



Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price
MMC, City Clerk

SUBJECT: The Public Record
August 2 – 15, 2006

DATE: August 17, 2006

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Letter from People of the Ethical Treatment of Animals to Mayor Ron Gonzales and San Jose City Council, dated July 25, 2006. Enclosures include “Alleged Animal Welfare Act Violations” DVD (DVD on file in the Office of the City Clerk), Ringling Bros. and Barnum & bailey Circus factsheet, Chicago’s proposed Elephant Protection Ordinance.
- (b) Notice of Two Application Filings By Pacific Gas & Electric Company to State, County and City Officials dated August 7, 2006.
- (c) Email from Katie Dwyer to the City Clerk Lee Price received August 10, 2006 regarding excessive lighting at the corners of Hemlock Avenue and Hatton Street.
- (d) Email from Diana Moss to the City Clerk Lee Price received August 15, 2006 regarding Project Coyote Valley.

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

Lee Price, MMC
City Clerk



Public Information Officer
San Jose Mercury News
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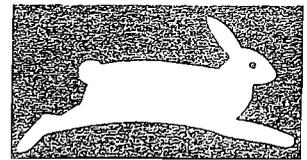
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Public Record a



PETA

PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS

501 FRONT ST.
NORFOLK, VA 23510
757-622-PETA
757-622-0457 (FAX)

PETA.org
Info@peta.org

July 25, 2006

The Honorable Ron Gonzales
Mayor of San José
San José City Council
200 E. Santa Clara
San José, CA 95113

1 page via fax (408-292-6422) and mail (with attachments)

Dear Mayor Gonzales and Councilors,

People for the Ethical Treatment of Animals (PETA) is a nonprofit organization with more than 1.1 million members and supporters dedicated to the protection of animals. In consideration of the harmful effects caused by subjecting elephants to prolonged and frequent restraint, we respectfully request that the City Council enact legislation that would ban the chaining of elephants. Similar legislation is pending in Chicago. Jewel, a 55-year-old chronically lame elephant suffering from painful arthritis, will be arriving in San José with the Ringling Bros. and Barnum & Bailey Circus on August 23. Jewel is a prime example of what happens to elephants who spend much of their life shackled.

Chaining severely restricts elephants' ability to move. This forced inactivity is a major contributing factor to arthritis and foot disorders, and at least eight of the 24 elephant deaths at Ringling since 1992 have been attributable to either osteoarthritis or a chronic foot problem. In the book *The Elephant's Foot*, Ringling's former veterinarian Dr. Gary West wrote, "Foot-related conditions and arthritis are the leading cause of euthanasia in captive elephants in the United States." The enclosed DVD includes video footage taken by PETA in February and March 2006 that shows elephants from both of Ringling's rail units who are unable to bend their front left legs. In the wild, elephants walk up to 30 miles daily and are active for 18 hours each day. In contrast, elephants in circuses are chained for days at a time during travel and overnight at venues, which results in deadly health problems.

The DVD also includes footage taken this February that shows Ringling's head elephant trainer Troy Metzler, nicknamed "Captain Hook" by coworkers for his frequent and aggressive use of the sharp metal bullhook, as he sinks the hook into an elephant's trunk and forcefully yanks it, causing the elephant to curl up her trunk in pain.

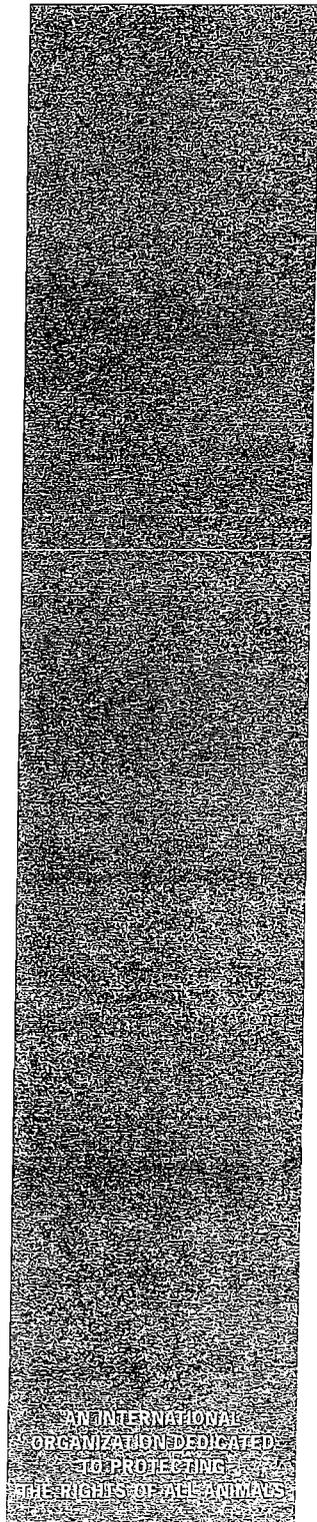
We hope that you will help protect elephants from inhumane treatment. May I please hear from you about this important matter? You can reach me at 312-224-8650 or RaeLeannS@peta.org.

Sincerely,

RaeLeann Smith, Circus Specialist

Enclosures: "Alleged Animal Welfare Act Violations" DVD
Ringling Bros. and Barnum & Bailey Circus factsheet
Chicago's proposed Elephant Protection Ordinance

DVD on file in office of city clerk



AN INTERNATIONAL
ORGANIZATION DEDICATED
TO PROTECTING
THE RIGHTS OF ALL ANIMALS

PETA Factsheet

December 29, 1993: The USDA cited Ringling for failure to provide minimum space for dogs and for inadequate lighting in the dog enclosure. The boxes were too small "for most dogs to stand, sit, lie, and turn about freely." Ringling was cited for failure to correct previously identified violations of not providing minimum space for bears, including one bear with rub marks; failure to repair the lion cages; and improper food storage.

December 14, 1993: The USDA cited Ringling for failure to provide bears with the minimum space required by the federal AWA. Ringling also failed to provide a program for exercise.

