

>> October 16th meeting.

>> So again K Bena Chang intergovernmental relation he head. He's asked to briefly explain this memo.

>> Councilmember Khamis: Mr. Kalra has never been brief.

>> Councilmember Carrasco: Do we want him back? Or not?

>> Councilmember Khamis: Motion to approve.

>> Councilmember Carrasco: All those in favor? We're let being him back in. That's been approved. Thank you so much. Looking forward to it. And on to item 5, it's a grant for Branham high school.

>> Councilmember Khamis: Motion to approve.

>> Councilmember Jones: Second.

>> Councilmember Carrasco: All those in favor? Thank you. And that's been approved. On to item 6. Thank you. I have a few members of the audience that would like to speak. Would you like to say something, Councilmember Jones?

>> Councilmember Jones: Let them speak first.

>> Councilmember Carrasco: Okay, I have Richard Conda.

>> Good afternoon, madam Vice Mayor, members of council. I'm Richard Conda. Working on voter participation particularly in the Asian American community, frankly we've been struggling. It's a challenge to get people to engage in the process. We think this is a solution to help us. We will continue our efforts to try to get people really

to participate and engage. But I think this will help in this process so we are in full support, thank you.

>> Councilmember Carrasco: Thank you sir. Andrew Boone.

>> Good afternoon, my name is Andrew Boone. I'm active in the San José bike party community and my experience working in that community I had made a lot of effort in 2014 in the last mayoral or two mayoral elections ago technically, to get people interested in the election and was really very challenging. That group is primarily lot of young people, people in their 20s. Lot of Latino residents. It's really disappointing to see such disinterest in the city government. I managed to get Sam Liccardo and Dave Cortese to both show up at the bike party twice and still there is, most people still didn't vote. So I mean we have a long way to go, to include people in the electoral process. I think people feel very disconnected from the decisions the city makes. So line, anything we can do is a step in the rite direction. Lining up with the presidential elections more people will vote in our own mayoral elections and we'll be a better city for it. I think it would be a better idea rather than extending someone's term to six years, which is kind of like something we didn't expect as voters, we elected a mayor for two, four year terms or one four year term at a time. I think it would be a better idea to have a single two-year term, from 2022 to 2024. But I understand that is perhaps unconventional. We expect the mayor to serve for four terms and if the next mayor only served for two-year terms it's odd. I think that would be fairer. I support the proposal as it is. Thank you.

>> Councilmember Carrasco: Thank you sir. Eric Hernandez.

>> Good afternoon, I wish the mayor was here to tell him in front of his space that he is a spineless paper-thin mayor and I say that as someone who worked for him in 2007. That is my belief. That is because he is a tyrant. He is no FDR, how dare he ask our residents to extend his term. Whatever participation to me is not correct. There is a lot of work to be done in our neighborhoods. Tamien has not been developed which the

plan was adopted in 1994, it still has to be redeveloped. Peralez or councilmember cut the tape for our park, great. Why is Tamien still empty? Our three creeks trail was finished to Willow Glen, Washington, our trail is unfinished. There is no trail there. Why, why, council why? Under our leadership we built trails along Washington, there is now crime there, drug dealers, there's scooters on the floor. Why? Because our mayor has forgotten about our neighborhoods. Google is here, we have Viva Calle, we have bike mains, the city does not deliver bike services. We don't deliver bikes we therefore Parks, Recreation, and Neighborhood Services, we don't deliver bikes. This mayor is catering to elitist Yuppies. Sam forgot about our neighborhoods. I'll run for mayor I will, in the scheduled election. I'll go and march there like Cesar marched to Sacramento I'll march there sue the city and hold the election, I'll run for mayor if I have to against a tyrant. Thank you.

>> Councilmember Carrasco: Thank you sir. Professor persil. He.

>> Thank you, members of the council, my name is Gary Percival, a professor of political science at San José State. I'm here to make a change in the city charter, to offer your cycles to presidential election years. Democracy of course is the fundamental foundation to our country. Low participation in our elections weakens the core tenets in our democracy. In 2014,.

