



Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

SUBJECT: The Public Record
February 15-21, 2008

DATE: February 22, 2008

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Response to petition of Pacific Gas and Electric Company to Modify Decision (05-06-060) from Michael D. Montoya and Michael A. Backstrom Attorneys for Southern California Edison Company before the Public Utilities Commission of the State of California dated February 8, 2008 (on file in the Office of the City Clerk).
- (b) Letter from Joint Policy Committee-Regional Planning Program to Mayor and Councilmembers dated February 13, 2008 regarding political dialogue: Role of Land Use in Addressing Climate Change.
- (c) Manifesto of Protest to the City Clerk received February 15, 2008 against the manner in which the 2007 San Jose International Mariachi Festival was organized.
- (d) Letter from David S. Wall to Mayor Reed and City Council dated February 19, 2008 regarding public art, the San José Police Department Substation and the Independent Police Auditor.
- (e) Letter from David S. Wall to Mayor Reed and City Council dated February 20, 2008 regarding reformulate parcel taxes before the City of San Jose files for bankruptcy.
- (f) Letter from David S. Wall to Mayor Reed and City Council dated February 20, 2008 regarding Prop. 162.
- (g) Letter from David S. Wall to Mayor Reed and City Council dated February 20, 2008 regarding the Redevelopment Agency.

Lee Price, MMC
City Clerk

LP/np

Distribution: Mayor/Council
City Manager
Assistant City Manager
Assistant to City Manager
Council Liaison
Director of Planning
City Attorney
City Auditor

Director of Public Works
Director of Finance
Public Information Officer
San José Mercury News
Library

Public Record
a

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

Application of Southern California Edison Company (U 338-E) for Authority to Institute a Rate Stabilization Plan with a Rate Increase and End of Rate Freeze Tariffs.)	Application No. 00-11-038 (Filed on November 16, 2000) (Amended December 21, 2000)
<hr/> Emergency Application of Pacific Gas and Electric Company (U 39E) to Adopt a Rate Stabilization Plan.)	Application No. 00-11-056 (Filed on November 22, 2000)
<hr/> Petition of The Utility Reform Network for Modification of Resolution E-3527.)	Application No. 00-10-028 (Filed on October 17, 2000)

SOUTHERN CALIFORNIA EDISON COMPANY FILED
RESPONSE TO PETITION OF PACIFIC GAS AND ELECTRIC COMPANY TO
MODIFY DECISION 05/16/00

MICHAEL D. MONTGOMERY
MICHAEL A. BACKSTROM

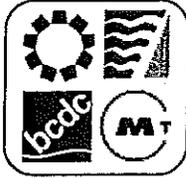
Attorneys for
SOUTHERN CALIFORNIA EDISON COMPANY

2244 Walnut Grove Avenue
Post Office Box 800
Rosemead, California 91770
Telephone: (626) 302-6944
Facsimile: (626) 302-3990
E-mail: Michael.Backstrom@sce.com

Dated: February 8, 2008

2008 FEB 14 A 8:52

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San Jose City Clerk



Association of Bay Area Governments
Bay Area Air Quality Management District
Bay Conservation and Development Commission
Metropolitan Transportation Commission

Joseph P. Bort MetroCenter
101 Eighth Street
P.O. Box 2050
Oakland, CA 94607-4758
(510) 484-7942
fax: (510) 433-5542
tedd@abag.ca.gov
www.abag.ca.gov/jointpolicy

JOINT POLICY COMMITTEE — REGIONAL PLANNING PROGRAM

February 13, 2008

Mayors, Council Members and Supervisors
Cities and County of Santa Clara

RE: Political Dialogue: Role of Land Use in Addressing Climate Change

Dear Local Government Leader:

Please join Santa Clara County Supervisor Pete McHugh and City of San Jose Councilmember Forrest Williams for a provocative conversation about land use and its role in the global warming challenge. There is a clear connection between land use, transportation and green house gases. That connection stems from what is often referred to as the "three-legged stool" of slowing climate change: 1) improved vehicle efficiency, 2) cleaner fuels, and a 3) reduction in driving. Research shows that one of the best ways to reduce vehicle travel is to build places where people can accomplish more with less driving. Mixing land uses and building walkable neighborhoods can reduce driving up to 40 percent.

