



Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

SUBJECT: The Public Record
February 6-12, 2009

DATE: February 13, 2009

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Letter from TMobile to City Clerk Lee Price dated February 4, 2009 regarding OCI Site Number SF04963A/San Jose, CA.
- (b) Letter from David Giordano to Councilmember Rose Herrera dated February 6, 2009 against the plastic bag tax.
- (c) Letter from owner of two Mi Rancho Supermarkets to Santa Clara County of Board Supervisor Dave Cortese dated February 6, 2009 regarding the proposed county ordinance that would place a \$.25 fee on plastic and paper shopping bags.
- (d) Letter from David S. Wall to Mayor Reed and City Council dated February 9, 2009 regarding ““Little Saigon”: His Imperial Majesty, Mayor Reed declares Nguyen will “win”.”
- (e) Letter from David S. Wall to Mayor Reed and City Council dated February 10, 2009 regarding “The Ghetto Life: Update on the SCEP”.
- (f) Letter from David S. Wall to Mayor Reed and City Council dated February 10, 2009 regarding “Ask President Obama for : United States Military Police Units, Stockade Infrastructure, Logistical Support and Military Tribunals.
- (g) Letter from David S. Wall to Councilmember Liccardo dated February 10, 2009 regarding “Request for status update: Garbage removal issue unabated and unacceptable”
- (h) Advice letter from the California Public Utilities Commission Division of Water and Audits to City Clerk Lee Price received February 10, 2009 letter requests Commission authorization for amortization of its purchased water balancing account and authorization of a Unanticipated Repair Cost balancing account.

Honorable Mayor and City Council Members
February 13, 2009
Subject: The Public Record February 6-12, 2009

- (i) Letter from David S. Wall to Mayor Reed and City Council dated February 12, 2009 regarding "Public Intoxication Task Force".
- (j) Letter from David S. Wall to Mayor Reed and City Council dated February 12, 2009 regarding "While Mayor Reed begs the Feds, Councilmember Oliverio panders to a staged show at Rules".
- (k) One thousand three hundred letters addressed to Mayor Reed and City Council received via email February 11, 2009 urging the Council take action to filter library computers. (On file in the office of the City Clerk)
- (l) Letter from Mr. and Mrs. John G. Hill to Mayor Reed and City Council dated February 10, 2009 expressing concern over proposals to tax plastic and paper bags in San Jose and the County.



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

T-Mobile

February 4, 2009

City Clerk:
Lee Price
200 East Santa Clara St.
San Jose, CA 95113

Re: OCI Site Number SF04963A/ San Jose, CA

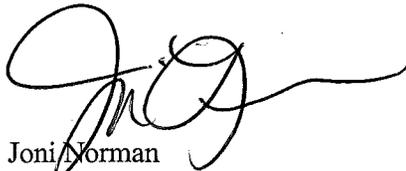
Dear Ms. Price,

General Order 159-A (GO-159-A) of the California Public Utilities Commission (CPUC) requires cellular carriers to send a notification letter of a utility's intent to construct a cellular facility to CPUC's Safety and Enforcement Division within 15 business days of receipt of all requisite local land use approvals. The notification letter shall state that such approvals have been received, or that no land use approvals are required.

As set forth in GO 159-A, copies of the notification letter are required to be served concurrently by mail on the local governmental agency. Where the affected local governmental agency is a city, service of the notification letter to the city shall consist of service of separate copies of the notification letter upon the City Manager, the City Planning Director and the City Clerk. In order to comply with these requirements, I have enclosed a copy of the notification letter for our project within your city limits.

If you have any questions or require additional information, please contact Joni Norman at (925) 521-5987.

Sincerely,



Joni Norman
Sr. Development Manager
Omnipoint Communications Inc.

Attachments

ATTACHMENT A

1. Project Location:

Site Identification Number: SF04963A
 Site Name: Crown Castle Monopole/Milpitas Sewage
 (BU #845190)
 Site Address: 1601 Dixon Landing Road,
 County: County of Santa Clara
 Site Location: Milpitas, CA 95035
 Assessor's Parcel Number: 015-47-001

Latitude: NAD 83 37-27--13.20
 Longitude: NAD 83 121-55-47.20

2. Project Description:

Number of Antennas to be installed: (1) new antenna and (2) new TMAs; (2) existing antennas to be removed and replaced.

Tower Design: Monopole
 Tower Appearance: Monopole
 Tower Height 77'-1"
 A) Building N/A
 B) Structure N/A
 C) Top of Antenna Height 58' Centerline AGL
 Lease Area: No change.

