



## CITY OF SAN JOSE, CALIFORNIA

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### **Minutes of the Redistricting Advisory Commission Special Meeting-Public Hearing May 16, 2011**

The 2011 Redistricting Advisory Commission of the City of San José convened in Public Hearing session on May 16, 2011 in the Cypress Community Center at 6:36 p.m.

#### **ROLL CALL**

Present: Commissioners De La Rosa, Cobb, Williams, Schoennauer, Flaugher, Shelton, Schumb, De Rollo, Mace, Chirco and Fadness  
Absent: None

#### **ORDERS OF THE DAY**

Upon motion by Commissioner Fadness, second by Commissioner De Rollo and carried unanimously, the Orders of the Day were approved and the minutes of April 4, 11, 14 and 18, 2011 were deferred.

#### **CONSENT CALENDAR**

Minutes for Approval

April 4, 2011 and April 11, 2011 deferred from May 9, 2011

April 14, 2011 and April 18, 2011

#### **END OF CONSENT CALENDAR**

#### **4. COMMISSIONER REPORT**

Commissioner Schoennauer reported that he received direct communication from a number of community members regarding transfer area 3-7 (Bonita); he mentioned that this transfer area is no longer on the map. Commissioner Schumb reported letters referencing transfer area 6-9. He also reported that Chair De La Rosa set up a meeting between Vice Chair Chirco and himself to discuss options for the border between District 6 and District 9 and possible transfer areas. He mentioned Commissioner De Rollo being in attendance as well. He expressed concern about comments made by Chair De la Rosa at that meeting regarding the possible transfer of the

Foxworthy to Curtner area and asked him to clarify his comments. Chair De La Rosa responded that he had expressed his opinions about possible transfer areas, but that the decisions would be made by the Commission in public session, that the purpose of the meeting was to discuss possible solutions to an apparent logjam on the District 6 – 9 border, and that Commissioner De Rollo was included in the conversation as the representative of an adjacent area that might be affected by potential transfers. Commissioner Schumb clarified that he left the meeting prior to the arrival of Vice Chair Chirco and that he had an opportunity to discuss concerns with Councilmember Rocha.

Chair De La Rosa asked Sr. Deputy City Attorney Lisa Herrick to discuss the role of Councilmember's contact with Commissioners and vice-versa. She mentioned that everyone has a right to free speech and no one wants to impinge that right. She further mentioned that the Commission will make their recommendation to Council and reminded the Commissioners that they were covered by various City policies. Ms. Herrick cautioned the Commission, individually and as a whole, about communicating with Councilmembers or allowing themselves to be unduly influenced by any Commissioner or Councilmember which could compromise or disrupt the integrity of the independent process of the Commission.

## **5. 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 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**

As directed by the Commission, it will review and discuss potential population transfer areas using a process flow model: Council Districts 1-6-9; Council Districts 7-8-2-10; Council Districts 3-4-5-8.

### **b. Staff Report – information regarding alternative population transfer areas or plans requested by members of the Commission.**

**c. Commission questions and discussion of potential population transfer areas or plans:** Process flows Council Districts 1-6-9; Council Districts 7-8-2-10; Council Districts 3-4-5-8

### **d. Questions and Comments from the Public**

### **e. Commission Discussion**

### **f. Commission direction to staff**

Chair De La Rosa provided a brief introduction of the Commission and an overview of the proceedings of the evening.

Senior Planner Michael Bills gave a brief overview of the work the Commission had been working on and explained the transfer areas for those in the audience for the first time. He also reviewed the process flow diagram.

Commission discussion continued.

Motion: Commission Chirco moved a proposal of transfer areas 6-9b and 6-9e as a strategy to balance the districts. Commissioner Williams seconded the motion.

Action: On the call for the question motion carried.  
(9-1-1) (Opposed: Schumb, Abstained: Mace)

Motion: Commissioner Cobb moved, seconded by Commissioner Fadness, to transfer the area north of Highway 280 in the vicinity of Stevens Creek Boulevard at Winchester, the Santana Row shopping center, from District 6 to District 1. Staff responded that the proposed transfer area would include 1,449 residents, increasing the total population of District 1 to 97,266, which is approximately 2,000 residents above the mean. Commission discussion ensued.

Action: The motion failed.

Commission discussion regarding the 6-9 borders ensued. Chair De La Rosa suggested a clean-up of the borders between Districts 6 and 9.

