



# CITY OF SAN JOSE, CALIFORNIA

---

200 East Santa Clara Street  
San José, California 95113  
Telephone (408) 535-1265  
FAX (408) 292-6207

## Minutes of the Redistricting Advisory Commission Regular Meeting March 28, 2011

The 2011 Redistricting Advisory Commission of the City of San José convened in regular session on March 28, 2011 in the San José City Hall Committee Room 120 at 6:33 p.m.

### ROLL CALL

Present: Commissioners De La Rosa, Williams, Schoennauer, Flaugher, Shelton, Schumb, De Rollo, Mace, Chirco and Fadness

Absent:

### ORDERS OF THE DAY

Upon motion by Commission Mace, seconded by Commissioner Fadness and carried unanimously, the Orders of the Day were approved to hear Item 7 (Commissioner Reports) before Item 5 (Staff Presentation) (10-0-1. Absent: Cobb).

### CONSENT CALENDAR

- 3a. Staff Responses to Information Requests
1. Voter Registration and Voting Age Population data by District
  2. Memo: re: Hard to Count and potential undercounted populations
  3. Memo: re: accounting for future growth
  4. Data Table re: Housing Vacancy rates

Documents Filed: (1) Informational memorandum from City Clerk Dennis Hawkins dated March 22, 2011 outlining the process utilized to respond to the Commission's questions that impact regular workload which are made during or following meetings; (2) Memorandum from City Clerk Dennis Hawkins dated March 22, 2011 regarding voting age population and voter registration; (3) U.S. Census Bureau "Hard-to-Count" Methodology Overview dated March 22, 2011; Memorandum from City Attorney Richard Doyle and Director of Planning, Building and Code Enforcement Joseph Horwedel date March 22, 2011 regarding reliance on Information Other than the U.S. Census 2010 Data; (5) Table 6 City of San José 2010 Population and Housing Occupancy Status by Existing Council District.

Motion: Commissioner Schoennauer moved to pull item 3a.2 and 3 (“Hard to Count and potential undercounted populations” and “Accounting for future growth”) for discussion. Commissioner Mace seconded the motion.

Commissioner Chirco moved to approve the balance of the Consent Calendar. Seconded by Commissioner Fadness. Motion carried.

The Commission discussion ensued on Items 2 and 3.

Sr. Deputy City Attorney Lisa Herrick cautioned the Commission to focus on the Census Data information as well as the guidelines previously outlined.

Commissioner Shelton moved to include the annexed pockets as part of the process, Commissioner De Rollo seconded the motion.

Commissioner De Rollo clarified the intent of the motion as they look at Capitol 57, McKee 135, McKee 136 and Penitencia 77 and ask that those persons as counted by the U.S. Census Bureau be officially added to the City’s population count.

Commissioner Fadness requested to amend the motion to incorporate these people in District 5 as residents of San José. The amendment was accepted by Commissioner De Rollo.

Action: The motion carried unanimously. (11-0)

Motion: Commissioner Schoennauer moved to accept the “Hard To Count and potential undercounted populations” memorandum. Commissioner De Rollo seconded the motion.

Action: The motion carried unanimously. (11-0)

## **END OF CONSENT CALENDAR**

### **4. Adoption of Guidelines and Criteria**

Documents Filed: Draft City of San José – Redistricting Advisory Commission 2011 Guidelines.

Motion: Commissioner Schumb moved to accept guidelines, seconded by Commissioner Mace. Discussion ensued.

Action: On a call for the question, the motion carried unanimously. (11-0)

### **7. Commissioner Reports**

Commissioner Schoennauer reported that he met with Councilmember Liccardo’s Neighborhood Advisory Group for district 3 which has most of the neighborhood groups within the district represented and he was joined by Dr. Terry Christensen from San José State University. Commissioner De Rollo reported that he was invited to appear at the Franklin McKinley School Board meeting and made a brief presentation regarding the process of the commission and timelines involved, the board took a formal vote to state their priority for this Commission to

take into account to the extent possible to keep the school district be in one council district at the most in two district would be their preference.

Commissioner Shelton reported that she met with Dr. Terry Christensen and is happy to report that she has not had extensive discussions with District 5 or else she would have given out incorrect information, she also mentioned that she has reached out to Alum Rock School District and is on the agenda for the D5 Leadership Summit.

Commissioner Mace reported that all the census track data is available online, and that she spoke with all the border neighborhoods and with both Evergreen and the East Side Union High School Districts and shared District's 8 preferred options on how they would like the neighborhoods to move - Census Tract 5035.11 to District 5 and Census Tract 5033.37 to District 7. Areas shown in staff reports share a strong community of interest with District 8 and prefer not to move those areas.

Commissioner Schumb reported that in January he spoke to the Shasta-Hanchett and Cory Neighborhood Associations; in February he spoke to the North Willow Glen, Sherman Oaks, Willow Glen and Buena Vista Neighborhood Associations; and in March he spoke to the College Park Neighborhood Association, he mentioned that had not talked to the Hamman Park, Canoas Garden, and Newhall Creek Neighborhood Associations although he has talked to the President of Newhall Creek extensively on this issue.