>> Matt Loesch: Was elected with just 40% of the ballots, and 2018, June 5th primary with a majority vote, the numbers unfortunately look even worse. Just 36% of registered voters cast ballots for the mayor and 21%, when you take those who didn't vote, voted for Mayor Liccardo. 26% did not cast a ballot for mayor. So last objection my colleagues, Percival and Jackson, wrote an op Ed in the Mercury News outlining a proposal for had change. I encourage to you read it for additional arguments that we make. But based on publicly available voting turnout data we estimated moving the time of the San José mayoral elections to presidential election years would increase voter participation by 35%. And this matches a lot of -- wide body of research in political science that suggests that moving the timing or I should say the timing of

presidential elections is the biggest predictor of turnout in cities. And so with that I encourage you to continue this debate and I encourage voting in favor of this to the larger council. Thank you.

>> Councilmember Carrasco: Thank you sir. Sean did you --

>> I support this. I do not support Sam getting two extra years. It's basically like telling us like when you have sepsis and the only way to save you is amputate all of your limbs but your body is going to live, your torso is going to live. That is what it would be like to keep Sam around for two extra years. I can't support that. Maybe we can come up with some other way to do it, stay for two years, not going to run again, granted I know how well that works out but it can't be Sam for two more years. He hasn't earned it. Most people haven't even voted for him. I would like to see a mayor that reflects San José and what San José is. And San José does not look like Sam. Or his interests or his donors or his PACs or Carl Guardino, secret government, justice for Ramona, whatever, it is just not Sam and having two more years of him as a balance to be able to get a government or a mayor that looks like San José, it's just really hard. I mean that is like a bitter, bitter pill to swallow. So if there's another way that we could do it, that would be great. But when you look at the majority of our council that's what San José looks like. It doesn't look like him. And also for people who want to run for mayor, maybe they shouldn't be people who have, like, attacked other people in the past like physically attacked them and are trying to white wash their past. Just a side note, thanks.

>> Councilmember Carrasco: Thank you. Okay. I'm going to turn to my council colleagues. Councilmember Jones.

>> Councilmember Jones: Thank you, Vice Mayor. I signed on to the memo and I support the recommendation. I'm old enough to remember the voting rights act, being passed, I was real little but I still remember those things going on. As well as all the things that have gone on around gerrymandering and jury suppression and trying to

keep people from the polls. In my DNA is a desire to see everybody participate in government. If we exercise the right to vote we will have a better government. That's what I've been preaching to the high school students I talk to, that's what I preach to the college students I talk to, that's what I preach to my own children, we want to create an opportunity and environment where everybody can participate. If we know that moving the election for mayor to the presidential cycle will get more young people out to vote, will get more minorities out to vote and get different groups that don't normally participate in the gubernatorial cycle that's a good thing for government and that's part of my DNA. And that's why I'm supporting the recommendation. I do have some reservations and some dissatisfaction with the process as it's unfolded. I feel like having the vote take place today, in rules, kind of goes counter to the basic principle that I've been espousing in that everybody should have an opportunity to participate. We have two members of the rules committee that aren't here, the mayor can't participate, he has to recuse himself but we have another member of rules who's not here and again it runs counter to what we're advocating in terms of creating opportunities for everybody to be able to participate. So I have a lot of heartburn and misgivings about that. And my instinct was to recommend a deferral of this until next week in order to have a full vetting over all the councilmembers but I'm not going to do that. I'm going to recommend that we move forward with this. But I just want to get it on the record that I do have some misgivings and heartburn in terms of the process in how it was politically moved forward in terms of having it on this date versus another date. And again my biggest issue is principle over politics. I'm supporting the initiative because of principle. I have misgivings of the process because of politics. And that's just the statement I want to make. Thank you.

>> Councilmember Carrasco: Thank you. Councilmember?

>> Councilmember Khamis: I'd love to hear from you first Vice Mayor before I --

>> Councilmember Carrasco: Sure. So thank you councilmember. You know I'm going to echo similar sentiment. The memo was introduced, I think the numbers speak