In recent years, we have made considerable progress toward planning and developing complete, walkable communities: At the local level, jurisdictions have nominated over 100 Priority Development Areas (PDAs) as places that can accommodate at least 56 percent of the region's future growth. This is a clear demonstration of local support for advancing climate-friendly policies.

At the regional level, since 2003, ABAG's land use forecast has included a set of policy assumptions about the location and density of future growth near transit. The Bay Area's recent Regional Housing Needs Allocation is, and will probably remain, the most progressive in the state. It directs housing to areas with jobs and transit, giving places like Oakland, San Francisco, Berkeley, Fremont and San Leandro substantially more housing responsibility than rural, transit-poor jurisdictions.

As part of its Regional Transportation Plan update, MTC recently developed a series of performance targets. These targets are intended to demonstrate how well transportation infrastructure investments, land use and pricing could reduce emissions to meet climate change goals. The resulting analysis further confirmed the power of land use in reducing driving and therefore emissions.

We now invite you to join local and regional policy-makers to discuss land use. Can we do more in the land use arena to meet our local, regional and global policy objectives? How can we utilize our regional land use projections to convey these policy objectives? Should the region develop performance targets as it develops its biannual projections series? Join an open dialogue on these issues. Come prepared for a discussion of the land use problem and for finding real solutions.

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San Jose City Clerk
2008 FEB 19 P 3:50

Santa Clara County Dialogue
Wednesday, March 12, 2008
7:00 - 9:00 pm
Santa Clara County Board Chambers
70 West Hedding Street
San Jose, CA 95110

Respectfully,



Ted Droettboom
Joint Policy Committee
Regional Planning Program Director

C: Board Clerks; Administrators; Planning, Community Development, Economic Development
& Redevelopment Department Heads

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San Jose City Clerk

**MANIFESTO OF PROTEST AGAINST THE MANNER IN WHICH THE 2007
SAN JOSE INTERNATIONAL MARIACHI FESTIVAL WAS ORGANIZED**

2000 FEB 15 4:34

We, the undersigned, as performers of mariachi music in the San José-San Francisco Bay Area, manifest our dissatisfaction with the manner in which the 2007 San José International Mariachi Festival was organized and implemented, for the following reasons:

- 1.) More than half the number of musical ensembles that were featured in this Festival have no direct relationship to the mariachi genre.
- 2.) Most of the mariachi groups that participated in this Festival were brought in from outside our region. Invitations to participate in this event were only extended to three local mariachi groups out of some 17 ensembles presented. This is incongruent with the original intention of this Festival and with the Mexican Heritage Plaza's mission statement to showcase local talent.
- 3.) Members of our local mariachi community were not consulted or otherwise allowed to participate in this Festival's organization and planning.
- 4.) The title of this Festival was contradictory to its content, since almost all emphasis was given to vocal soloists and non-mariachi ensembles, in both publicity and concert billing.
- 5.) Festival publicity and programming were disrespectful both to us and to the musical tradition we uphold, misrepresented the nature of the mariachi, and were incongruent with the educational aspect of this Festival.

Furthermore, we manifest our disapproval of the above by refusing to participate in any future San José International Mariachi Festival or Conference, unless the following conditions are satisfactorily met:

- 1.) Said Festival features exclusively mariachi groups, *conjuntos de arpa grande*, (a traditional form of mariachi), and Mexican folkloric dance.
- 2.) At least 50% of the mariachi ensembles featured in said Festival are from the San Francisco Bay Area.
- 3.) The Festival is coordinated by individuals with a demonstrated, true awareness of the mariachi tradition and, above all, a sensitivity to our local mariachi community, representative members of which play a key advisory role in a transparent process of festival planning and selection of its featured artists.
- 4.) Mariachi ensembles are given priority billing in all Festival concerts and Festival publicity, with any invited soloists announced in a lower priority.
- 5.) All official festival publicity is approved by members of the mariachi community, to ensure this is not offensive or disrespectful to us, our musical tradition, or our culture in general.