3. Business addresses of all Governmental Agencies

| | | |
|--|--|--|
| City of San Jose | City of San Jose | City of San Jose |
| City Planner: John Kim | City Clerk: Lee Price | City Manager: Debra Figone |
| 200 East Santa Clara St., 2 nd . Flr., | 200 East Santa Clara St., 2 nd . Flr., | 200 East Santa Clara St., 2 nd . Flr., |
| San Jose, CA 95113 | San Jose, CA 95113 | San Jose, CA 95113 |

4. Land Use Approval:

Planning Approval: AD08-492/PD93-039
 Issued: 4/18/2008
 Building Permit: B0712-073

5. If Land Use approval was not required: *Explain reason for exemption and attach documentation from the jurisdiction (i.e. copy of ordinance) that officially states exemption:*



February 4, 2009

Ms. Anna Hom
Consumer Protection and Safety Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Dear Ms. Hom:

This letter provides the Commission with notice pursuant to the provisions of General Order 159A issued by the Public Utilities Commission of the State of California (CPUC) that:

- (a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.
- (b) No land use approval is required because:

A copy of this notification letter is being sent to the local governmental agency identified below. Should the Commission or the local government agency have any questions regarding this project, or if anyone disagrees with the information contained herein, please contact Joni Norman of T-Mobile at (925)-521-5987, or Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at (415) 703-2699.

Very truly yours,

Joni Norman
Sr. Development Director
Attachment

cc: City of Millbrae
621 Magnolia Ave.
Millbrae, CA 94030



Giordano Farms

February 6, 2009

Councilmember Rose Herrera
San Jose City Hall
200 East Santa Clara Street
San Jose, CA 95113

Dear Councilmember Herrera:

Since my father and his brothers arrived in San Jose in 1910, our family has had planted and harvested fruits and vegetables in the "Valley of Hearts Delight". For nearly forty years, I have sold farm fresh produce from my roadside stand, first on Berryessa Road and now on Snell Avenue.

As you can imagine, the recent down turn in the economy has severely impacted our business with revenues down nearly 50% over the previous year. **And now, the City of San Jose wants to put me out of business by requiring me to track and pay 25-cents for every plastic bag!** I run a very small family operation. Everything is tracked by hand. We do not use computers.

Planting and harvesting vegetables and fruit requires that I am in the field from sun up to after sun down...seven days a week! My wife helps by waiting on customers. When would I have time to add up the number of bags and send the city their 20-cents per bag?

My customers stop at our stand on the way home from work. If I have to require that they bring their own bags for the produce, they are likely to skip the hassle. My profitability depends on shoppers stopping for one thing like my super sweet corn or fresh strawberries and then purchasing other produce. Produce is bulky. It is very likely that each customer ends up with being charged very close to the \$2.00 maximum. Very quickly customers will figure out that they may as well skip the roadside stand and do all of their shopping at the big grocery store where there charge for bags will max out at \$2.00 regardless of how many bags it takes.

Do you really want to put me out of business and end the nearly 100 years of the Giordano Family's farming history in San Jose? **Please say no to the bag tax!**

Sincerely,

David Giordano

cc: Mayor Reed, Vice Mayor Chirco, Councilmembers Constant, Oliverio, Campos, Kalra, Liccardo, Pyle, Chu, and Nguyen

RECEIVED
San Jose City Clerk
2009 FEB 12 A 11:10

* Public Record

PUBLIC RECORD C

February 6, 2009

The Honorable Dave Cortese
Santa Clara County Board of Supervisors
County Government Center, 10th Floor
70 West Hedding Street
San Jose, CA 95110
Fax: (408) 298-6637

Dear Supervisor Cortese:

I am the owner of two Mi Rancho Supermarkets in San Jose. I am writing this letter to request that the County of Santa Clara oppose the proposed county ordinance that would place a \$.25 fee on plastic and paper shopping bags.

Due to the current economic crisis, many of the local neighborhood families who shop at my grocery stores are facing very tough times. A growing number of my customers are hurting due to losing their jobs and having to pay higher prices for everyday purchases, including necessities such as food.

The proposed new fee on paper and plastic shopping bags will increase the cost of every shopping trip my customers make. In order to avoid paying the fee, my average customer will need to purchase six to eight reusable grocery bags and then make sure to bring the bags every time he or she comes into one of my stores, which is at least once a week and in some cases more often.

I take great pride in providing the highest level of customer service at both of my markets. Having to remember to bring enough reusable bags - or for many low-income or newly unemployed people, not being able to afford enough usable bags - will place a real burden on my customers and detract from the friendly, hassle-free shopping atmosphere my employees and I have worked hard to establish. In addition, collecting and processing the fee will add to the workload of both my employees and managers.

