each Applicant. Council Member Liccardo pointed out that efforts were made to extend the period for both noticing and acceptance of applications, and confirmed that this was the third public hearing. Council Member Liccardo noted that for at least eight months District 4 will not have representation and expressed support to the appointment of Marjorie McInnis Matthews who previously served on the City Council for two terms representing District 4.

Motion: Council Member Liccardo moved approval to appoint Marjorie McInnis Matthews as interim representative for Council District 4 to serve until a new Council Member has been elected. Council Member Herrera seconded the motion.

Mayor Reed, Vice Mayor Nguyen and Council Members Constant and Khamis expressed their support to the appointment of Marjorie Matthews.

Council Member Herrera requested to amend the motion to direct the City Clerk to administer the oath of office to Marjorie McInnis Matthews during the Ceremonials on January 13, 2015. Council Member Liccardo accepted the amendment.

Action: On a call for the question, the motion carried, an appointment to District 4 of an interim Council Member to be effective after the Oath of Office is administered by the City Clerk at the Regularly Scheduled Council Meeting on January 13, 2015, was approved. (6-1-3. Noes: Oliverio. Absent: Campos, Kalra, Rocha.)

On a call for the question, the motion carried unanimously, the appointment of Marjorie McInnis Matthews as the interim representative for District 4 to serve until a new Council Member has been elected at the Special Election, was approved. (6-0-3-1. Absent: Campos, Kalra, Rocha. Abstain: Oliverio.)

### OPEN FORUM

- (1) Stephen Hazel and Shaunn Cartwright voiced their own comments on various societal issues.
- (2) David Wall opined about Montgomery Watson invoices.
- (3) Jon Max Reger expressed his appreciation to City Manager Edward K. Shikada and the Office of Employee Relations.

City Manager Edward K. Shikada thanked the Council for allowing him to exercise his unique brand of leadership over the past year, noted that he has been overwhelmed by the outpouring of expressions of support from everyone upon his resignation and wished the City of San José all the best in tackling the difficult choices ahead.

## ADJOURNMENT

The Council of the City of San José was adjourned at 6:35 p.m.

## CLOSED SESSION

Upon motion unanimously adopted, Council recessed at 6:36 p.m. to Room W133 (A) to confer with Legal Council pertaining to Public Employment/Public Employee Evaluation pursuant to Government Code Section 54957: Title: City Manager; Name: Ed Shikada.

By unanimous consent, Council recessed from the Closed Session at 6:41 p.m. and reconvened to Regular Session at 6:42 p.m. in the Council Chambers.

Present: Council Members - Constant, Herrera, Khamis, Liccardo, Nguyen, Oliverio; Reed.

Absent: Council Members - Campos, Kalra, Rocha. (Excused)

Vacant: - District 4.

There was no Closed Session Report.

## ADJOURNMENT

The Council of the City of San José adjourned at 6:43 p.m. to reconvene in Open Session and Special Closed Session on Tuesday, December 30, 2014 at 2:00 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Toni J. Taber, CMC  
City Clerk

/smd 12-19-14 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.