MANIFIESTO DE PROTESTA CONTRA LA FORMA EN QUE SE REALIZÓ EL FESTIVAL INTERNACIONAL DEL MARIACHI DE 2007, DE SAN JOSÉ, CA.

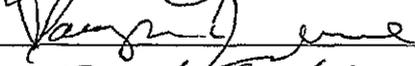
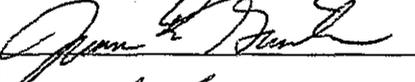
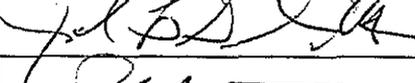
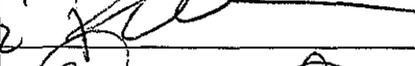
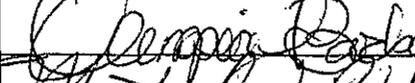
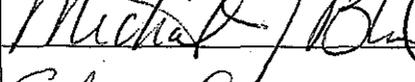
Los que firmamos esta protesta, siendo ejecutantes de la música de mariachi residentes del área de la Bahía de San Francisco-San José, manifestamos nuestra inconformidad con la forma en que se organizó y se realizó el Festival Internacional del Mariachi de San José del año 2007, por las siguientes razones:

- 1.) Más de la mitad de los conjuntos musicales que participaron en dicho Festival no tienen ninguna relación directa con la música de mariachi.
- 2.) La mayoría de los grupos presentados en dicho Festival fueron traídos de fuera de nuestra región. De 17 conjuntos musicales que participaron, únicamente tres mariachis locales fueron invitados, lo cual está en desacuerdo con la intención original de este Festival y la misión expresa de Mexican Heritage Plaza de destacar nuestro talento local.
- 3.) Los integrantes de nuestra comunidad mariachera no fueron consultados ni se les permitió participar en la organización o planeación de dicho Festival.
- 4.) El título de este Festival no concordó con la naturaleza del mismo, ya que se le dio casi todo el énfasis a los cantantes solistas y grupos de otros géneros ajenos al mariachi, siendo esto evidente tanto en la publicidad como en el elenco.
- 5.) La publicidad y programación del Festival demostró una falta de respeto hacia nuestra comunidad mariachera y la tradición que representamos, desvirtuó la naturaleza del mariachi y fue incongruente con el aspecto educativo del mismo Festival.

Además, manifestamos que debido a nuestro desacuerdo con los puntos antes mencionados, nos negamos a participar en cualquier Festival o Conferencia Internacional del Mariachi de San José en el futuro, si éste no reúne satisfactoriamente los siguientes requisitos:

- 1.) Que dicho Festival presente exclusivamente grupos de mariachi, conjuntos de arpa grande (una especie de mariachi tradicional) y danza folklórica mexicana.
- 2.) Que al menos el 50% de los grupos de mariachi que se presenten dentro del festival procedan del área de la Bahía de San Francisco.
- 3.) Que el Festival sea coordinado por individuos que demuestren realmente conocimiento de la tradición del mariachi y sobre todo, respeto por nuestra comunidad mariachera local; y que representantes de la misma desempeñen un papel clave, sirviendo como asesores en un proceso transparente de planeación y organización del Festival y selección de los artistas participantes.
- 4.) Que se dé prioridad a los grupos de mariachi en toda la publicidad del Festival y sus conciertos, anunciando así en menor orden a cualquier solista invitado.
- 5.) Que toda la publicidad oficial del Festival sea aprobada previamente por integrantes de nuestra comunidad mariachera, para cerciorarnos de esta manera que la misma no sea ofensiva o irrespetuosa hacia nosotros, nuestra tradición musical y nuestra cultura en general.