Mi Rancho Supermarkets
1383 Kooser Rd, San Jose, CA 95118 • (408) 267-2399
1003 Lincoln Ave., San Jose, CA 95125 • (408) 882-0117

Supervisor Dave Cortese

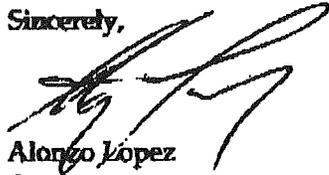
2009 FEB 12 A 11:10

RECEIVED
San Jose City Clerk

PR

phone at 408-882-0117 (business) or 510-376-9632 (cell), or e-mail me at zoarcho@aol.com.
Thank you.

Sincerely,



Alongo Lopez
Owner

Mi Rancho Supermarkets

cc San Jose City Council

Mi Rancho Supermarkets
1383 Kooser Rd., San Jose, CA 95118 • (408) 267-2399
1003 Lincoln Ave., San Jose, CA 95125 • (408) 882-0117

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San Jose City Clerk

2009 FEB -9 P 1:20

David S. Wall**February 9, 2009**

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

Re: "Little Saigon": His Imperial Majesty, Mayor Reed declares Nguyen will "win".**Dateline: San José Mercury News (Saturday, 02.06.09), "Cash-saving recall strategy".**

It is good to be King, even if you're just the Mayor of the Podunk, Regional Ghetto of Santa Clara County, the City of San José.

Now to the officious quotes concerning the upcoming recall vote of Councilmember Nguyen. Mayor Reed's imperious blather begins, "Ever since I've been on the council we've had elections." (Duh.) "But I think she is going to win, so I'm not going to spend a lot of time worrying about it."

Personally, the decision concerning Councilmember Nguyen, whether to retain her services or "to give her the boot", is to be decided by the voters of District 7.

Mayor Reed's eructating Grobianesque utterance concerning the outcome of the Recall of Councilmember Nguyen and his inept public behavior concerning "Little Saigon", *in toto*, is the apogee of arrogance and the nadir of political buffoonery rolled into one eulogy of a continuously failing administration, in my opinion. The resulting intrigue is soporifically sophomoric.

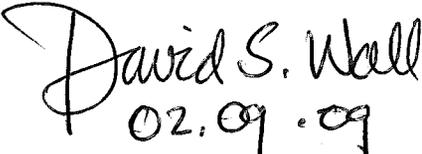
But, is the King a double dealer? Are there behind the scenes double dealing concerning a possible replacement for Councilmember Nguyen if she gets close to being booted? How does one get on the short list of consideration? Is brownnosing a must? What about a little "quidous pro quodus"? Will a beak want a "wetting"?

The "whispers" concerning his majesty's peremptory strike for the support of a "replacement" for Nguyen are not so faint, not so discrete. But, at a point yet to be realized, the Mayor's support for Councilmember Nguyen, should she wane in the polls, could be found somewhere within the horse latitudes. Jettisoned before the verdict? Why not. The rats always leave the sinking ship first.

In the meantime, it is bathos of disrespect for the Voters of District 7 which continues to carry the day at City Hall.

District 7 Voters should consider they have only a few friends on the Council. Why? Simple. Older Councilmember's are now concerned the same Recall action could be brought against them as a reaction for their own individualistic act or acts of stupidity.

March will soon be here, a little early for the storming of the Bastille, but the effects dictated by the Voters of District 7 might initiate similar and popular democratically inspired District specific revolutions. Has anyone seen Madame Defarge?

Respectfully submitted,
02.09.09**Cc: City Attorney / Auditor / City Manager**

David S. Wall

PUBLIC RECORD e

RECEIVED
San Jose City Clerk

2009 FEB 10 P 4:07

February 10, 2009

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, (02.10.09) approximately 1136 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 twelve (12) stolen and abandoned shopping carts. *A 9% increase of theft of shopping carts from last Tuesday is hereby recorded.*

The garbage at this locale consists of: a single bed mattress, a big bag of debris for a total of roughly one (1) cubic yard. There is the "usual" residual garbage characteristic of a failed municipal administration "all over the place".

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

Unmarked (2)*, Dal Thanh Supermarket (2), Target (2), Toys "R" Us (1),
99 Ranch Market (1), Fry's Electronics (1), Costco (1), Mercado Suvianda (1) Tuesday Morning (1)

* There were two (2) stolen and abandoned shopping carts that had been "modified" by a person(s) unknown. They appeared to be Safeway and World Market shopping carts in which the sides and fronts were "sawed off" making them into "flatbeds". This is a new development that increases the "lift capacity" of the criminal element. It allows flexibility in moving larger, heavier items either stolen or scavenged.

special note the overall cleanliness of Shopping carts in stores should be addressed by some government agency. Unsuspecting customers may use excrement coated shopping carts without knowledge.