ANIMAL CARE

August 25, 2004: According to the *Oakland Tribune*, Oakland Zoo elephant manager Colleen Kinzley described a video showing a Ringling handler hitting and jabbing an elephant as clear abuse. Kinzley also commented on video showing a chained elephant swaying neurotically, saying, "For such a young animal to be exhibiting that amount of abnormal behavior is just tragic."

July 31, 2004: According to an affidavit by former Ringling employee Frank Hagan, Ringling's elephant trainer Troy Metzler, nicknamed "Captain Hook" by circus staff, was frequently observed abusively hooking elephants, including babies, with a metal-spiked bullhook.

December 5, 2003: An elephant named Shirley, who was bred by Ringling when she was only 7 years old, gave birth to an undersized calf. Elephants in the wild begin mating at age 18. Studies show that captive elephants who breed before age 12 have shorter lifespans.

December 12, 2003: Ringling's parent company, Feld Entertainment, has refused repeated requests, including one from celebrity Pink, to send its elephant Gildah to a sanctuary. Gildah was captured in the wild and used in Siegfried & Roy's casino act. At age 56, Gildah continues to live a lonely life in solitary confinement at the Mirage Hotel & Casino in Las Vegas.

October 6, 2002: Veterinarian Gretchen Steininger, hired by Ringling to provide medical care and defend its use of animals, as reported in the *Macomb Daily*, while the circus was in Michigan, was fined \$500 and reprimanded for negligence and incompetence by the Michigan Department of Consumer & Industry Services on June 22, 2002.

May 6, 2001: Ringling subjected a tiger in advanced stages of pregnancy to stressful conditions associated with transport. Four tiger cubs were born on the road while the circus was performing in Columbus, Ohio.

April 8, 2001: According to *The New York Times*, a Ringling spokesperson admitted that a trainer who had been videotaped tormenting elephants was still on elephant duty.

2001: Ringling's red unit is leasing five elephants, including its star attraction, a male elephant named Bo, from the George Carden Circus. On May 1, 2001, the Canadian Broadcasting Corp. reported that two George Carden Circus employees had pleaded guilty to cruelty to animal charges in provincial court in St. John's, Newfoundland, and that each had been fined \$200. The charges were brought after investigators found bears kept in filthy, undersized cages for 23 hours a day. The judge stated that he wished the legislation were stronger so that he could penalize the defendants more and suggested that people stay away from the circus.

June 13, 2000: According to congressional testimony provided by former Ringling Bros. barn man Tom Rider, "[Elephants] live in confinement, and they are beaten all the time when they don't perform properly. ... When I became disturbed about the treatment of the elephants, the continual beatings, including the baby Benjamin, I was told, 'That's discipline.'"

May 22, 2000: A horse found suffering from life-threatening colic as the Ringling train was traveling through Pennsylvania had to wait three hours for treatment while employees searched for a large-animal veterinarian.

April 17, 2000: In comments submitted to the USDA, Ringling opposes language in the agency's "Draft Policy on Training and Handling of Potentially Dangerous Animals" that reads, "Hot shots, shocking collars, or shocking belts should not be used for training or to handle the animals during exhibition, and any such use will be closely scrutinized. An ankus may not be used in an abusive manner that causes wounds or other injuries."

**People for the Ethical Treatment of Animals • 501 Front St., Norfolk, VA 23510
757-622-7382 • PETA.org • Circuses.com**

PETA Factsheet

January 7, 1998: Ringling trainer Graham Chipperfield shot a Bengal tiger named Arnie five times while he was locked in his cage, killing him in retaliation for an attack against Graham's brother, Richard, during a photo shoot.

May 22, 1996: An elephant named Seetna who was euthanized due to prolonged dystocia (difficult labor). According to the *Asian Elephant Studbook*, published by the American Zoological and Aquarium Association, Seetna was 30 years old when she died. In elephants, dystocia often indicates that the fetus has died and is decomposing in the uterus. The circus did not announce this death.

1995: According to the *Asian Elephant Studbook*, published by the American Zoological and Aquarium Association, the following Ringling elephants died: 53-year-old Cita, 53-year-old Ranni, 45-year-old Rhani, and 34-year-old Karnaudi. The circus did not announce these deaths.

August 8, 1994: According to the *Asian Elephant Studbook*, published by the American Zoological and Aquarium Association, a 41-year-old elephant named Jenny died. Ringling did not announce this death.

1992: According to the *Asian Elephant Studbook*, published by the American Zoological and Aquarium Association, the following Ringling elephants died: a 26-year-old male named Petely, 50-year-old Nelly, and 50-year-old Mia.

VIOLATIONS OF STATE AND FEDERAL HUMANE LAWS

July 13, 2004: The USDA launched a formal investigation into the death of a 2-year-old lion named Clyde. According to a former Ringling employee, Clyde died after traveling through the intense heat of the Mojave Desert in a poorly ventilated boxcar.

November 7, 2002: The USDA cited Ringling for failure to have four elephants tested for tuberculosis and for failure to store food in a manner that protects it from contamination.

February 21, 2002: The USDA cited Ringling for failure to dispose of expired medication, for improper feeding, and for poor sanitation.

August 25, 2001: California humane officers charged Mark Oliver Gebel, son of animal trainer Gunther Gebel-Williams, with cruelty to animals for striking and wounding an endangered Asian elephant with a sharp metal bullhook. Gebel allegedly inflicted the injury when the elephant, named Asia, hesitated before entering the performance ring at the Compaq Center in San Jose, Calif.

August 24, 2001: Ringling was fined \$200.00 by the city of San Jose, Calif., for allowing a yak to run at large and cause a public nuisance.

August 20, 2001: The USDA cited Ringling for failure to provide access for inspection of animals, records, and property at its retirement center.

May 3, 2001: The USDA cited Ringling for improper food storage.

February 20, 2001: The USDA cited Ringling for improper food storage.

September 7, 2000: The USDA cited Ringling for failure to provide adequate veterinary care. The inspector wrote, "There is no documentation maintained on elephants that have minor lesions, scars, or abrasions. ... Records of medical treatment were not available on the camel that recently had both rear feet caught in a train track."

Ringling was also cited for storing the animals' food near toxic substances and failure to maintain transport enclosures that could not be properly cleaned and sanitized.