for themselves. When we see the difference in voter participation, we see the numbers go up dramatically. During the presidential election. There's almost very little more that can be said, aside from that. We want to make sure that when you look at the highest ranking office which is the mayor's office, we want to make sure that individual is coosten and elected by the most diverse and the most -- the most diverse community possible and that's women, young folks, people of color. I think that that office should be reflected by the same individuals that occupy the City of San José. And I worked -- I've worked the doors in different campaigns during different issues, different measures for different individuals. For most of my adult life. And it is very, very difficult to engage voters, for different reasons. I'm not going to try and you understand the multitude or the complexities of those reasons. And we know they just come out to vote more so during the presidential elections. And so I don't like the accusations or the political games that are now being hashed out in the media, that this is a power play or a grab for office, or that it's a left or a right argument. I don't know how to make and argument against democracy or voter engagement. We want people to be engaged. And I recognize that sometimes democracy is inconvenient. Participation is inconvenient. Especially as an elected officials we're out there and hearing people really engaged and it's difficult to sit in conflict and tension. Sometimes that's difficult. But that's part of what we're trying to do is to get young people to engage and to have faith in the process and to believe in the process and to support the process. And with the memo I'm trying the walk the walk and talk the talk. Sometimes it's difficult to do so, but trying to live by my own gospel I guess. So that was the purpose of the memo. The timing, I guess you're right, it could have been differently. There may be and I'm sure that our council will have to hash that out with Rick's offices, whether there is a conflict of interest or not. Whether our mayor is going to be able to recuse himself or vote on it. I'm unclear --

>> City Attorney Doyle: We've been studying and there is no conflict of interest, the government income is not deemed income under the conflict of interest law.

>> Councilmember Carrasco: And I've heard a different opinion on that. But I'm hoping -- I don't know how an argument can be made against engaging our residents, and wanting more participation. But there's the memo in hopes that other members will feel the same way.

>> Councilmember Khamis: Yeah, so I do understand the purpose of the memo and I concur with your purpose of trying to get more people involved in the political system. I don't know why people vote less or vote more. But I can tell that you maybe they're happier, and people who are unhappy tend to vote more, I would think, maybe. I'm not a psychologist. But this political system that we currently have has been in place since 1967. And I don't agree with the statement that it doesn't truly represent the will of the voters here today. This system put Norm Mineta in office. The first Japanese American mayor to hold a major public office. This political system put mayor Janet Gray Hayes, first woman mayor of a major city in office, Tom McEnery, Mayor Hammer, player Ron Gonzales, the first Latino American mayor, in a U.S. city, in office. I want to correct something. This has nothing to do with the player. People are misconstruing that the mayor is trying to get two more years. I want to make sure that I've been -- people are lighting me up on Facebook and everything, saying this is the mayor's ploy. It is not the mayor's ploy to get two more years, I want to be clear about that. There are many ways that I think that we circulate look at to increase voter turnout. There are experiments being done on permanent absentee -- permanent absentee balloting, for the entire city, in San Mateo, experiments being done like that to see -- to eliminate the fact that people need to come on a Tuesday or something. There's many different ways that people are getting registered. They're automatically being registered at the DMV now, we're trying a lot of different things but I don't necessarily want to fix a problem that may -- I mean I want to provide a fix for a problem that may not exist. I'm not sold that a problem exists. I do feel the mayors we elected are a true sentiment of the people in the city. Regardless what the turnout is, I do want more people to turn out, this is not the purpose, but I also do not believe that there's anybody trying to suppress voter turnout here. It's not like other states or other areas where there's active voter suppression. At least I've never heard it in the

city before. So my question is, this is a major decision. And with major decision we usually have study sessions, we usually have priority-setting, we usually have red, green, yellow discussions. I'd like to know the good and the bad. Some of the things I'm concerned about for example is let's put the mayor's election into the presidential cycle. What happens to the odd numbered council districts that no longer have a mayor on the ballot at the same time as them, and then those five council districts are going to lack -- are going to have even a more dismal turnout than they already have. And I know that the councilmembers in the odd districts know that their turnout obviously are not that great. What happens if they don't have a top of the ticket city position to think about as well as their own council district? It may drive voters away completely during gubernatorial cycles. I do want people to pay attention on the gubernatorial cycles too. It seems like we are giving up on the gubernatorial cycle if we go about this willy-nilly. Since the mayor can vote on this like the City Attorney has said? There is less than a full quorum, we have a quorum but we don't have all our members. I'm hoping we can defer this for at least one week until some of the other members of the council can weigh in on this. I would also like to know from staff if this is something that is red light, green light. Because this is a process. I personally don't want to know, I personally want to know pros and cons, just like I asked for when we talked about CCE's, the community choice energy, just like I asked for whenever I vote on anything. I want to know the good and the bad. I hear the good, I understand the numbers but I don't know the down side. I haven't done all the work because this has been, you know, new discussion items. I don't know if staff is ready to give advice or to bring in experts, to have a study session, I don't know if this is a potential for a priority-setting. I want to know what the thoughts of the staff are on this.