**MANIFESTO OF PROTEST AGAINST THE MANNER IN WHICH THE 2007
SAN JOSE INTERNATIONAL MARIACHI FESTIVAL WAS ORGANIZED AND IMPLEMENTED**

Name of group/ Nombre del grupo		Mariachi Aztlan		
	Name/Nombre	Signature/Firma	City of residence/ Ciudad donde radica	Telephone/Teléfono
1	Obdulia Barba		San Jose	
2	Gustavo Sanchez		San Jose	
3	Mayra Jimenez		San Jose	
4	James Grishaw		Santa Clara	
5	Carlos Canche		San Jose	
6	Jack Godwin		San Jose	
7	Fernando P. Lopez		San Jose	
8	Olimpia Barba		San Jose	
9	MICHAEL BLISS		SANTA CLARA	
10	Elsa Perez		San Jose	
11				
12				

Una vez firmada por los integrantes del grupo, puede enviar esta petición por correo, o entregársela en persona, a la siguiente oficina:

Office of the City Clerk
200 East Santa Clara Street
San José, CA 95113

Mencionada oficina debe recibir las peticiones a más tardar el viernes, 15 de febrero.

También se le puede enviar por fax al siguiente número:

Office of the City Clerk
fax (408) 292-6207

Únicamente se tiene que enviar la hoja que contiene las firmas. Puede adjuntar una tarjeta del grupo, si así desea.

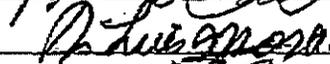
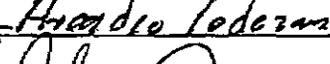
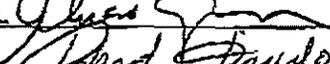
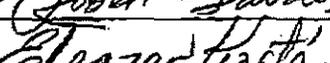
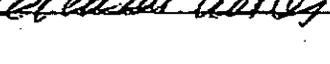
Favor de enviar sus comentarios sobre el Festival Internacional del Mariachi o la Mexican Heritage Plaza a la dirección arriba indicada, o a la siguiente dirección de correo electrónico:

mexicanheritageplazacomments@sanjoseca.gov

Recuerde que el Festival Internacional del Mariachi de San José está patrocinado con fondos públicos. Por lo tanto, tenemos voz y voto en su organización y realización. Pero si no manifestamos nuestras inconformidades, muy difícilmente seremos tomados en cuenta.

LA UNION HACE LA FUERZA

**MANIFESTO OF PROTEST AGAINST THE MANNER IN WHICH THE 2007
SAN JOSE INTERNATIONAL MARIACHI FESTIVAL WAS ORGANIZED AND IMPLEMENTED**

Name of group Nombre del grupo		Mariachi Cilantros		
	Name/Nombre	Signature/Firma	City of residence/ Ciudad donde radica	Telephone/Teléfono
1	Martin Castillo		Watsonville	
2	JOSE LUIS MORA		Salinas CA	
3	JOSE ORTIZ		Watsonville CA	
4	ARCADIO LEDEZMA		Salinas, CA	
5	ALVARO GONZALEZ		SALINAS, CA	
6	ROBERTO DAVALO		SANTA CRUZ, CA	
7	Eleazar Cortés		Watsonville, CA	
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**MANIFESTO OF PROTEST AGAINST THE MANNER IN WHICH THE 2007
SAN JOSE INTERNATIONAL MARIACHI FESTIVAL WAS ORGANIZED AND IMPLEMENTED**

1	<i>Henry Ortega</i>	Henry Ortega	CONCORD CA	
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David S. Wall

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2008 FEB 19 P 2:02

February 19, 2008

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: Public Art -the SJPD Substation and the "Independent" Police Auditor"

The controversy over funding for Public Art requirement for all new public buildings has hit a crescendo with the much needed San José Police substation. Grappling with a proposed \$167 million dollar deficit, YOU folks are trying a new version of "robbing Peter to pay Paul" to satisfy an inane public ordinance requiring public art at all public buildings as a function of the cost of the specific project. **Did the taxpayers VOTE for this ordinance?**

Instead of admitting that the ordinance requiring the mechanism for public art funding as a 2% cost of the building project as "stupid" and "untenable", YOU waste even more precious time and revenue to pursue this Quixotic dream.

