

Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

SUBJECT: The Public Record
August 29 – September 5, 2008

DATE: September 5, 2008

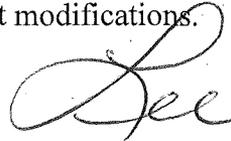
ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Letters dated August 19, 2008 addressed to Honorable Arnold Schwarzenegger, Don Perata (President Pro Tempore, State Senate), Dave Cogdill (Senate Minority Leader), Karen Bass (Speaker of the State Assembly), Michael Villines (State Assembly Minority Floor Leader) from Mayor Alan Autry, Fresno; Mayor Ron Dellums, Oakland; Mayor Gavin Newsom, San Francisco; Mayor Bob Foster, Long Beach; Mayor Heather Fargo, Sacramento; Mayor Chuck Reed, San Jose; Mayor Antonio R. Villaraigosa, Los Angeles; Mayor Jerry Sanders, San Diego; and Mayor Miguel Pulido, Santa Ana expressing concern regarding several of the proposals being considered to balance the state budget.
- (b) Letter from Governor Arnold Schwarzenegger to Mayor Chuck Reed dated August 26, 2008 thanking him for his recent letter about the state budget.
- (c) Email dated September 2, 2008 from Glenda Avila on behalf of Laura Macias, Director of Government/Community Affairs and SPOC, inviting elected officials and community leaders to three fall charitable/PAC dinners.
- (d) Letter from David S. Wall to City Manager Debra Figone dated September 2, 2008 regarding "Ryland Park: Handicapped Citizens are Denied Parking."
- (e) Letter from David S. Wall to Mayor Reed and the City Council dated September 2, 2008 regarding "The Ghetto Life: Update on the SCEP."
- (f) Letter from David S. Wall to Mayor Reed and the City Council dated September 3, 2008 regarding "Deficit Reduction: Redefining Auditor's Authority."
- (g) Email dated September 3, 2008 from Emmanuel Abello sending notification that the agenda for the LAFCO Closed Session and Special Meeting to be held on September 10, 2008 are posted on the LAFCO website.
- (h) Memorandum from City Clerk Lee Price dated September 4, 2008 forwarding the election audit results.

Honorable Mayor and City Council Members
September 5, 2008
Subject: The Public Record August 29-September 4, 2008

- (i) Letter from David S. Wall to Honorable Arnold Schwarzenegger dated September 4, 2008 regarding: "Please Take San Jose's Redevelopment Money!"
- (j) Email from Kirk Vartan to the Rules and Open Government Committee received on September 5, 2008 regarding Winchester/Forest (west modifications.)



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



August 19, 2008

The Honorable Arnold Schwarzenegger
Governor of California
State Capitol Building
Sacramento, CA 95814

Dear Governor Schwarzenegger:

We are writing to express our concern regarding several of the proposals being considered to balance the state budget. The most significant of those concerns centers on proposals that would divert local revenue or remove reimbursements for services mandated by the State.

We urge you to refrain from suspending, borrowing, or sweeping the revenue that cities depend on for critical operations, services and infrastructure. Today's uncertain economic climate has placed severe burdens on our own budgets, and we have already made sacrifices through our own budget process. If the State passes additional costs through to cities, our ability to deliver basic services, including providing for public safety, will be at risk.

Proposals to permanently sweep funds from redevelopment agencies threaten to undermine one of the key tools that cities have to grow the economy. Since redevelopment funds are highly leveraged, and because agencies frequently bond against future revenue to assist in the development of the most catalytic projects, even a small redirection of local redevelopment dollars to Sacramento would worsen this ripple and our prospects for economic recovery.

