



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Councilmember Esparza

**SUBJECT:** SEE BELOW

**DATE:** 8/29/2022

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Approved *Maya Esparza*

Date: 8/29/2022

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**SUBJECT: Berryessa Flea Market Consulting Agreements**

**RECOMMENDATION**

Direct the City Manager to exclude assessment of alternative sites within a two-mile radius of the West Wind Capitol Flea Market, the City's only other existing Flea Market.

**BACKGROUND**

A previous City Council rezoned the Berryessa Flea Market property without consideration of the hundreds of vendors, primarily minority-owned small businesses, who would be displaced, jeopardizing hundreds of families' livelihoods and leaving the current City Council responsible for righting this wrong. In doing so, the City is investing millions of dollars, and rightfully so, to ensure these minority-owned small businesses have a fighting chance to continue providing for their families.

I would like to think the past City Council did not understand the severity of their decision, and the devastation it would bring to hundreds of families, but our decision now does not have that luxury.

We know that the City Council must consider the impacts our decision will have on hundreds of minority-owned small businesses now, and not pass the responsibility to future Councils when we should have had the foresight.

San Jose has two Flea Markets in a city of 181 square miles: Two Flea Markets that have similar offerings, a similar experience, and similar opportunities for vendors to sell their products. The City Council should be exploring ways to uplift these minority-owned small businesses and not exploring ways to pit them against each other.

We, as a City, approved an Equity Pledge, and in doing so, we committed to asking ourselves for each decision we make, are there individuals and/or communities that will be disproportionately impacted? Does this policy perpetuate or does it instead help to dismantle historical, legal, or other barriers set in the past?

We cannot ignore the significant implications for equity that are raised in considering alternative sites. District 7 is home to the only other flea market in the City - the West Wind Capitol Flea Market.

The displacement of the Berryessa vendors is for the benefit of development in North San Jose, an area into which the City is heavily investing and anticipating future economic growth. Conversely, the communities surrounding the Capitol Flea Market have been underinvested and underserved for decades. These are largely low income, minority, and immigrant communities.

To even consider moving one group of displaced, small, minority-owned businesses to a location where they are forced to directly compete with another group of small, minority owned vendors is entirely antithetical to our commitment to equity this Council has made.

Instead of dismantling historic barriers to marginalized communities, it would be actively creating new barriers. We must avoid the same red line of policy thinking that has driven so many of the inequities of the past: the benefits of development will be realized by the affluent communities nearby, and the negative externalities will be shifted onto the poor minority communities already struggling to survive post pandemic.