Public art is always in the eye of the beholder. Take the Quetzatl statue in Cesar Chavez Park for example. Over \$400,000 dollars was spent by the Hammer administration for this work of "Public Art" which is overwhelmingly referred to by residents as a "pile of dog poop".

During at least two City Council meetings on this subject, Councilmember William's steadfast diatribe and loyalty to ensure Public Art at public buildings has been ruthlessly applied to the sensibilities of the unfortunate citizens who have had to listen to his unnecessary protractions of his presentations and interruptions of the preceding with his frivolous motions.

(Actually; if you are an attorney or law student, Councilmember William's oratories on public art represents brilliant trial strategy. Bore the jury into submission with an issue in sustained, unrelenting-one brain cell above incoherency monotone and they might eventually cave in to your position.)

Solution to Public Art at the New SJPD Substation controversy

First, the outside art piece should be the Fallon Statue. The Fallon statue is very well suited for the substation-a patriotic representation of a San José leader. The statue is already paid for and the cost of moving it can be borne by the Redevelopment Agency.

My proposal for the indoor public art piece for the substation is as follows.

The indoor art piece can be funded at fairly little cost if the "Independent Police Auditor" would volunteer her time, hold harmless and indemnify the City of San José and all participants.

Have the Independent Police Auditor (IPA) show up at the rotunda in a swimming suit.

Have the IPA then stand in the center of a 12X12 foot canvas approved by the Arts Commission Chairperson. Have school kids throw water based paint on the IPA.

Then have two or three San José Police Officers fire their "Taser guns" at the IPA's buttocks. As the IPA "flops" and "bounces" around on the canvas, a "portrait"-Public Art will be created. At some point the Police can turn off their Taser Guns and the "Public Art" can be judged. If the portrait is not satisfactory, the procedure can be repeated.

This process not only insures a true representation of "Public Art", at virtually no expense to the public, it also provides the Police with a controlled training opportunity. It definitely will raise moral and it could be used as a fund raiser. After all, who wouldn't buy a raffle ticket to fund Public Art at the Police substation for a chance at shooting the IPA in the butt with a Taser Gun? I'll bet the Chief will buy at least one hundred. I'd like to buy a few myself.

The "portrait" could be entitled, "Two Thumbs Up for San José's Finest".

Respectfully submitted,

Cc: City Attorney / City Auditor / City Manager / Chief of Police / IPA
San José Police Officer's Association

David S. Wall
02.19.2008

David S. Wall

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2008 FEB 20 P 2: 59

February 20, 2008

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: Reformulate Parcel Taxes before the City of San José files for Bankruptcy.

For decades up to the date of this writing, the issue of Parcel Tax Reformulation has eluded responsible governance of the Public's sound financial fairness and well-being.

For all too long, those that own single family homes have been paying the "Lion's share" of the property tax burden. *Those that own; Apartment complexes, Town Homes, Condominiums and other "High Density habitats", their taxes are not commensurate with the burden that the residents housed therein, place on City and County services.*

It is past time for a serious accounting (*in real time*) as to the extent a "free-ride" to a vast, yet undetermined actual number of residents receives at the expense of others who foot the tax bill.

Government agencies that provide services that the public requires and demands are now facing financial ruin in large part due to the way Parcel Taxes are computed, assessed and collected. Apartment complexes, Town Homes, Condominiums, and especially the "High Density" habitats which have been recently created, place an untenable burden upon these agencies.

Within the guidelines of Proposition 13 and despite the groans or whining dictates of the "elected political whores" who solicit or receive donations from the housing sector, a reformulation of Parcel Taxes is in order to be able to generate much needed revenue from a sector of the public, who has been to date, immune from fiscal reality and above all, fiscal fairness and accountability.

The City of Vallejo, as reported by KRON Television News this morning, filed for bankruptcy. I called the City of Vallejo to verify this fact and I was given a response this was not entirely true. The City of Vallejo is on the verge of Bankruptcy. They have not filed for bankruptcy, yet.