>> Lee Wilcox: Sure, Lee Wilcox, chief staff for the City Manager's office. If this were to be worded, it would be a green light, the work around ocharter change, even though there is work around polling and the language changes are fairly straightforward, the way we would go for any charter change. If you were asking for a little bit greater, basically analysis on pros and cons and what could possibly happen to the odd numbered districts, staff would need more than one week to put that together.



>> Councilmember Khamis: Okay, you know what I'm going to make a motion to table this until next week at least until I can hear from my other council colleagues and mayor. If that's acceptable by our -- can I get a second?

>> Councilmember Jones: You know, I -- I can't second it, Johnny, just because I've already laid out kind of my position, of moving forward. But that's something that we will have an opportunity to, when it goes to council, to interject all those different revisions or additions or deletions that we want to add. So I'm going to not support your motion and I'm going to make a substitute motion to move forward.

>> Councilmember Carrasco: And I'm going to second it. And I -- and if I may just say, the following: I think that there's going to be plenty of opportunity to have this discussion with the full council including councilmember Dev Davis, if the mayor is indeed not going to be recusing himself. But if -- I just want to say one thing. If we're looking at just the straight numbers, I think the numbers give rise to the problem that does exist. So when you mention, Councilmember Khamis, that we're trying to fix something or we're trying to fix a problem that doesn't exist, I think that there is a glaring problem. And the numbers speak for themselves. There is a problem. We're electing a mayor, and it may be a good mayor, may be a mayor that is a better mayor in one election or another, it's not a judgment call. But it's like the mayor is being elected by a few, a small percentage of the folks that could be voting, and we see that broader representation and engagement takes place during the presidential elections. And so for me, that is a problem. And so -- and I think that there's an easy fix, and the easy fix is changing that election. So when you mention that there isn't a problem to be fixed, I strongly disagree. But anyway. So that's a conversation that I think that can be had with the full council. We do have another speaker. Do you want to go ahead and say something else?

>> Councilmember Khamis: If we have another speaker --

>> Councilmember Carrasco: We have Councilmember Lan.

>> Councilmember Diep: Committee, I'm councilmember Lan Diep. I do believe that elections matter, I believe that whenever we can as a council allow, more participation, that is definitely a net plus. The people, their voices ought to be heard. I think on this particular issue, there is no question that mid term elections have Higher barriers to participation than presidential year elections. In California we have 30 day early voting laws, we have mail-home ballots. So the people who are not participating in mid term elections, presumably, not to presume, get their mail in ballots, they choose not to return them. The obstacles to participating in a midterm or presidential year are the same, it is just a matter of interest. I just want to say from a person who's campaigned during a presidential year, there is a lot of noise, when the national discussion takes all the air up in the room, if you are a lower tier school board candidate or a councilmember, it is very hard to knock on that door and get that attention and get that person to care, because they're concerned about national matters. So if we're talking about wanting people to focus on the mayoral election, perhaps a less contested election, a less national attention election would be better for purposes of paying attention to local issues. I agree, though, that it matters how many people vote for our mayor. This question of mandate, I will say that as somebody who has been through a contested election and has probably reviewed more ballots and know more about like ballots than I care to know in my lifetime, it does not follow that you will actually vote for mayor or the councilmember who you have no interest in on the bottom of the ballot. In my race I was accused of -- or was accused of having missing ballots. Because I forget the exact numbers but let's say there was a thousand ballots cast for president in district 4 but only 800 ballots cast for council race in district 4. Ergo, there were 200 missing ballots. They didn't decide to vote for the council race, I'm not using the right numbers here but there was an allegation of missing ballots. It does not follow that because you tie a race to a presidential year you will get higher voter participation. But I guess the idea I wanted to float and I wanted to say this at rules committee so there's time to percolate is that it is true that an elected official having higher turnout means that he or she will have a higher mandate. I'm open to moving

the election to presidential years but what mandate to do what? What can a weaker mayor do with a different mandate? The mayor is elected to do something with this city but he or she is constrained by just being a council at large, in San José what the mayor can do other than any of us, is appoint committee members, he does not get to execute his or her vision in a truly executive fashion. So if we're just talking about moving an election date to a different cycle, I don't know if that makes any sense to me. If we want to improve the election process or make the mayor more legitimate, then let's talk about make San José follow strong mayor system, where the mayor has the mandate to take that voter gain from the voters, if we're just moving the election day and still using this weak mayor system I don't see the difference. Putting before the taxpayers an extra cost and there's no effective change, thank you.