July 12, 2000: The USDA cited Ringling for failure to provide adequate care in transit, failure to provide drinking water, and failure to maintain transport enclosures. The inspector wrote, "[A]nimals must be visually observed at least every four hours. ... Tiger transport vehicle is inaccessible as long as train is in motion. ... [I]t is not clear if the opportunity to water the tigers every 12 hours is available. ... Tiger transport design has allowed excessively high temperatures during routine transport. ... Vent failure pushed these temperatures to a point of immediate danger to the animals."

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PETA Factsheet

July 5, 2000: The USDA cited Ringling for failure to maintain the structural strength of its tiger enclosures. Two tigers had injured themselves attempting to escape cages in which an excessive rise in temperature occurred when faulty vent doors blew shut. One tiger tore at the cage, tearing the track from the door and breaking off a tooth. A tiger in another enclosure suffered an injury above the eye caused by the same faulty vent-door problem.

June 16, 2000: USDA spokesperson Jim Rogers told the *Austin American-Statesman* that the agency has two investigations pending against Ringling Bros. for possible AWA violations.

February 22, 2000: Ringling was cited for failure to maintain a transport-shift cage for the tigers because it had a hole in the floor. The USDA also cited Ringling for failure to provide minimum space for the dogs and failure to identify dogs and cats with USDA tags.

November 9, 1999: The USDA cited Ringling (for the second time) for tiger cages in need of repair. The inspector noted an elephant with chronic arthritis was continuously housed on concrete instead of a more comfortable surface such as rubber for large hoofed animals.

A female Asian elephant named Teetchie with a history of thin body condition and who tested positive for tuberculosis on September 11, 1999, was euthanized on October 28, 1999.

August 23, 1999: According to an inspection conducted by South Bay Animal Control Services, seven Ringling elephants were found to have multiple lacerations. A zoo veterinarian who reviewed photographs of these and other injuries concluded, "The majority of the wounds documented in these photographs are fresh, actively draining puncture wounds caused by an ankus or hook."

May 27, 1999: The USDA cited Ringling for tiger cages in need of repair and locking mechanisms, as well as for failure to dispose of medications that had expired as far back as February 1996.

May 11, 1999: In a letter to Ringling Bros., USDA Deputy Administrator Ron DeHaven wrote, "We have completed our review of the lesions observed on two juvenile elephants, Doc and Angelica, during the inspection of the Center for Elephant Conservation in Polk City, Fla., on February 9, 1999. ... [W]e find that the handling of these two elephants was not in compliance with the Animal Welfare Act regulations. ... We believe there is sufficient evidence to confirm the handling of these animals caused unnecessary trauma, behavioral stress, physical harm, and discomfort to these two elephants."

February 9, 1999: A USDA report indicated wounds on the baby elephants' legs from separating them from their mothers. The report stated, "[T]here were large visible lesions on the rear legs of both Doc and Angelica (baby elephants). When questioned as to the cause of these lesions, it was stated by Mr. Jim Williams and Mr. Gary Jacobson that 'these scars were caused by rope burns, resulting from the separation process from the mothers on January 6, 1999.' Angelica's lesion appeared as a pink linear scar, approximately 6" long and 1" wide on the right rear leg. The left rear leg also had a scar directly below the cloth leg tie. Both lesions appeared to have been treated with an iodine-based ointment. Angelica also had two linear healing scars on the back of the right hind leg. Doc had a pink scar on the right rear mid-leg area." (Both baby elephants were just under 2 years old when taken from their mothers. In the wild, female elephants remain with their mothers their entire lives and males for up to 15 years.)

Tuberculosis tests for one elephant were not available for review. No treatment was instituted for another elephant with positive tuberculosis status.

December 9, 1998: A USDA inspector noted on an inspection report that an elephant with confirmed tuberculosis was euthanized.

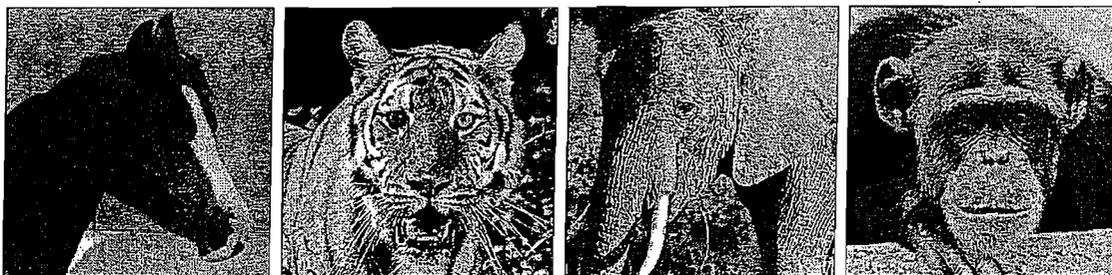
The inspector also noted that three elephants did not have adequate shade and that an elephant named Congo had intermittent lameness and what appeared to be hyperkeratosis (a skin condition).

October 7, 1998: A USDA inspection of Ringling's elephants found three with lameness and one with lacerations on her forehead.

October 1, 1998: The USDA cited Ringling for having a damaged transport enclosure for the hippopotamus.

September 11, 1998: A USDA inspector noted on an inspection report that three elephants (32-year-old Lechamee, 28-year-old Sofie, and 42-year-old Mini) had suffered from arthritis for at least 12 years.

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PETA Factsheet

Ringling Bros. and Barnum & Bailey Circus

USDA# 52-C-0137 (past # 58-C-0106), 8607 Westwood Center Dr., Vienna, VA 22182

Ringling Bros. and Barnum & Bailey Circus has failed to meet minimal federal standards for the care of animals used in exhibition as established in the Animal Welfare Act (AWA). Ringling paid \$20,000 to settle U.S. Department of Agriculture (USDA) charges of failing to provide veterinary care to a dying baby elephant. The USDA has also cited Ringling for failure to possess records of veterinary care, failure to provide animals with sufficient space, failure to provide animals with exercise, and endangering tigers who were nearly baked alive in a boxcar because of poor maintenance of their enclosures. Ringling is under investigation for the death of a 2-year-old lion who is believed to have died from heatstroke. In less than two years, two baby elephants died, a caged tiger was shot to death, a horse who was used despite a chronic medical condition died during Ringling's traditional animal march, and a wild-caught sea lion was found dead in her transport container. Fifty-seven of the approximately 62 elephants owned by Ringling in 1990 were captured in the wild. At least 24 elephants have died since 1992. Contact PETA for documentation.