The City of San José is projecting a \$167 million dollar budget deficit with reserves of about \$27 million. Do the math.

Take the necessary, fair and prudent steps now to reformulate Parcel Taxes.

Respectfully submitted,

Cc: City Attorney / City Auditor / City Manager
Santa Clara County Office of the Assessor

David S. Wall 02.20.2008

David S. Wall

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San Jose City Clerk

2008 FEB 20 P 3:00

February 20, 2008

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: Is the City of San José in Compliance with Prop. 162?

Reported today; Wednesday, 02/20/2008 in the Opinion section of the San José Mercury News, "*City Auditor must maintain independence from politics*", is a snippet into the nebulous and possibly shady administrative world of the City of San José's retirement board activities. In this report an inquiry into questionable travel expenses was cursory mentioned.

I believe the Interim City Auditor is on point that these "pension plan trustees" travel expenditures should merit further inquiry. It is my belief that questionable "travel expenditures" is just the "tip of the iceberg of corruption".

I believe the entire Retirement Board System should be audited for at least the past fifteen (15) years or more if needed.

I base this belief on watching how "politics" have influenced and possibly governed appointees and their approvals to govern by several different City Councils during my tenure as a City employee.

I am not stating that I am aware of any wrong doing by anyone.

The main question I propose as of the date of this writing is simply, "**Is the City of San José in Compliance with Prop. 162?**"

Personally, I do not think so. **Only a through audit will tell.**

A personal Thank-you, for a job well done is offered to the Interim City Auditor, Mr. Steven Hendrickson for putting the "pension plan trustees" on notice that the ever watchful eye of the Office of the Auditor is upon them. *And from my perspective, the Office of the Auditor smells a nest of rats.*

Respectfully submitted,

David S. Wall 02.20.2008

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Cc: City Attorney / City Auditor / City Manager

David S. Wall

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San Jose City Clerk

2008 FEB 21 P 12: 58

February 21, 2008

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: Terminate the Redevelopment Director's Employment Contract.

Reported today; Thursday, 02/21/2008 on the front page of "The Valley" section of the San José Mercury News, "*Audit: Developer shorted city*", is reason enough, from my perspective, to terminate the Director of the Redevelopment Agency employment with the City.

Once again, another City administrator is made to look like an overpaid buffoon by the dutiful Interim Auditor and the Auditors under his command. Not out of any malicious intent or hidden agenda, but clear, concise and superior managerial and accounting skills.

Underlining his administrative shame, the Director of the Redevelopment Agency, "has asked the auditor to review the Park Townsend contract and other complex development deals the agency has financed."

"We want to make sure we're getting our fair share, Mavrogenes said. Other reviews are pending." Why, am I not surprised?

Let me pause for just a moment, to wipe the tears of joy from my reddened cheeks upon reading that the Interim Auditor is coming to the rescue of additional taxpayer monies!

Of course it begs the question why is the Director of the Redevelopment Agency on the payroll in the first place? After all, isn't contract management part of the job description? How about reasonable competence in knowing the job you are hired to perform? And when a City administrator overlooks \$1 Million dollars owed to the taxpayers and the Auditor has to bale out the City administrator, should there be accountability? Apply the time tested doctrine, "snooze and you lose". In this particular case, the Redevelopment Director and others should be fired.

Unless, the City of San José is running an administrative day-care center, highly paid City administrators who screw up this badly are to be fired without hesitation or remorse. They should be fired with extreme prejudice.

It should be readily apparent, to manage City operations and the Redevelopment Agency, all you need is the City Attorney and City Auditor with their respective support staff and mid-level managers. YOU could save a great deal of money utilizing this methodology.

Kudos are again in order for Interim Auditor Steven Hendrickson and his merry band of Auditors.

Respectfully submitted,

David S. Wall

P.S. To all Substandard City administrators-

You think the Interim Auditor is tough. Wait until Sister Sharon is on deck!

02.21.2008

Cc: City Attorney / City Auditor(s) / City Manager / Redevelopment Director