>> Councilmember Jones: Thank you I think.

>> Councilmember Carrasco: Is that a memo.

>> Councilmember Jones: Free association.

>> Councilmember Carrasco: Thank you, councilmember. Councilmember Khamis.

>> Councilmember Khamis: Yeah and I actually appreciate a lot of the things you said, Councilmember Diep. And that's another one of my concerns. If we're looking at that high of a presidential election, who cares about mayor? Not only in gubernatorial elections mayor is king of the ballot, right? So you think that there would be a lot more focus. This is why I want a study session. This is way too fast to jump the gun, let's get it done because we think we have the solution. I don't know that this is a solution. There's so many different caveats here that we are not considering. How will this affect the partisanship atmosphere in this nonpartisan office? All of us are elected in a nonpartisan way. The presidential elections as you know are extremely partisan. And I love the dynamic that we have on city council where Republicans can talk to Democrats, and decline to states and we all respect each other's opinions. This might

not happen with -- this might not happen, this could be one of the down falls, and can make that office a lot more partisan in the future, because the political parties will now rally for a mayor, potentially, I don't know. But these are the things that we need to look at before we -- you know, old adage, measure twice, cut once, I'd rather measure twice, I'd like to know the entire issue, look at the pros and cons before we make a decision. I think it would be reckless to do anything else. And while I do concur that there is a lot of apathy in the public realm as far as voting's concerned, I don't know that moving this election is going to fix the apathy. The apathy I think runs deeper. And it has a lot to do with a lot of people's voices are not being heard as well. So respectfully, Councilmember Jones, at the beginning of your talk you said you would prefer that the the rest of your colleagues be here and talk about this. And now you've changed your mind and I don't understand the -- Rick Doyle just said that the mayor can discuss this. He will be here next week. I would ask you to rethink that.

>> Councilmember Jones: No, and I appreciate that request, and trust me, I am torn. But again, I don't want to be one of those people that you know stakes out a position or tells people that I'm taking a position and then do a -- a 180, unless -- unless I have no other choice. And so I've taken this position and I've publicly taken this position and talked to numerous people about this position and I'm not inclined to change it right now rules but I am open to having that conversation, that dialogue when it comes to council. I think you bring up a lot of great points. These are things that you can introduce as part of the discussion when it comes to council. And we can work it out and hash it out and try to come out with something that's workable for everyone.

>> Councilmember Khamis: And respectfully I'm not asking to you change your position. I'm just asking to you defer it one week. I'm not asking to you vote any different way. That's all.

>> Councilmember Carrasco: Thank you. You know and the last thing I'm going to say is you know, again, I'm going to return to the numbers. I'm not exactly sure why Councilmember Khamis, you would think that the numbers don't demonstrate a

change in behavior. We're seeing that that's exactly what happens, and we know statistically that in the cities where this change has already taken place, the turnout increases, folks go out and vote for the mayoral races, more so than in the cities where the change hasn't taken place. We know that this is what happens and why cities are making changes. With that I'm going to call the question and I'm going to call for the vote. All those in favor? All those opposed?

>> Councilmember Khamis: Me. And respectfully, I didn't see many numbers, or statistics in your memo. There was only really about two pages. And there was no numbers. There's no -- nothing I could delve into quite frankly which was another reason why I'd love to see those numbers. Your conclusion said dismal, and cited a custom percentages, didn't cite where they were coming from. And this is another reason 80 think we're rushing. I didn't -- unless I in my packet I didn't get it or it wasn't updated, I didn't see those numbers, Vice Mayor, with all --

>> Councilmember Carrasco: You're right. I'll get you some additional numbers, Councilmember Khamis. Thank you so much and that passes with 2-1. On to item 7, do we have anyone from Councilmember Rocha or Peralez office? Doesn't look like it. And this is in reference to the old City Hall building. Do you have any information often this?

>> Lee Wilcox: I do. So this would be a green light and already after the board of supervisors vote, our director of Planning, Building, and Code Enforcement, Rosalynn Hughey and county executives have been in contact to provide this information.

>> Councilmember Carrasco: Okay. Councilmember Khamis.

>> Councilmember Khamis: So I'm not sure I'm up to speed. They voted last week to demolish the building, correct?