Commissioner Flaughter reported that Professor Terry Christensen spoke at a meeting hosted by Berryessa Citizens Advisory Council (BCAC) where other community groups in the area were invited which resulted in 140 people in attendance. Dr. Christensen, member of the 2001 Commission, provided good insight to the potential process. There was a lot of discussion about what the community would want to see for their community. BCAC produced a letter that was read into the record at the last Commission meeting which outlined their principal concerns and desires in such that they want to keep the Berryessa Union School District (BUSD) as whole as possible, right now Toyon School and its students are in District 5, to keep Berryessa together as a whole in this process as it's defined now because it overlaps with BUSD and to try to find a compromise on the percentage move that will keep as much of Berryessa and the school district whole. There is a resolution from the school district that has not been presented to the Commission yet but it may be presented at the next meeting by Superintendent Mark Liebman.

Commissioner Williams reported that he met with Councilmember Kalra and discussed philosophy, issues and concerns as it relates to District 2. He said that where District 2 sits right now there is almost no impact it is fairly stable, in terms of population if it is kept that way it would be fine. He is aware that there may be some movement and he and Councilmember Kalra believe that the community is satisfied with the current configuration but they will be meeting with them as the process moves forward.

## **5. Introduction to Mapping Process**

Staff Presentation on Redistricting plan exercises at 1% and 5% population ranges between Council Districts, as requested by the Commission

- a. Commission questions and comments
- b. Questions and Comments from the Public
- c. Commission Discussion
- d. Commission direction to staff

### **Public Comments:**

Chair De La Rosa called on members of the public who had submitted a request to speak card to address the Commission at this time:

Bill Hughes proposed that District 4 take North First Street, and then give the west side of Berryessa to District 3 that they could go all the way up to get the population to what it needs, perhaps all the way to Highway 237.

Marylou Bitcom, a 51 year resident of Berryessa urged the commission to consider the input from the community and expressed that they have a strong community and that they would like to keep the Berryessa School District intact.

Bill Ashman the District 8 Community Roundtable treasurer. He said his main concern was addressed and commended the Commission for taking into consideration those neighbors in District 5 that were not part of the actual numbers, glad that the Commission included them in the process. He urged the commission to take a good look at the data that it has today.

Carol Ashman an active 27 year resident of District 8 Roundtable said that her quality of life priorities are focused on current resident concerns like traffic mitigation, schools and the environment. These priorities strongly conflict with the priorities of surrounding districts which focus more on encouraging development, immigration concerns, safety concerns and expecting more from government - she strongly disagrees with their stance on almost every issue raised before the public and cannot support a council district or Councilmember who's values are so opposed to hers so she urged the commission to allow them to retain their community values and remain within District 8.

Ceta Kern district 4 resident spoke about the strong Berryessa Citizen Advisory Council, the Berryessa School district which they would like to keep intact and their public library which is frequented by the residents and one of the most important things in their district is the community center. She urged the commission to take all the aforementioned into consideration so the particular items are kept in District 4 as they are all a vital part of the community.

Linda Locke 45 year resident of the Berryessa area and active community member, would appreciate they keep all the schools in one district. She urged them to keep their strong community together.

Gordon Lund resident of District 8 in the Groesbeck Hill Neighborhood. He mentioned that the Groesbeck Hill Neighborhood was one of the first neighborhoods developed east of Ruby, there is a strong identity with Evergreen and District 8 and he would like to continue to reside in District 8.

Steve Klein, District 6 resident, pointed out that the commission changed the population of San José to 952,782 which results in the new mean number being 95,278.

Carlos Da Silva representing the West Evergreen NAC and member of the West Evergreen Neighborhood Association and also active with Meadowfair spoke about keeping the border lines the same between District 7 and 8. He mentioned that everything that's been done in those neighborhoods has been accomplished with the cooperation from both districts. Any changes would put them back in square one and disrupt everything and that they would have to build new relationships.

**Staff Presentation:** Senior Planner Michael Bills gave a presentation on the redistricting plan exercises of 1% and 5% population ranges between Council District as requested. He summarized the three process flow areas between districts 1, 6, 9; 3, 4, 5; and 7, 8, 10 and 2. He noted some boundary movement trends from 10 years ago as well as boundary change constraints between 2 and 8 dealing with topography. He added that there are other opportunities that were not part of the SP1 and SP5 exercise that he noted between districts 5, 8; 3, 7; and 9, 10.

Commission questions and discussion followed. Chair De La Rosa asked Michael to include in the next mapping exercise the annexed numbers into the next new map.

Commissioner Mace suggested that each commissioner give their standard of deviation of population and what their target population transfer areas should be.

Commissioner Flaughter mentioned a 10% deviation or less and his target area is to not lose anything above Mabury Road.