DEATHS

September 12, 2005: PETA confirmed the death of an infant elephant, believed to be a few months old, named Bertha. The circus did not announce her birth or death.

August 31, 2005: An endangered Asian elephant named Gildah died. Gildah was captured in the wild and used in Siegfried & Roy's casino act. She was kept in solitary confinement at the Mirage Hotel & Casino in Las Vegas.

October 9, 2004: An endangered Asian elephant was euthanized because of osteoarthritis. The circus did not announce this death.

August 5, 2004: An 8-month-old elephant named Riccardo was destroyed after suffering severe and irreparable fractures to both hind legs when he fell off a circus pedestal. Riccardo was undersized when he was born to Shirley, a Ringling elephant, in December 2003. Failing to wait until Shirley was 18 years old, when she would have been physically and emotionally ready to raise offspring, Ringling used Shirley for breeding when she was only 7 years old (see "Animal Care," December 5, 2003). Riccardo may have been afflicted with a bone disorder caused by malnourishment, since his mother was unable to nurse him.

July 13, 2004: According to an affidavit by former Ringling lion handler Frank Hagan, a 2-year-old lion named Clyde died while traveling through the intense heat of the Mojave Desert in a poorly ventilated boxcar without being checked or given water. The lion is believed to have died from heatstroke and dehydration.

July 1, 2004: An endangered Asian elephant died because of an aortic aneurysm. The circus did not announce this death.

May 11, 2004: Two Ringling horses were struck by a freight train as they were being unloaded from the circus train near Dayton, Ohio. One horse died instantly, and the other was euthanized at the scene.

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January 24, 2003: An endangered Asian elephant was euthanized because of osteoarthritis. The circus did not announce this death.

December 22, 2002: A 57-year-old endangered Asian elephant named King Tusk was euthanized because of osteoarthritis. Captivity-induced foot problems and arthritis are the leading reasons for euthanasia of captive elephants.

June 1, 2001: A 7-year-old endangered Bengal tiger named Jasmine was euthanized due to chronic renal disease. The circus did not announce this death.

May 25, 2001: A 34-year-old endangered Asian elephant named Birka stored at Ringling's breeding compound was euthanized due to abdominal neoplasia. The circus did not announce this death.

April 30, 2001: An endangered Asian elephant died due to chronic osteoarthritis. Captivity-induced foot problems and arthritis are the leading reasons for euthanasia in captive elephants. The circus did not announce this death.

April 12, 2001: An endangered Asian elephant was euthanized due to chronic osteoarthritis. The circus did not announce this death.

March 7, 2001: An endangered Bengal tiger was euthanized because of tumors in her ear canals and sinuses. The circus did not announce this death.

August 5, 2000: An endangered Asian elephant was euthanized due to degenerative osteoarthritis. Captivity-induced foot problems and arthritis are the leading reasons for euthanizing captive elephants. The circus did not announce this death.

August 1, 2000: An endangered Bengal tiger was euthanized due to degenerative osteoarthritis. The circus did not announce this death.

October 28, 1999: A 52-year-old endangered Asian elephant named Teetchie was euthanized due to multiple joints affected by osteoarthritis and an *M. tuberculosis* infection of the lung. Captivity-induced foot problems and arthritis are the leading reasons for euthanasia in captive elephants. The circus did not announce this death.

July 26, 1999: Benjamin, a 4-year-old endangered baby elephant who had been removed from his mother before she could teach him to swim, drowned when he stepped into a pond while the circus was traveling through Texas. Benjamin drowned as he tried to move away from a trainer poking him with a bullhook. According to the *Asian Elephant Studbook*, published by the American Zoological and Aquarium Association, Benjamin was removed from his mother when he was only 1 year old.

February 22, 1999: A horse collapsed and died during Ringling Bros. and Barnum & Bailey's animal march to the Scope Convention Center in Norfolk, Va. A PETA videographer captured the horse's collapse on film despite Ringling workers' attempts to obstruct the camera. Although Ringling claims that a veterinarian is available to its animals 24 hours a day, there was no veterinarian on duty when the horse was in urgent need of medical care. According to the necropsy, Ringling was aware of this animal's delicate condition yet kept him on the road anyway.

September 3, 1998: According to the *Asian Elephant Studbook*, published by the American Zoological and Aquarium Association, a 40-year-old elephant named Dolly died. Ringling did not announce this death.

August 31, 1998: A 12-year-old wild-caught sea lion named Gypsy was found dead in her transport container in Moline, Ill. In the wild, sea lions can live to be 20 years old.

January 24, 1998: A 3-year-old baby elephant named Kenny was forced to perform in two shows while the circus was in Jacksonville, Fla., despite obvious signs of illness. According to the circus's animal care log, Kenny was "not eating or drinking," was "bleeding from his rectum ... had a hard time standing, was very shaky, walked very slowly," and "passed a large amount of blood from his rectum." The log noted that at 11:30 p.m., "the elephant was dead."

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1992: Ringling disposed of five tigers who were of no use to the circus by giving them to New Jersey resident Joan Byron-Marasek, who owns a poorly maintained private menagerie. One of the Ringling tigers killed four other tigers at the facility. Byron-Marasek has been charged by the USDA with failing to provide adequate veterinary care and maintain programs of disease control and prevention for her tigers, and she was charged by state officials with overcrowded conditions.

DANGER

April 13, 2005: Elephant handler David Mannes was airlifted to a medical center to treat a fractured pelvis and soft tissue wound to his arm after being knocked down and kicked by an elephant named Tova while feeding the elephants at Ringling's breeding compound in Polk City, Fla.