Motion: Commissioner Schoennauer moved to have staff determine if there is a legal way to extrapolate population data associated with a specific number of housing units, specifically for the area of the KB Home Development and Portofino Drive, from available census tract or census block data to split a census unit to draw a boundary line in that area. Commissioner Shelton seconded the motion. Planning staff commented on their concerns with splitting census blocks and extrapolating data as it would be speculative and Lisa Herrick, Senior Deputy City Attorney advised against doing so on the basis of speculative data. Commissioner Mace asked if such a split would be illegal and Ms. Herrick advised that she would need to do further research in order to respond. Commission discussion ensued involving a number of alternatives in the general area of Rubino Circle, Birdland, Farm Drive, and Portofino. Commissioner Mace suggested a substitute motion to clarify the Commission's intent to find a transfer area of approximately 2,000 residents in this general area. Following discussion, Chair De La Rosa suggested that a motion was not necessary and requested staff to report back, by the next Commission meeting if not sooner, on how the Commission's objectives in this area could be met.

Motion: Commissioner Mace moved to accept as a potential transfer area 6-9da defined as the area east of Rubino circle, not including the court homes, Canoas Creek as the northern border to include transfer area 6-9d. Commissioner Schumb seconded the motion.

Action: Motion carried. (10-1) (Opposed: Chirco)

Motion: Commissioner Schoennauer moved to reconsider the previous motion and rescind transfer area 6-9da. Commissioner Fadness seconded the motion.

Action: Motion carried (10-0-1) (Abstained: Schumb)

Motion: Commissioner Mace moved to accept as a potential transfer area 6-9da defined as the area east of Rubino Circle, not including the court homes, Canoas Creek as the northern border to include transfer area 6-9d, but modified to restore approximately 200 residents to District 6 as shown by staff, seconded by Commissioner Shelton.

Action: Motion carried 11-0.

Public Comment

Jim Toal spoke in favor of transferring from District 6 to District 1 to be consistent with school district boundaries.

Randi Kinman stated that she is wearing two hats in her comments: 1) personally, that she lives in the heart of District 6 and that District 6 is not Willow Glen and Willow Glen is not District 6, there are many residents of District 6 who do not live in Willow Glen. She suggested that District 1 could be above the population mean and District 6 below the mean to take into consideration future development. She spoke against transferring residents from District 9 into District 6. Secondly, speaking as President of the Sherman Oaks Neighborhood Association she is concerned with the atmosphere of last week's meeting, suggested Commissioners check their microphones and expressed concerns about some comments and behaviors made by Commissioner Schumb which made for a hostile environment and made it uncomfortable for people with opposing views.

Nick Cochran spoke in favor of listening to the people and the opposition of scores of people to moving part of District 6 into District 9. He spoke to the Commission's guidelines and communities of interest and stated the guidelines contain no mention of minimizing the numbers of residents transferred. He agreed with carving out a part of the Rubino Circle to maintain a community of interest in District 6.

Allan Jones stated he lives in District 9, which was formerly in District 6, and spoke in favor of transferring the area back into District 6 from District 9 which could be accomplished by transferring Rubino Circle into District 9. He commented that the one area in San Jose that stands out and is known throughout the Bay Area is Willow Glen.

Allen Rice, District 6 resident, commented that concerns were expressed regarding the size of the room at the May 9 meeting and stated that it was larger than tonight's venue; mentioned that while some speakers were concerned about a lack of publicity about the Commission and its meetings, he cited a number of articles and seeing an advertisement in the Mercury News about the public hearings being held; and spoke about emails sent out by Councilmember Oliverio about the upcoming meetings and options for boundary changes.

Mickie Constantino thanked the Commission for their hard work and stated that one of the goals of redistricting is to standardize boundaries, which make sense. The proposal for the District 6 – 1 makes sense and restoring the District 6 boundary to Foxworthy/Leigh since that is the Multiple Listing Service (MLS) boundary. She stated that this boundary fits with people's thinking and could be accomplished by moving Rubino Circle into District 9.

Linda Latasa thanked the Commission for looking at the District 6 – 9 boundaries in a more positive light tonight. She asked about the posting of minutes and agendas and their availability at the meetings. City Clerk Dennis Hawkins pointed out that copies of agenda are available near the entrance to the room and that audio recordings are available on the Commission's website, but there is about a one-week delay in posting those.

Ed Lambert spoke in favor of returning some neighborhoods to District 6.

Gary Cunningham, District 1 resident, stated that he attended the meeting of District 1 neighborhood leaders referenced by Commissioner Cobb and that they supported her proposal regarding Santana Row and the natural boundary of the freeway. He addressed the community of interest in West San Jose.

Annette Kelley urged the Commission to consider the people and communities being affected by the Commission's decision when making its decisions. She stated that one of the purposes of redistricting is to keep like communities together.

Michael Condry spoke in favor of the 6-9da proposal.

Ali Shepherd spoke of the long history of Willow Glen, favors the move of Rubino Circle, and is in favor of keeping Willow Glen intact, it is a community.

Ed Tefankjian, resident in the 6-9aa transfer area, spoke against the 6-9e proposal. He described 6-9e as a worse alternative because it takes a whole neighborhood and splits a street. He asked about the status of an earlier proposal of transferring some areas along Blossom Hill Road from District 10-9; Chair De La Rosa responded that the proposal was no longer under consideration because it included some public facilities that are important to District 10. He suggested that transferring Portofino/KB Homes area to District 9 is a better idea, but to leave the Curtner area alone and it would be better if the boundary could be moved down to Foxworthy.