Finally, while we understand the need to discuss procedural reforms that will help state government enact future budgets, using the policy goals contained in Assembly Constitutional Amendment 19 as a starting point for negotiations is shortsighted. Among other considerations, the provisions of the amendment

The Honorable Arnold Schwarzenegger
August 19, 2008
Page 2

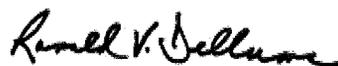
would statutorily eliminate the right of cities to generate their own revenue and repeal the state's obligation to reimburse local governments for state mandated programs. If these provisions are enacted into law, we would be unable to make the tough, long-term decisions that were necessary to adopt our own budgets this year.

We encourage you to examine and exhaust all other options before turning to cities through the policies described here to help solve the state budget crisis.

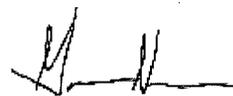
Sincerely,



ALAN AUTRY
Mayor – Fresno



RON DELLUMS
Mayor – Oakland



GAVIN NEWSOM
Mayor – San Francisco



BOB FOSTER
Mayor – Long Beach



HEATHER FARGO
Mayor – Sacramento



CHUCK REED
Mayor – San Jose



ANTONIO R. VILLARAIGOSA
Mayor – Los Angeles



JERRY SANDERS
Mayor – San Diego



MIGUEL PULIDO
Mayor – Santa Ana



August 19, 2008

The Honorable Don Perata
President Pro Tempore
State Capitol, Room 205
Sacramento, CA 95814

Dear President Pro Tempore Perata:

We are writing to express our concern regarding several of the proposals being considered to balance the state budget. The most significant of those concerns centers on proposals that would divert local revenue or remove reimbursements for services mandated by the State.

We urge you to refrain from suspending, borrowing, or sweeping the revenue that cities depend on for critical operations, services and infrastructure. Today's uncertain economic climate has placed severe burdens on our own budgets, and we have already made sacrifices through our own budget process. If the State passes additional costs through to cities, our ability to deliver basic services, including providing for public safety, will be at risk.

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The Honorable Don Perata
August 19, 2008
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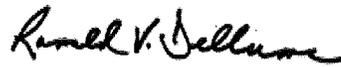
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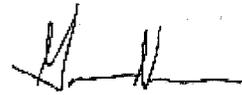
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Mayor – Fresno



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Mayor – Oakland



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Mayor – San Francisco



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Mayor – Long Beach



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Mayor – Sacramento



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Mayor – San Jose



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Mayor – Los Angeles



JERRY SANDERS
Mayor – San Diego



MIGUEL PULIDO
Mayor – Santa Ana



August 19, 2008

The Honorable Dave Cogdill
Senate Minority Leader
State Capitol Building, Room 3048
Sacramento, CA 95814

Dear Senator Cogdill:

We are writing to express our concern regarding several of the proposals being considered to balance the state budget. The most significant of those concerns centers on proposals that would divert local revenue or remove reimbursements for services mandated by the State.

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The Honorable Dave Cogdill
August 19, 2008
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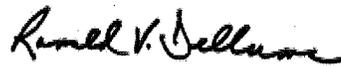
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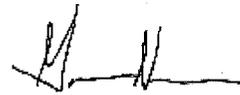
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Mayor – Fresno



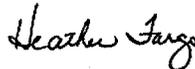
RON DELLUMS
Mayor – Oakland



GAVIN NEWSOM
Mayor – San Francisco



BOB FOSTER
Mayor – Long Beach



HEATHER FARGO
Mayor – Sacramento



CHUCK REED
Mayor – San Jose



ANTONIO R. VILLARAIGOSA
Mayor – Los Angeles



JERRY SANDERS
Mayor – San Diego



MIGUEL PULIDO
Mayor – Santa Ana



August 19, 2008

The Honorable Karen Bass
Speaker of the Assembly
State Capitol Building, Room 219
Sacramento, CA 95814

Dear Speaker Bass:

We are writing to express our concern regarding several of the proposals being considered to balance the state budget. The most significant of those concerns centers on proposals that would divert local revenue or remove reimbursements for services mandated by the State.