June 13, 2000: Congressional testimony by Tom Rider, a former Ringling employee, identifies Ringling's elephant Karen as a killer: "Although she was the most dangerous elephant in the group, she is the one they used in the three-ring adventure where the public is allowed to stand around the elephant with no safety net or other protection around her. Karen had a habit of knocking anyone who came into range, slamming them into the ground, yet they allowed her to have contact with the audience."

September 1999: Two frightened zebras who were tethered together escaped twice from their handler and ran toward a main street while being transferred from the arena between performances in San Jose, Calif.

November 1998: Three tigers escaped from their cage in a Chicago parking lot. A Ringling handler was hospitalized in serious condition with bite wounds over much of his body when he was attacked by one of the tigers.

September 30, 1995: A Ringling lion bit off the index finger of a 31-year-old woman attending the circus.

May 6, 1993: A Ringling elephant killed her trainer in Gainesville, Fla. The elephant knocked down the 51-year-old trainer and stepped on his chest.

IMPEDING INVESTIGATIONS

August 24, 2004: The Associated Press reported that Ringling's parent company, Feld Entertainment, refused two recent subpoenas from the USDA, requiring Feld to provide a video of the October 3, 2003, tiger attack of Roy Horn to aid in the agency's investigation.

July 13, 2004: According to an affidavit by former Ringling lion handler Frank Hagan, employees who had knowledge of how a lion named Clyde died after traveling through the intense heat of the Mojave Desert in a poorly ventilated boxcar were instructed not to speak to USDA inspectors who were investigating the death. Ringling quickly had misters installed in the lions' boxcar before USDA officials arrived.

March 26, 2001: An internal USDA memo stated, "This is a request to subpoena to compel testimony and provide documentation ... under the AWA. ... I have been involved in an investigation into allegations of elephant abuse and exhibiting elephants infected with TB by Ringling Brothers Circus. ... The investigation has been very frustrating in that Feld Entertainment has not been cooperative with allowing the USDA to review medical records on the elephants, and the key witnesses will not cooperate due to court settlements with Feld Entertainment that prevent them from discussing any circus issues with anyone."

August 23, 1999: According to an incident report from the Humane Society of Santa Clara Valley, Ringling veterinarian Bill Lindsay and two other circus employees surrounded a humane investigator in a threatening manner and angrily confronted the investigator in an attempt to impede an investigation into bloody lacerations found on numerous elephants.

August 6, 1999: The USDA was forced to subpoena a necropsy report from Texas A&M University's veterinary laboratory for Benjamin, a 4-year-old elephant who drowned, after Ringling ignored AWA requirements and two investigators' July 28 requests for the documents.

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PETA Factsheet

February 25, 1999: According to internal USDA memos written by inspectors, detailing injuries found on two baby elephants during a February 9, 1999, inspection, “[Ringling veterinarian] Dr. Lindsay was very upset and asked repeatedly why we could not be more collegial and call him before we came. I explained to him that all our inspections are unannounced. ... All Ringling personnel were very reluctant to let us take pictures [of the calves’ rope lesions].”

Ringling personnel were described as “badgering,” “disgusted,” “antagonistic,” and “defensive” towards the inspectors.

ELEPHANT TUBERCULOSIS

November 7, 2002: The USDA cited Ringling for failure to have four elephants tested for tuberculosis. The inspector wrote, “TB is a disease that is dangerous to both man and animals. Animals must be tested in a timely manner for their protection as well as for their handlers.”

April 16, 2001: An affidavit from a veterinarian at the National Veterinary Services Laboratories stated that Ringling elephants Tectchie, Vance, Sabu, Mala, Dolly, Calcutta 2 and Siam tested positive for tuberculosis.

September 6, 2000: The USDA cited Ringling for failing to provide veterinary care to an elephant named Tillie who has been diagnosed with tuberculosis. Tillie, who is owned by Patricia Zerbini, is under the care of Ringling’s Williston facility and commingled with other elephants, which puts them at risk for infection or re-infection.

October 28, 1999: A 52-year-old endangered Asian elephant named Teetchie was euthanized due to multiple joints affected by osteoarthritis and an *M. tuberculosis* infection of the lung.

February 9, 1999: A USDA report indicated that tuberculosis tests for one elephant were not available for review and no treatment was instituted for another elephant with positive tuberculosis status.

December 17, 1998: Ringling’s Williston, Fla., facility was quarantined by the Florida State Health Department because of elephants’ having tuberculosis.

DECLINING POPULARITY

April 15, 2005: The *Philadelphia Daily News* reported, “The circus elephants are coming to town next week, bringing an outmoded and problematic form of entertainment to all Philadelphians. Here’s hoping that this is the last year such an antiquated spectacle is welcomed within our city limits.”

March 29, 2005: *The New York Times* reported, “They are still the ones cracking whips as Bengal tigers (beautiful but a little fat) walk in circles, occasionally roar and run in and out of cages that look too small for them. Their trainer, Taba, did not seem worthy of them. But our consciousness has changed. We worry about how the animals are trained and treated.”

February 14, 2005: The *Star-Telegram* reported, “[I]n less than two decades, the Canadian entertainment phenomenon [animal-free Cirque du Soleil] has reached levels of revenues that it took Ringling Bros. and Barnum & Bailey more than 100 years to attain.”

November 20, 2004: The *Hamilton Spectator* (Ontario, Canada) reported, “[Production manager Brian Newman] said the circus has lost some of its appeal, which may account for fair ticket sales at each of this weekend’s five shows at Copps Coliseum. Organizers say none of the shows at the modified 4,000-seat venue are sold out. ... [B]ehind the scenes, allegations of animal cruelty involving its elephants [has] plagued Ringling Bros. ... A *Spectator* reporter’s request to view the elephants was declined.”

November 5, 2004: The Chicago-area *Daily Herald* reported, “Less enthralling, at least to those of us who go to the circus every year, are those acts that seem to appear in every edition of the circus: the high-wire acts, the marching elephants, the motorcyclists that zoom around the inside of a metal sphere. ... Rating: 1/2 out of four stars.”

March 5, 2004: MasterCard International dropped its controversial sponsorship of Ringling Bros. and Barnum & Bailey Circus. MasterCard joins Visa and Sears, Roebuck and Co. to become the third national sponsor to end its Ringling promotions amid a flood of complaints.

