



# CITY OF SAN JOSE, CALIFORNIA

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## **Minutes of the Redistricting Advisory Commission Special Meeting-Public Hearing April 4, 2011**

The 2011 Redistricting Advisory Commission of the City of San José convened in a Public Hearing session on April 4, 2011 in the Seven Trees Community Center at 7:05 p.m.

### **ROLL CALL**

Present: Commissioners De La Rosa, Williams, Schoennauer, Flaughner, Schumb,  
De Rollo, Mace, Chirco and Fadness  
Absent: Commissioner Cobb, Shelton

### **ORDERS OF THE DAY**

Upon motion by Commission Fadness, seconded by Commissioner Chirco and carried unanimously, the Orders of the Day were approved. (8-0. (Absent: Shelton; Cobb)

### **CONSENT CALENDAR**

There were no items on the consent calendar.

### **END OF CONSENT CALENDAR**

#### **4. Commissioner Reports**

Commissioner Schoennauer reported visiting district 4 and met with Mark Liebman, Superintendent of the Berryessa Union School District as well as the President of the Berryessa Citizens Advisory Council who shared a unique perspective as it relates to school district and Council district boundaries. Commissioner Schoennauer said that it is important to the Berryessa Union School District that the school sites are in the same Council district with common representation, that it was less important if some of the attendance areas might slip into another Council district. The district believes that it is helpful to deal with a single Council representative regarding coordination between the school district and the City on crossing guards and other services for school sites; it's not an issue where the students actually live.

Commissioner Chirco reported that she spoke with the Superintendent of the Cambrian School District and had a similar conversation as Commissioner Schoennauer regarding school district boundaries. She mentioned that Bagby is a school in the Cambrian School district that is not in district 9.

Commissioner Mace reported that she met with the Evergreen School District, who is of the same opinion as the other school districts as reported by Commissioner Schoennauer. Evergreen prefers that the school sites be within one or maximum of two Council districts, but not in three districts. It is difficult to coordinate City services with multiple Council offices for the reasons mentioned above, the school attendance areas not quite as important. Also, from the perspective of district 8, they would prefer that the Meadowfair area, in the northern part of Evergreen, remain in district 8.

Commissioner Flaughter reported that he visited the County Office of Education and learned that maps are available to show the general school district boundaries.

## **5. Re-Review Of Census 2010 Data Census Data Tables (Revised)**

Senior Deputy City Attorney Lisa Herrick clarified the consideration of the annexed areas of district 5 as discussed at the March 28, 2011 meeting. She wanted to make sure there was no confusion and informed the Commission that consideration of that data is consistent with the opinion in the memo from the City Attorney's Office and the Director of Planning, Building, and Code Enforcement. The data being considered is objective census data, it is not speculative data. While the population counts in the annexed areas were previously attributed to the unincorporated County, the residents can now be included in the City count now that the annexations are final.

Senior Planner Michael Bills presented revised census data tables which reflected the new population numbers, including the annexed areas.

## **6. Public Hearing**

*Members of the Public are invited to offer their comments, suggestion, and proposals regarding the Redistricting process. Speakers representing an organized group may be given up to five (5) minutes for their presentation and comments; individuals may be given to up to two (2) minutes. Time allotments per speaker are at the discretion of the Chair. Commissioners may ask clarifying questions of any presenter. In addition to oral comments, interested parties are invited to provide written comments prior to, at or following the meeting. All written comments will be distributed to the Commission and posted on the Commission's website. Written comments may be emailed to the Commission at: [2011redistricting@sanjoseca.gov](mailto:2011redistricting@sanjoseca.gov) or mailed to the City Clerk at the address shown above.*

- a. Introductory Comments and Process Overview-Chair
- b. Staff Report-Staff presentation on the 7.5% starting point exercise of population ranges between Council Districts, as requested by the Commission
- c. Commission Discussion and discussion of potential population transfer areas
- d. Comments and Questions from the Public
- e. Commission discussion and Direction to Staff

Chair De La Rosa outlined the process for the public hearing portion of the meeting.