We urge you to refrain from suspending, borrowing, or sweeping the revenue that cities depend on for critical operations, services and infrastructure. Today's uncertain economic climate has placed severe burdens on our own budgets, and we have already made sacrifices through our own budget process. If the State passes additional costs through to cities, our ability to deliver basic services, including providing for public safety, will be at risk.

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The Honorable Karen Bass
August 19, 2008
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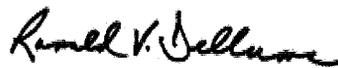
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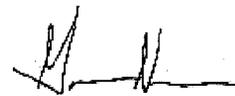
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HEATHER FARGO
Mayor – Sacramento



CHUCK REED
Mayor – San Jose



ANTONIO R. VILLARAIGOSA
Mayor – Los Angeles



JERRY SANDERS
Mayor – San Diego



MIGUEL PULIDO
Mayor – Santa Ana



August 19, 2008

The Honorable Michael Villines
Assembly Minority Floor Leader
State Capitol Building, Room 3104
Sacramento, CA 95814

Dear Assembly Member Villines:

We are writing to express our concern regarding several of the proposals being considered to balance the state budget. The most significant of those concerns centers on proposals that would divert local revenue or remove reimbursements for services mandated by the State.

We urge you to refrain from suspending, borrowing, or sweeping the revenue that cities depend on for critical operations, services and infrastructure. Today's uncertain economic climate has placed severe burdens on our own budgets, and we have already made sacrifices through our own budget process. If the State passes additional costs through to cities, our ability to deliver basic services, including providing for public safety, will be at risk.

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The Honorable Michael Villines
August 19, 2008
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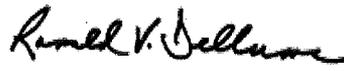
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Sincerely,



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MIGUEL PULIDO
Mayor - Santa Ana



GOVERNOR ARNOLD SCHWARZENEGGER

August 26, 2008

The Honorable Chuck Reed
Mayor of San Jose
200 East Santa Clara Street
18th Floor
San Jose, California 95113

Dear Mayor Reed,

Thank you for your recent letter about our state budget. Local leaders like you are California's true action heroes, and I appreciate your taking the time to share your concerns and priorities about an issue so fundamentally important to the future of our golden state.

Believe me when I say I very much recognize the importance of local programs and services, and I'm pleased that the budget compromise I proposed August 20 does not take money from local governments or transportation. It's a fiscally responsible compromise that addresses our current challenges and structurally reforms our long-dysfunctional system so that future leaders won't have to face the same difficult situation we're in today. Most importantly, this proposal ends the roller coaster funding our current process creates and gives us a budget system that will help us put California on the road to fiscal sanity, pay off our debt and live within our means.

That said, fixing our broken system won't be an easy task, and, as with most good work, much remains to be done. Both Democrats and Republicans in the Legislature will have to make compromises – as I had to do – but I fully believe that by working together, we'll ultimately be successful. Your support and engagement continue to be an important part of our efforts to keep California moving forward, and I look forward to working with legislators, local officials and stakeholders across the state to turn this challenge into a victory for our fellow Californians.

Thanks again for taking the time to write and for all you're doing to make California an even better place to live and work.

Sincerely,


Arnold Schwarzenegger

/la

From: Avila, Glenda

Sent: Tuesday, September 02, 2008 3:53 PM

To: Avila, Glenda

Subject: FALL CHARITABLE/PAC DINNERS HAVE BEGUN! BE COMCAST'S GUEST AT AN OUTSTANDING COMMUNITY DINNER-- PIONEERS AND PURPOSE, BAYMEC or HISPANIC CHARITY BALL

On behalf of Laura Macias, Could you please distribute to the Mayor and council members. Thank you. Glenda

Dear Elected Official and Community Leader,
Comcast South Bay supports in ways big and small its greater South Bay communities which span from North Santa Clara County to Salinas. Upcoming in the next six weeks are three special dinners that I would like to invite you (and spouse, friend or staff) to be our guest(s) at our table. Please come to the event of your choice.