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PETA Factsheet

March 26, 2002: The *New York Daily News* reported, "I went to see the Ringling Bros. and Barnum & Bailey Circus at Madison Square Garden. ... The Garden was half full. ... The tigers moved with the half-speed of a Municipal Building bureaucrat and were more stoned than the bums you had to step over in Penn Station on the way into the Garden. ... [M]y little guy's favorite attraction was the giant industrial dung vacuum."

August 17, 2001: According to *The Wichita Eagle*, Ringling failed to secure a date at the Kansas Coliseum because of concerns about its declining circus attendance.

November 3, 2000: The *Chicago Sun-Times* reported, "Founded in 1871, the 'greatest show on earth' has steep competition these days from artier circuses, such as Cirque du Soleil, that rely more on theatrics than on lions and tigers and bears, oh my. This may explain why the east and west wings of the venue were empty."

September 19, 2000: *The Seattle Times* reported, "More than anything, I noticed how many seats were empty, how The Greatest Show on Earth was more of a no-show here in Seattle than anything else."

May 21, 2000: The *Dayton Daily News* reported, "But the most amazing thing of all wasn't even what was going on in the three rings [at Ringling Bros. and Barnum & Bailey Circus]. It was to be seen elsewhere in the arena, up in the seats. In all the empty seats. ... [T]he show we attended was nowhere close to sold out. In fact, the place was nearly empty."

November 19, 1999: The *Chicago Tribune* reported, "Last Thursday's performance of Ringling Bros. and Barnum & Bailey Circus at the 16,000-seat Allstate Arena was so small that two of the three rings were playing to rafts of empty seats. Attendees at several other first-week performances reported similarly small houses."

November 8, 1999: The *Chicago Sun-Times* reported, "As master of ceremonies, baby-faced Johnathan Lee Iverson was a congenial [Ringling Bros. and Barnum & Bailey Circus] ringmaster who didn't let on if the half-empty venue affected him."

September 17, 1999: *The Indianapolis News* reported, "Attendance continues to dwindle when Ringling Bros. and Barnum & Bailey Circus comes to town."

CRIMINAL ACTIVITY

April 19, 2005: According to the *Centre Daily*, Ringling animal trainer Sacha Houcke was charged with simple assault in University Park, Pa., after "two employees of the Bryce Jordan Center called police and reported witnessing Houcke choke his daughter, push her to the ground and punch her in the face while they were working with the circus horses." On May 25, 2005, Houcke entered a guilty plea to harassment and disorderly conduct citations and paid a \$300 fine.

March 6, 2005: According to the *Cincinnati Enquirer*, Ringling animal handler Bryan Phipps was arrested for a 2001 aggravated bank robbery while the circus was performing in Cincinnati, Ohio. Phipps, who was hired by the circus in December 2001, spent six years in Ohio prisons in the 1990s after being convicted of drug trafficking, carrying a concealed weapon, aggravated robbery, and kidnapping. Police officials stated that several other agencies had warrants for his arrest, including a felony drug possession charge.

May 24, 2004: Thomas Allen Riccio, a Ringling circus clown performing under the name "Spanky," was arrested in Fayetteville, N.C., and charged with 10 counts of third-degree sexual exploitation of a minor. Authorities allegedly found 2,000 pictures on Riccio's computer, which was kept in his room on the circus train, of child pornography that depicted girls as young as 5 years old engaged in sexual activity with adults.

May 2, 2003: According to a report on CBS program *60 Minutes*, suburban soccer mom and freelance journalist Jan Pottker filed a lawsuit against Ringling for fraud and conspiracy. Pottker charged that Ringling spent an estimated \$3 million over an eight-year period in an attempt to sabotage her writing career after she wrote an unflattering article about the circus.

People for the Ethical Treatment of Animals • 501 Front St., Norfolk, VA 23510
757-622-7382 • PETA.org • Circuses.com

PETA Factsheet

September 26, 2002: According to *The Salt Lake Tribune*, a Ringling acrobat was arrested and jailed in Idaho on charges of sexual battery against a 16-year-old girl. The acrobat allegedly dragged the victim back into his sleeping quarters, slammed the door, and assaulted her. The U.S. Immigration and Naturalization Service also ordered the acrobat to be held.

November 10, 2000: A Ringling employee was arrested in Rosemont, Ill., after police identified him from a fingerprint left behind when he allegedly mugged an Ohio woman at knifepoint a month earlier. The circus worker, who had been convicted of aggravated burglary and drug abuse in 1989, was suspected of committing a string of recent armed muggings.

November 21, 1998: The *Calgary Herald* reported that the goat Ringling featured in 1980 as a "unicorn" was purchased from serial killer Leonard Thomas Lake. Lake abducted, tortured, raped, and murdered women before committing suicide when he was finally arrested in 1985. The "unicorn" was actually a mutilated goat whose horns had been manipulated to grow in the center of the animal's forehead.

March 17, 1998: The *Mountain Xpress* reported that a Ringling employee, who was on parole after serving seven years on a New York murder conviction, was arrested in connection with two break-ins and liquor theft at an Asheville, N.C., liquor store.

April 13, 1997: A Ringling employee was arrested in Worcester, Mass., on a fugitive-from-justice warrant, which listed a charge of counterfeiting.

November 19, 1994: Ringling's vice president of animal care Gunther Gebel-Williams, was arrested in St. Louis and charged with disturbing the peace. Gebel-Williams had screamed at a police officer and threatened the officer with the whip that he uses on his tigers because officers were giving traffic tickets to circus customers.

October 19, 1994: A Ringling employee in Boston, Mass., was arrested and charged with assault and battery with a dangerous weapon when he stabbed a horse trainer in the stomach with a penknife. A fight had broken out when the employee had tried to get the horses to kick the trainer.

April 19, 1994: A railroad official testified that a circus-train brake operator who helped conduct a safety inspection just before a deadly Ringling train derailment had failed a drug test after the wreck. A clown and an elephant trainer were killed in the crash.