Senior Planner Michael Bills presented as expressed by the Commission at the March 28, 2011 their desire to see a preparation starting point plan that achieves roughly 7.5% deviation from the highest to the lowest district. Staff prepared a plan that resulted in a total deviation of 6.7% he mentioned the difficulty in targeting a specific number by which you have to use the 7.5% as a guide as you proceed with the use of the software that takes you to the outcome. The 6.7% deviation was the result of district 4 being 3.4% above the mean and district 9 3.3% below the mean. He briefly explained the process flow diagram for the community to understand.

Public Comments: Berryessa Union School District Superintendent Mark Liebman distributed the boundary map of school districts, he began by saying one man one vote is more than just numbers and drawing lines on maps it is about the affinity to their community as well as the association within that community and there needs to be sensitivity to that fact. He talked about the Berryessa School District which includes 13 schools. Currently 12 schools are in one council district and the other school in another district. When it comes to red ribbon day the support from District 4 covers 12 schools nothing from District 5. One man one vote is about equality of services equality of representation and District 4 has not received that in the current situation. He briefly spoke about the Berryessa Community Advisory Council.

Commissioner questions and concerns followed.

David Parker resident of District 3 thanked Michael Bills for his assistance at City Hall and said that the map distributed tonight looked good and was going in the right direction. He mentioned that the district are made up of State Assembly, State Senate, Congress, School Districts, Community Colleges, Open Space, Strong Neighborhood Groups and Board of Supervisors and these will be affected in one way or another redistricting. With regards to District 4 contraction he recommended the following: bring the border up that separates districts 3 and 5 and somehow having the expansion of 3/5 go along that border instead of cutting out that area of district 4 for 3; District 1 where district 6 goes out west along Moorpark and Stevens Creek does not make sense; moving district 1 into district 6 makes perfect sense; expanding district 9 to Curtner Ave or even along Curtner to Almaden Road would make some sense, and instead of doing the whole 8 to 7 and 2 to 10 cut out the middle man and have 2 go into 8 and 10 into 2 without 7 being affected; and district 6 expanding into district 3 would make sense.

Commissioner Mace asked a few questions of the speaker.

Brian Do asked what the logic is and the process behind taking from one district to another?

Commissioner Mace and Chair De la Rosa provided an answer to the speaker.

Senior Planner Michael Bills pointed out the usability of the mapping tool as an opportunity for the commission to engage in some scenario testing in a live format within these meetings.

Commission discussion ensued.

Motion: Commissioner Flaughter moved that staff prepare an additional starting point exercise reflecting a 10% deviation between Council districts for the next map. Commissioner Schumb seconded the motion.

Commissioner Mace said she would support that motion with the caveat that each commissioner gives their preference of what potential transfer areas they would like included or not included on the 10% map. Commissioner Flaughter accepted the friendly amendment.

Action: The motion carried. (7-2-0. Noes: Schoennauer and De Rollo; Absent: Cobb, Flores-Shelton)

City Clerk Dennis Hawkins asked that other district representatives give their input for the exercise that staff is to complete.

Commissioner Schoennauer stated it is important that the western edge be held firm in District 3, he would like that the Gardner Neighborhood should not be transferred to District 6 and should be reflected in the new map, with regards to assisting D4 he is okay with the 4-3a transfer as proposed. Transfer area 5-3aa works for district 3 not sure if it does for district 5.

Commissioner DeRollo spoke in terms of transfer area 8-7c which has population coming from district 8 to district 7 would seem okay. He mentioned he would have major concerns with transfer area 7-2aaa that divides the Seven Trees community, meaning Franklin McKinley School District which would then have to work with three council offices (Districts 2, 3, and 7), and trying to coordinate services would present some difficulty. He suggested a possible transfer of the Hellyer area, keeping Hellyer School in District 7, but he'd like to possibly discuss some transfer to district 2 with the community. He added that if district 7 needed to move elsewhere he feels that he would probably be able to agree on something with district 3 for future consideration.

Commissioner Chirco mentioned that at Leigh and Curtner is the Bagby School which is the one school that is not in district 9; she would like to follow the Dry Creek Road to Meridian and Meridian down to Curtner. She noticed the 6-9c, which is San Jose Unified, and agrees it is a fine transfer but said that if they took the Dry Creek to Meridian it would take that area that is Bagby and put it in district 9 or even the 6-9b. She mentioned that 6-9c and 6-9b would be less critical than the area containing Bagby school.