Each of the events offers services essential to our greater community. I hope you will consider attending. If you cannot attend, then please remember the organizations as you can.

1. Friday September 18th , Pioneers and Purpose Gala, Silicon Valley Education Foundation: http://svefoundation.org/events/index.asp#sep_18_08

From the SVEF website: The Silicon Valley Education Foundation seeks to inspire tomorrow's innovators. With a clear focus achieving results and emphasizing creativity and innovation in education; SVEF brings a Silicon Valley business approach to improving education. Pioneers and Purpose gala is at the Fairmont Hotel.

2. Saturday September 19th , BAYMEC Fundraiser: <http://www.baymec.net/>

From the BAYMEC website: The Bay Area Municipal Elections Committee (BAYMEC) is a non-partisan, political action committee serving the civil rights concerns of lesbian, gay, bisexual and transgender individuals in the central coast counties of San Mateo, Santa Clara, Santa Cruz and Monterey since 1984. Dinner is at the Fairmont Hotel in San Jose.

3. Saturday October 11th ,Charity Ball at the Fairmont Hotel, Hispanic Foundation of Silicon Valley: <http://www.hfsv.org/ball.html>

From the HFSV website: The Hispanic Foundation of Silicon Valley engages leadership and bridges resources to invest in a thriving Hispanic community. Resources are directed toward educational achievement, economic advancement and leadership development to create opportunities for Hispanic children and families.

If you are interested in attending. please respond back to this email. Let us know which event that you would like to attend, and your guest's name if you are bringing someone with you to the event. Also, Glenda on our Government Affairs Staff can assist you with the details if I am not available. Hope to hear from you soon! We do ask for a response by back by September 10, 2008.

Best regards, Laura Macias

Director of Government/Community Affairs and SPOC (Single Point of Contact)

Comcast office address: 1900 South 10th St. SJ 95112

Laura_Macias@cable.comcast.com

For assistance, contact Glenda Avila Ortega at



Please consider the environment before printing

David S. Wall

RECEIVED
San Jose City Clerk

2000 SEP -2 P 3: 56

September 2, 2008

Ms. Debra Figone
City Manager
200 East Santa Clara Street
San José, California 95113-1905

Re: RYLAND PARK: HANDICAPPED CITIZENS ARE DENIED PARKING

There is an immediate need to repaint and provide required signage for HANDICAP PARKING at RYLAND PARK.

The HANDICAPPED PARKING spaces at RYLAND PARK are so unrecognizable the POLICE will not enforce the appropriate ordinance(s) and therefore HANDICAPPED PERSONS ARE DENIED PARKING SPACES.

On Saturday (08.30.2008) and Sunday (08.31.2008) vehicles *not displaying* "DISABLED PLATES OR PLACARDS" were parked in the almost unrecognizable HANDICAPPED PARKING SPACES THEREBY DENIYING PARKING TO THE HANDICAPPED COMMUNITY.

Respectfully submitted,

David S. Wall
09.02.2008

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///

P.S. There was a silver TOYOTA SEDAN
parked w/o plates or placards (HANDICAPPED)
This Date \cong 1526 hours - JRS

**Cc: Mayor Reed and Members San José City Council
City Attorney / Director Parks and Recreation
Parks and Recreation Commissioners**

David S. Wall

RECEIVED
San Jose City Clerk

2008 SEP -2 P 3:55

September 2, 2008

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

Re: THE GHETTO LIFE: UPDATE ON THE SCEP

On Tuesday, (09.02.2008) approximately 1352 hours, I ventured over to North Tenth Street @ Horning Street to "take the pulse" of the SCEP (Shopping Cart Entitlement Program). I arrived on station and found nineteen (19) stolen and abandoned shopping carts. A reduction of theft of shopping carts is hereby recorded.