Jason Portman stated that he lives in the contested area of Willow Glen, that is now in Cambrian, and that it makes sense to keep what has always been Willow Glen in Willow Glen; areas 9-6 a and b and should be brought back to Willow Glen.

Greg Meyers thanked the Commission for its job tonight and the ideas brought forward tonight were better; believes the Foxworthy area is Willow Glen and spoke in favor of bringing those residents from District 9, areas 9-6 a and b, approximately 7,200 people, who once were residents of District 6 back into District 6; move the 1,800 people in 6-9 d and b would solve the problem.

Brigette O'Connor shared her observations from the May 9<sup>th</sup> meeting. Lives in transfer area 6aa; one of the Commission's goals is to keep current Councilmembers within their current district; stated that they would like to keep Councilmember Oliverio because of his work in the district and his accessibility to the residents. Commissioner Shelton asked if Councilmember Oliverio lives in any of the proposed transfer areas and the Councilmember, who was present and observing the meeting, responded that he did not.

Helen Ebert spoke in favor of staying in Willow Glen. She indicated that she joins with the passionate voices who spoke last week, they were not being rude, they were defending the community which they love. She favors the transfer of Rubino Circle to District 9 as a logical move.

Darrell Cortez spoke in favor of keeping Foxworthy as is, it's a long street and urged the Commission to keep Willow Glen as Willow Glen.

Public comment was concluded. Chair De La Rosa invited additional Commission discussion. He commented that the redistricting process does not remove anyone from Willow Glen. The Commission is not changing people's schools or zip codes, it is responsible for changing political lines so that everyone in San Jose is fairly represented. Willow Glen is a part of a larger portion of San Jose, District 6, and pointed out that he lived in District 6 for many years, in a more westerly portion of the district. The Commission must consider population and sometimes the lines drawn must pass through neighborhoods.

Commissioner Schoennauer stated that his guiding principles were to get to the right numbers with the least angst and move the fewest numbers. He indicated that he is not interested in moving boundaries to where some believe a historical line exists, if the Commission were to do so it would need to revisit all the boundaries throughout the City. He gave the example of the Rosegarden that historically was in the Downtown District and believes it should return there, but he is not proposing that because it would be too difficult to do so, and he gave other examples.

Commissioner Schumb indicated that 30-years ago District 6 was Willow Glen and that some have suggested that was then, this is now. He stated that people are still upset with the Willow Glen boundary moving north and the disassociation that occurred in 1981. He believes that people do not want the transfer of areas from District 6 to District 9 because they are not necessary, the area between Districts 1 and 6 are acceptable because they make sense. He reminded the Commission that he believes taking people from their district to another district is the greatest evil the Commission can do.

Commissioner Fadness urged the Commission to get on with the process; it should have a plan so that the public has time to react to a specific plan with four meetings remaining. He stated his belief that the worst place for a redistricting plan to be vetted is before the City Council, the Charter set up an independent Commission to do this work.

Commissioner Mace asked staff to update the population numbers in the plan to reflect the transfer areas approved tonight (6-9 da, 6-9b and 6-9e). Michael Bills responded that he had not yet updated the numbers for Districts 6 and District 9.

Motion: Commissioner Shelton moved to accept only transfer areas 6-9 da and 6-9 b onto Plan A; with area 6-9e to remain a potential transfer area but it is not included on Plan A, second by Commissioner Schoennauer.

Discussion ensued. Based on the population numbers, Mr. Bills confirmed that Districts 6 and 9 were within the 10% target, but that District 2 still remains approximately 200 residents below the target. Commissioner De Rollo and Vice Chair Chirco encouraged the Commissioners to drive the area and to see the housing stock, etc. Commissioner Schumb stated that the peninsula created by this transfer area is similar to those in other parts of the City and he indicated his support for the proposal because it would remove some of the reasons to transfer areas along Curtner from District 6 to 9.

Action: Motion carried 11-0.

Commissioner Fadness asked Commissioner Williams if he was in favor of transfer area 2-10a back into District 2, which would eliminate transfer area 2-10a from Plan A. Commissioner Williams responded affirmatively, indicating that this moved District 2 back towards the mean, but would require some additional consultation with District 7 about that border area.

Motion: Commissioner Schumb moved to accept the proposal, seconded by Commissioner Mace.

Action: Motion carried 11-0. The action moved the District 2 population to 91,379.

**6. COMMISSION WORKPLAN UPDATE**

**7. FUTURE AGENDA ITEMS**

**8. PUBLIC COMMENTS**

**9. ADJOURNMENT**

On motion by Commissioner Fadness, seconded by Commissioner Mace, and unanimous vote, the Commission adjourned at 9:04 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