Commissioner Fadness mentioned that he resides in the northern part of district 10, the VEP Homeowners Association area, which has met continuously since 1969 and always has a membership of over 400 families. He talked about how that area is split at all angles (congressional, assembly, senate, council and school districts). He said that his district is a cohesive and active neighborhood, but that many residents don't really know or care who their councilmember is. He suggested that, as a commission, they should do their best to follow the instructions in the federal law as it relates to the one person one vote, and keep the deviation as close as they can. He does not know how important it is to keep a school in a council district. He stated that the Commission should do what it wants to do with district 10, but asked that they try not to break VEP up again, but if so district 10 will survive, as they have for all these years, and they will again.

Commissioner Mace spoke in terms of transfer between 8-7 is one of the most acceptable. The ethnicity looks a lot like that area in district 7. The other area that is a possibility is right above Lake Cunningham Park between Cunningham and Ocala. Three areas that are not acceptable are the west evergreen NAC area around Eastridge Mall; the Meadowfair community around King and Tully, which contains the K.R. Smith school; and the East Hills above the former Pleasant

Hills golf course area. She does not mind if there is a 7% deviation, she is more interested in keeping those strong communities intact.

Commissioner Schumb gave a background of when the Willow Glen Neighborhood Association was founded in 1973; he talked about the core and soul of this area. One of the most important thing that he feels that they are doing in this process is that the neighbors feel enfranchised and they feel that this process cares and that they need to reach out to them and listen to them and do the right thing. He talked about when the boundary moved up from Foxworthy about 20 years ago and got pushed up into the northern part of district 6. Transfer 6-9c does not want to see that at all, he proposed 6-9b transfer area cutting the line off at Almaden Road if they needed more. As far as the Hammann Park area 6-1a hopes not to lose that and is a consistent neighborhood with Willow Glen. He said 1-6a makes not sense, he concurs with Commissioner Schoennauer about 3-6aa absolutely no reason to push district 3 farther into district 6. He added that he concurs with Commissioner Chirco on moving Bagby into district 9.

Commissioner Flaughter expressed district 4 appreciation to everyone who considers their plight; they don't want to give other districts anything they don't want. He will work with the rep from district 5 to be in agreement. He is looking at what are they doing now and how will that either enhance or detract from what is going to happen in ten years when with the in-fill development that is happening especially in district 4 as well as other areas could have a much different map then this. He hopes to come to an agreement at the lowest variation to address issues of community and school boundaries, etc.

Commissioner Williams said that district 2 is almost comfortable however; the one thing that they have discussed mostly is to contain the Oak Grove School District within one council district. Over the past 10 years that school district has been a part of district 2 and district 10. He would like to see what the impact would be including the Oak Grove School district in district 2, for example. He agreed with Commissioner DeRollo's regarding his preference not to do the 7-2aaa transfer, he stated that he is not comfortable with that proposal because it would divide the neighborhood. He would like to look at the other side of Senter Road and look at that area as a possibility, if needed.

## **7. Commission Workplan Update**

City Clerk Dennis Hawkins reminded the Commission that the April 11 meeting will be at City Hall, April 14 meeting will be at the Berryessa Community Center. He noted the location change for the April 18 meeting will be held at the Camden Community Center and that the May 16 meeting in District 1 would be at the Cypress Senior Center.

Chair De La Rosa asked that an updated Workplan with the updated meeting schedule and locations be distributed to the Commission and posted on the website.

## **8. FUTURE AGENDA ITEMS - NONE**

## **9. PUBLIC COMMENTS - NONE**

*Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. Each speaker may be limited to two (2) minutes or less, at the discretion of the Chair.*

**10. ADJOURN**

The Commission adjourned at 9:01 p.m.

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RICHARD DE LA ROSA, CHAIR  
REDISTRICTING ADVISORY COMMISSION

ATTEST:  
REDISTRICTING ADVISORY COMMISSION  
DENNIS D. HAWKINS, CMC, CITY CLERK

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Nora Pimentel, CMC, Sr. Deputy City Clerk