January 17, 1994: Two Ringling performers were arrested in Post Orange, Fla., and charged with disorderly intoxication. One of the men was also charged with resisting arrest with violence after he swung at the arresting officer and tried to push the patrol car into the officer.

ORDINANCE

SECTION 1. Chapter 7-12 of the Municipal Code of Chicago is hereby amended by adding a new section 742-390, as follows:

742-390 Elephants

(a) Each person who possesses, keeps or maintains any elephant on stationary display shall provide an indoor climate-controlled space of a minimum of 5 acres and an outdoor space of a minimum of 5 acres per elephant.

(b) Each person who possesses, keeps or maintains any elephant on traveling display shall provide an indoor climate-controlled space of a minimum of 1800 square feet for a single elephant and an additional 900 square feet for each additional elephant and an outdoor space of a minimum of 1800 square feet for a single elephant and an additional 900 square feet for each additional elephant.

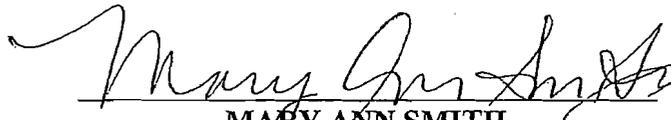
(c) It shall be unlawful for any person to use on any elephant any technique, device, instrument, or training or disciplinary method that inflicts pain on, or causes or is likely to cause injury to, the elephant. Technique, device, instrument, or training or disciplinary method shall include, but not be limited to:

- (1) deprivation of water, food or rest;
- (2) insertion of any instruments into any bodily orifice;
- (3) use of an ankus, bullhook or similar device;
- (4) use of an electric prod or shocking device;
- (5) use of a baseball bat or axe handle;
- (6) use of a block and tackle;
- (7) use of martingales; or
- (8) use of leg chaining, unless required for medical treatment.

(d) Any person who violates subsection (a) or (b) of this section shall be fined not less than \$100.00 no more than \$1,000.00. Each day that a violation continues shall constitute a separate and distinct offense.

Any person who violates subsection (c) of this section shall be fined not less than \$500.00, nor more than \$1,000.00, or may be imprisoned for not more than six months, or may be ordered to perform up to 200 hours of community service, or any combination thereof. Each day that the violation continues shall be deemed a separate offence.

SECTION 2. This ordinance takes effect 30 days after its passage and approval.


MARY ANN SMITH
Alderman, 48th Ward






Ernest Mitt 37










Doni Orecchini 4th



TO: STATE, COUNTY AND
CITY OFFICIALS
August 7, 2006

Public Records

RECEIVED
San Jose City Clerk

2006 AUG 10 P 3:15

**NOTICE OF TWO APPLICATION FILINGS BY
PACIFIC GAS & ELECTRIC COMPANY:**

**THE FIRST APPLICATION (06-08-004) FILING IS FOR APPROVAL FOR
THE RECOVERY IN RATES OF ITS UNREVIEWED COSTS ASSOCIATED
WITH THE PLANNED DIVESTITURE OF ITS GENERATION ASSETS**

**THE SECOND APPLICATION (06-06-034) FILING IS FOR APPROVAL
OF PROGRAMS AND BUDGETS FOR 2007 AND 2008 CALIFORNIA
LOW INCOME ENERGY EFFICIENCY (LIEE) AND CALIFORNIA
ALTERNATE RATES FOR ENERGY (CARE)**

Legislation passed in 1997 required the California Public Utilities Commission ("CPUC") to calculate the value of all utility-owned electric generation plants as part of the deregulation of the electricity market and the possible sale of utility electric plants to independent generators. Pacific Gas and Electric Company (PG&E) incurred costs to assist the CPUC in making the calculations. Some of the costs were reviewed by the CPUC and approved in earlier proceedings. After the energy crisis of 2000-2001, the Legislature passed another law that prevented utilities from selling any more generation plants until after 2005. Although PG&E no longer intends to sell any of its remaining electric generation plants, some of the costs that it incurred as part of the valuation process have not yet been reviewed or approved for recovery by the CPUC. The first application filing noted above requests review and approval of those remaining costs.

Detailed information about PG&E's Application

On August 1, 2006, PG&E filed an Application with the CPUC, requesting review of and authorization to recover in rates \$2.6 million in costs PG&E spent assisting the CPUC in valuing PG&E's electric generation plants. Most of the costs requested here were spent on environmental assessments of PG&E's hydroelectric generation plants, Humboldt Bay Power Plant, and land associated with the Pit River hydroelectric plants, and the clearing of land rights for the sale of the Potrero Power Plant in San Francisco.

How does this affect rates?

PG&E requests review of the costs and authority to collect those costs in electric rates at a future time. If the CPUC approves PG&E's full request, plus interest from June 30, 2006 until the costs are recovered, the average rate for a full-service PG&E customer will go up two one-hundredths of one percent (0.02%), and would not pose a significant impact on rates.

**NOTICE OF FILING OF APPLICATION 06-06-034 PG&E
APPLICATION FOR APPROVAL OF PROGRAMS AND BUDGETS FOR
2007 AND 2008 CALIFORNIA LOW INCOME ENERGY EFFICIENCY
(LIEE) AND CALIFORNIA ALTERNATE RATES FOR ENERGY (CARE)**

The CPUC ordered PG&E to file an Application proposing programs and budgets for PG&E's 2007 and 2008 low-income assistance programs -i.e., California Alternate Rates for Energy (CARE) and Low Income Energy Efficiency (LIEE). On June 30, 2006, PG&E filed Application of Pacific Gas and Electric Company for Approval of the 2007 and 2008 California Alternate Rates for Energy and Low Income Energy Efficiency Programs and Budget ("Application"). The LIEE program offers free weatherization services, energy efficient appliances and energy education to qualifying low-income customers. The CARE program provides a 20 percent discount on the PG&E bill of qualifying low-income customers. The Application requests an annual LIEE budget of \$80.7 million for 2007 and 2008. For the CARE program, the Application requests an annual administrative budget of \$7.7 million for 2007 and 2008.

How does this affect rates?