The breakdown of ownership of the stolen and abandoned shopping carts is as follows;

PW Supermarket (3), Mercado SuVianda (3), FoodMaxx* (3), Mi Pueblo (2), WalMart (1), Target (1), Walgreen's (1), Lucky's (1), Save Mart (1), Zanottos (1), Dat Thanh Supermarket* (1), Un-marked (1).

*There were the following spelling errors on previous SCEP reports:
FoodMaxx was reported as **FoodMax**.
Dat Thanh Supermarket was reported as **Thanh Supermarket**.
Sorry for the spelling errors.

There was one interview this week.

While documenting the number and identities of stolen and abandoned shopping carts, a neighbor who lives on the Four hundred (400) block of Horning Street approached me and asked me if I worked for the railroad, because he had witnessed me several previous times around the "shopping carts".

I replied that I did not work for the railroad and my presence in his neighborhood was simply to record the popularity of the SCEP. He did not know what the SCEP was about. So, I informed him about the SCEP. He said the POLICE don't do anything about it.

I told him not to blame the POLICE but to put the blame where it truthfully belongs, squarely on the shoulders of the Mayor and Council for the City of San José.

He asked me, "How do you write the Mayor?" I told him.

NOW HERE THIS.....He also told me how he witnessed an individual (I call this type of person, the criminal element) remove several "storm drain grates" and take them across the street to the recycling center.

Perhaps the POLICE should consider a "STING OPERATION" involving ALL recycling centers within their jurisdiction. I'll bet they'll find all sorts of "criminal activity".

Have YOU lost a "storm drain grate" in YOUR neighborhood lately? If so, and even if not, such an occurrence is part of a robust, Ghetto Life.

Respectfully submitted,

David S. Wall
09.02.2008

Cc: City Attorney / Auditor / City Manager / Chief of Police

David S. Wall

PUBLIC RECORD f

RECEIVED
San Jose City Clerk

2008 SEP -3 P 1:39

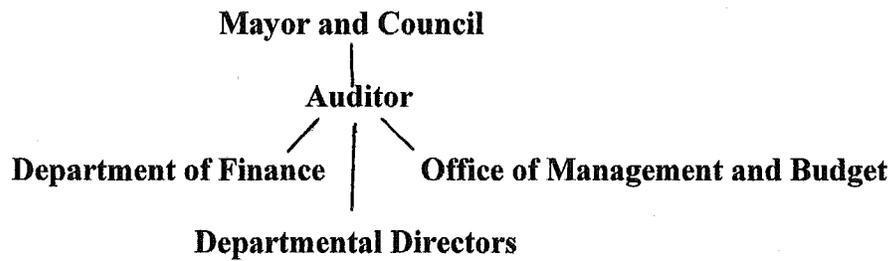
September 3, 2008

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

Re: DEFICIT REDUCTION: REDIFNING AUDITOR'S AUTHORITY

The current administrative roles of the Auditor, Department of Finance and the Office of Management and Budget (OMB) should be consolidated under "one roof" for too many reasons to cite here. The two most important reasons are accountability and efficiency.

I propose the following organization change;



YOU will note this structural change gives the Auditor direct control over these previous separate entities. The Auditor will "absorb" Finance and OMB.

This will require some modifications / amendment(s) to the City Charter, chief amongst them is the elimination of the Office of the City Manager in its entirety.

RATIONALE:

Over the years, the Office of the City Manager has generated more inefficient and redundant systems allowing for administrative patronage and social promotions that can no longer be sustained and in doing so, has become an archaic institution requiring elimination.

This *initial* re-organizational concept serves many administrative principals associated with accountability, efficiency, and *real time accounting* to FUND SOURCE.

Departmental Directors will be required to submit their budgets in *real time accounting* for continuous review and allocation by FUND SOURCE.

This will require an "investment" of required infrastructure in the Office of the Auditor to have the necessary specialties associated with the monitoring of sophisticated financial instruments and the creation, modification and deployment of the same. The rest is pretty easy.