Commissioner Schumb mentioned that the greatest evil to avoid would be to disenfranchise residents from their council districts and that 10% is reasonable and included two exploratory transfer zones. He would want to look at the southern part of district 6 around Capitol Auto Mall and also the Hamman Park area.

Commissioner Mace mentioned that the numbers are less important than the community, she would like to see 10% or less deviation, her target areas for the record that she is opposed to being moved are: the West Evergreen NAC area, Arcadia site and Meadowfair Community. Commissioner Fadness feels that the Commission should target a 1% deviation and have staff return with current Council Districts and show transfer areas that are most obvious to them plus some alternatives bearing in mind some of the restrictions mentioned this evening by the Commissioners and then take it to the public to weigh-in.

Commissioner Chirco mentioned she would like to see a 5% deviation, the small deviation is closer to one-person, one-vote; she finds staff's recommendation appropriate since it moves one of the Cambrian schools back into District 9 from District 6 and makes one school district complete on the west side.

Commissioner De Rollo said they should shoot for less than 10%, ideally 8% or 9% is realistic in terms of deviation for less disruption. His driving concerns are keeping the Franklin-McKinley School District within District 7, including the area on the District 3 and 7 border, South of Highway 280; he expressed concern regarding the potential transfer areas between Districts 7, 8 and 5; and the District 7 and 2 borders, because a) it would add a third Council district to the school district which is harder to manage and b) cuts out the Seven Trees neighborhood which relates to District 7.

Commissioner Shelton said she would like to simply see less than 10% deviation and suggested that at the edge between District 4 and 5 regarding the strong discussion of keeping Berryessa School District whole there should be some clean up to make a clear boundary between the Alum Rock School District and Berryessa School District. She is interested in looking at numbers to have something to speak about to the community.

Commissioner Schoennauer in favor of 5% and does not see the need to go less than that. He feels it is important to keep the urban core intact along with its major infrastructure and that it keeps single representation. Regarding District 4 and 3 borders, he said to look at the boundary area of the Orchard School District, some areas east of Highway 101 that could be transferred to District 3.

Commissioner Cobb said to strive for 5%, if not go to 7%, would like the 1% to get to one-person one vote, but needs to discuss with the Neighborhood Associations, does not feel that will happen.

Commissioner Williams mentioned that District 2 would like to reclaim two elementary schools which were given up in the last census and believes the 10% variation would give them that flexibility to align the schools. He believes that they need to look at the people in the community versus the number which includes understanding the needs of the community. He added that he is interested in looking at the Calero, Branham and Snell area.

Motion: Commission Chirco moved to have staff return to the next meeting with a starting point plan with a 7.5% deviation between districts. Commissioner Williams seconded the motion.

Action: The motion was adopted on a vote of 10-1; Noes: Schumb.

#### Public Comment

Allen Rice resident of District 6 expressed his interest in the process shared some comments with regards to population he would expect to see a chart of the city broken down by population and not by household size to assist, he also suggested that a thin white border be added on the census chart around the districts as they stand to see where transfers are likely to happen, concerned with how school districts are created into the districting situation he sees an issue with San José Unified School district which spreads out to 3 districts. He agrees with one person one vote and would agree to see less than 7.5% deviation.

Ty Greaves, Berryessa Citizens Advisory Council, commended the Commission for their efforts for going out into the communities and listening to the citizens with what they feel comfortable within the city structure. He also asked to what degree are commissioners allowed to interact with Councilmembers who appointed them.

John Urban, Newhall Neighborhood Association, spoke to 3-6b and expressed that they would like to keep everything as is and thanked Commissioner's Schoennauer and Schumb for acknowledging that. He also expressed his appreciation for the commission's consideration of the human element.

Senior Deputy City Attorney Lisa Herrick addressed Mr. Greaves question.

#### **6. Commission Workplan**

City Clerk Dennis Hawkins reminded the Commission of their first Public Hearing on Monday April 4 at Seven Trees Community Center beginning at 7:00 p.m. He also mentioned the location change for the April 18<sup>th</sup> meeting, which will now be held at the Camden Community Center in District 9 and that the District 1 meeting will now be held at the Cypress Senior Community Center on May 16.

#### **8. Future Agenda Items**

Commissioner Mace requested status of the walking tour. Michael Bills reported that in lieu of walking maps, the Commission's web site has been updated to include both a map and air photo regarding each potential transfer area discussed by the Commission, which the Commission and public can view to obtain more information regarding each area. Chair De La Rosa and Commissioner Schumb suggested that staff archive the 1% and 5% starting point maps on the website, but highlight the current map under consideration in order to minimize confusion about the Commission's work.

#### **9. Public Comments**

None

**10. Adjournment**

The Commission adjourned at 8:46 p.m.



RICHARD DE LA ROSA, CHAIR  
REDISTRICTING ADVISORY COMMISSION

ATTEST:

REDISTRICTING ADVISORY COMMISSION

DENNIS D. HAWKINS, CMC, CITY CLERK

  
Nora Pimentel, CMC, Sr. Deputy City Clerk