If this application is approved, it would result in less than one percent of PG&E's total annual revenue. The average increase in electric rates would be 0.13 percent, and the average increase in gas rates would be 0.10 percent.

The CPUC Process

The CPUC's independent Division of Ratepayer Advocates (DRA) will review these applications, analyze the proposals, and present an independent analysis and recommendations for the CPUC's consideration. Other parties will also participate.

The CPUC may hold evidentiary hearings where parties present their proposals in testimony and are subject to cross-examination before an Administrative Law Judge. These hearings are open to the public, but only those who are parties of record can present evidence or cross-examine witnesses during evidentiary hearings.

After considering all proposals and evidence presented during the hearing process, the CPUC will issue a draft decision for each application. When the CPUC acts on these applications, it may adopt all or part of PG&E's requests, amend or modify them, or deny the applications. The CPUC's final decision for each application may be different from PG&E's proposed application filing.

For further information

You may contact the CPUC's Public Advisor with any comments you may have by writing to the CPUC or by sending an email to the Public Advisor's office.

Public Advisor's Office
505 Van Ness Avenue, Room 2103
San Francisco, CA 94102
415-703-2074 or 866-849-8390 (toll free) TTY 415-703-5282, TTY 866-836-7825 (toll free) E-mail to public.advisor@cpuc.ca.gov

If you are writing a letter to the Public Advisor's Office, please include the application numbers you are referring to. All comments will be circulated to the Commissioners, the assigned Administrative Law Judge, the Energy Division staff, and the Division of Ratepayer Advocates for review. They will also become part of the record in these proceedings.

For more details call PG&E at 800.743.5000
Para más información 800.660.6789 • 詳情請致電 800.298.8438
For TDD/TTY (speech-hearing impaired) call 800.552.4712

Price, Lee

Public
Record c

From: City Clerk
Sent: Thursday, August 10, 2006 8:59 AM
To: Price, Lee
Subject: FW: Excessive Lighting

-----Original Message-----

From: CATHERINE DWYER [mailto:catiery@msn.com]
Sent: Thursday, August 10, 2006 8:02 AM
To: erin.morris@sanjoseca.gov; Carol.Hamilton@sanjoseca.gov; katy.allen@sanjoseca.gov; katy.jensen@sanjoseca.gov; Laura.Wells@sanjoseca.gov; Jim.Bittner@sanjoseca.gov
Cc: ken.yeager@sanjoseca.gov; Megan.Doyle@sanjoseca.gov; city.clerk@sanjoseca.gov; Mark.linder@sanjoseca.gov
Subject: Excessive Lighting

August 10, 2006

Planning Department
Public Works
Department of Transportation
Ken Yeager

I am not sure who handles the lighting issues in San José, but this is a complaint of the excessive lighting at the corners of Hemlock Ave and Hatton Street. Hemlock Ave already has more streetlights than needed from the corners of So. Baywood to So. Redwood Avenues and then add all of the lighting from the parking lots of Santana Row property. Now there is a tall tower with more lights, which is well over what is necessary for a street corner. This corner is already well lit and there is no need for additional lighting. If safety is the concern then the visibility of security guards is more effective than lights and cameras. Identities can be hidden from a camera, but from the eyes of a security guard is unlikely. If additional lighting and cameras are going to be the only security in these parking lots, placing them in a more useful area like the middle of the parking lot instead of them pointed down at a street corner. The only use I can see of the tower at this corner is for advertisement of the camera company.

It seems Santana Row cameras do little in security. The cameras did nothing in the smash and grab vandals that went through the parking lots last fall, but the eyes of my neighbor did a lot of good.

Thank you,
Katie Dwyer
383 So. Baywood Ave.

Pimentel, Nora

From: Price, Lee
Sent: Thursday, August 17, 2006 9:24 AM
To: Pimentel, Nora
Subject: FW: Excessive Lighting

public record

From: City Clerk
Sent: Thursday, August 17, 2006 8:46 AM
To: Price, Lee
Subject: FW: Excessive Lighting

From: CATHERINE DWYER [mailto:catiery@msn.com]
Sent: Thursday, August 17, 2006 7:50 AM
To: Erin Morris; Carol Hamilton; Laura Wells; Jim Bitner; Katy Allen; Katy Jensen; Ken Yeager; Megan Doyle; city.clerk@sanjoseca.gov; Mark Linder
Subject: Excessive Lighting

August 17, 2006

To let you know there was a robbery at gun point last night at the corner of Hemlock
Please add this information to my original complaint. Will I get a response on my c

Thank you,
Katie Dwyer
383 So. Baywood Ave.

August 10, 2006

Planning Department
Public Works
Department of Transportation
Ken Yeager

I am not sure who handles the lighting issues in San José, but it is like any community. I added
It seems Santana Row cameras do little in security. The cameras did nothing in the

Thank you,
Katie Dwyer
383 So. Baywood Ave.

8/17/2006

Pimentel, Nora

Public

Record d

From: Price, Lee
Sent: Tuesday, August 15, 2006 5:07 PM
To: Pimentel, Nora
Subject: FW: Protect Coyote Valley

Public record

-----Original Message-----

From: City Clerk
Sent: Tuesday, August 15, 2006 4:30 PM
To: Price, Lee
Subject: FW: Protect Coyote Valley

-----Original Message-----

From: Harker Teacher [mailto:DianaM@harker.org]
Sent: Tuesday, August 15, 2006 4:15 PM
To: cityclerk@sanjoseca.gov
Subject: Protect Coyote Valley

Please distribute this letter to the San Jose City Council. Thank you!

Mayor Gonzales and Council Members,

I am writing to urge you to follow through on your commitment to a specific plan for Coyote Valley that provides maximum environmental protection. The recently released Fiscal Impact Analysis found a fiscal deficit for at least the first 17 years of the project, so clearly it is not a good investment for the city. The City of San Jose should not mortgage the rest of San Jose to make up for the shortfall in financing development of Coyote Valley. The city should focus on revitalizing existing neighborhoods.

Please do not allow developer interests to shortchange the environmental mitigations that development in Coyote Valley will require.

Thank you,

Diana Dailey Moss
1588 Keesling Ave.
Willow Glen, San Jose