Respectfully submitted,

**Cc: City Attorney / Auditor / City Manager / Director OMB
Director Department of Finance**

David S. Wall
09.03.2008

From: Abello, Emmanuel
Sent: Wed 9/3/2008 3:10 PM
Cc: Palacherla, Neelima; Noel, Dunia
Subject: LAFCO Agenda - September 10, 2008 Closed Session & Special Meeting

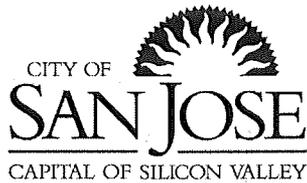
The agenda for LAFCO Closed Session and the Special LAFCO Meeting on September 10, 2008 have been posted at the LAFCO website:
http://www.santaclara.lafco.ca.gov/lafcomeetings_agendas&minutes.html.

Please let us know if you have questions.

Thank you,
Emmanuel Abello
LAFCO Clerk

Local Agency Formation Commission
of Santa Clara County
70 W. Hedding Street, 11th Floor
San Jose, CA 95110

Ph. (408) 299-6415 / Fax (408) 295-1613
www.santaclara.lafco.ca.gov



Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: LEE PRICE, MMC
CITY CLERK

SUBJECT: ELECTION AUDIT RESULTS

DATE: September 4, 2008

On August 13, 2008 the San José Elections Commission received the final report on the election audit results prepared by MGT of America, Inc. The Elections Commission requested that the City Clerk forward the report to the Mayor and Council.

David S. Wall

RECEIVED
Jose City Clerk

September 4, 2008

2008 SEP -4 P 1:35

The Honorable Arnold Schwarzenegger
Governor of California
State Capitol
Sacramento, CA 95814

Re: PLEASE TAKE SAN JOSÉ'S REDEVELOPMENT MONEY!

I am a disabled citizen of the United States, resident of San José California, on a fixed income and in the twilight of my years.

I have observed the actions of several San José Mayors and City Councils over the years as they preside over the City of San José Redevelopment Agency and I am wholly unimpressed.

Undoubtedly, you have heard the cries of Mayor Reed and the San José City Council concerning the "taking of redevelopment monies" to balance the state's budget. Please discount their stated concerns, for there is plenty of money in the San José economy.

An example of possible Redevelopment Fund expenditure has the following publicly discussed scenario. A former Mayor, who owns downtown property wants the City Council to "blight the property" surrounding his so that Redevelopment money could be used to better his property under the guise "it would be good for the City".

Another example is the *anti-environmental* development of North First Street for the addition of 32,000 homes without a *sustainable water supply*.

Mayor Reed and the City Council laud themselves on "how many jobs" would be created. But this is just talk with no substance to back it up. Developers get rich at tax payer expense.

I could cite Redevelopment project after another, but they all have a common theme. The theme is special interests, cronies and political campaign coffers get the money. None of them really cares about the environment that the tax payers have to live in or have to pay for.

Here is another example of the state of San José's economy. The Mayor and Council are going to give themselves a raise in pay. The Mayor's salary would jump from \$115,000 to \$143,000. The Councilmember's salaries would be bumped from \$82,500 to \$107,000. This money is from the General Fund and not Redevelopment Funds.

So, take their "Boohooing" and "poor mouthing" to heart. And take all the Redevelopment money YOU can to balance the budget. You will be doing the San José taxpayers and the environment a favor. San José has plenty of money.

Respectfully submitted,

David S. Wall

09.04.2008

**Cc: Mayor and Council-City of San José / Don Perata / Karen Bass / David Cogdill
Michael Villines / Elaine Alquist / Ellen Corbett / Abel Maldonado / Joe Simitian
Jim Beal, Jr. / Anna Caballero / Joe Coto / John Laird / Sally Lieber / Ira Ruskin
Alberto Torrico / Michael Genest**