Welfare Check of the New Shanty Town Resident(s) undertaken.

A "welfare check" to establish the status of any and all occupant(s) of the New Shanty Town along the railroad tracks proceeding Northbound on the railroad tracks from North Tenth Street @ Horning Street; stolen and abandoned shopping carts, was initiated and carried out.

There were four (4) interviews this week.

Hector has moved. His new hooch, still under construction, was moved approximately a little over one hundred (100) yards, proceeding Northbound on the railroad tracks from North Tenth Street @ Horning Street. Hector was asked to move his hooch by a property owner.

Hector, Pedro, Julio and Roberto were all found reasonably healthy, clothed, fed and definitely "watered". The inebriant off the day were quart bottles of "Bud Light".

I gave them a weather warning considering the on coming rain tonight and was thanked. Hector said he would be protected from the rain and pointed to items of weather proofing from his apparent "portable hooch".

I asked them all if they had eaten and they said they would go to the "Mission" (The Rescue Mission) later. Hector asked me for a dollar. His request was accommodated. Pedro, Julio and Roberto then chimed in requesting for a dollar as well. Each request was accommodated.

Before I departed, I asked them if the POLICE were kind and polite to them. Hector, Pedro, Julio and Roberto all replied that the POLICE were kind and polite to them.

Respectfully submitted,

**Cc: City Attorney / Auditor / City Manager / Chief of Police
Director PBCE**

*David S. Wall
02.10.09*

David S. Wall

PUBLIC RECORD f

RECEIVED
San Jose City Clerk

February 10, 2009

2009 FEB 10 P 4:07

HAND DELIVERED TO THE MAYOR'S OFFICE

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

Re: ASK PRESIDENT OBAMA FOR: UNITED STATES MILITARY POLICE UNITS, STOCKADE INFRASTRUCTURE, LOGISTICAL SUPPORT AND MILITARY TRIBUNALS.

Dateline: San José Mercury News (Tuesday, 02.10.09), "Reed to seek piece of stimulus".

My sincerest condolences for having to travel to Washington, D.C. for any reason.

In my opinion, it will be the States that will receive the stimulus, not the cities directly. Silicon Valley has seen its glory days for technology based innovation. Further, California will not lead the nation out of the recession. California is well on the road to economic collapse.

There is not one City in California, or the nation that does not operate on an "operating deficit" business model. Reliance on this system combined with the influences from global economies, failed financial institutional behaviors and the resulting lack of foreign investment is reeking devastation to our society and our institutions.

"Stimulus" is only going to postpone the inevitable.

California is on the precipice of experiencing a complete breakdown in law and order.

The criminal justice system is collapsing in California. State and Municipal Police agencies are already stretched beyond their capacities. There is no deterrence for criminal acts as the recent mayhem in Oakland attests. As the economy worsens criminal activity will only be exacerbated.

What is needed from Washington: **UNITED STATES MILITARY POLICE UNITS, STOCKADE INFRASTRUCTURE, LOGISTICAL SUPPORT AND MILITARY TRIBUNALS** to address the looming and complete breakdown in law and order.

Regional authority for the selective and temporary suspension of habeas corpus will be required.

Once again, my sincerest condolences for having to travel to Washington, D.C., I hope you don't get a head cold in the process. Have a safe trip.

Respectfully submitted,

David S. Wall
02.10.09

Cc: City Attorney / Auditor / City Manager

**Governor Schwarzenegger /Aanestad, Sam / Alquist, Elaine / Ashburn, Roy
DeSaulnier, Mark / Dutton, Bob / Hancock, Loni / Leno, Mark / Romero, Gloria / Steinberg, Darrell
Wiggins, Patrica / Yee, Leland / Hollingsworth, Dennis / Harman, Tom / Bass, Karen / Saldaña, Lori
Torrico, Alberto / Krekorian, Paul / Ma, Fiona / Hall, Isadore / Pérez, John A. / Villines, Michael
Michael Genest**

David S. Wall

PUBLIC RECORD 9

29

RECEIVED
Jose City Clerk

February 10, 2008

2008 FEB 10 P 4: 08

HAND DELIVERED TO COUNCILMEMBER LICCARDO'S OFFICE

Mr. Sam Liccardo, Esq.
Councilmember District 3
City of San José
200 East Santa Clara Street
San José, California 95113-1905

Re: Request for status update: Garbage removal issue unabated and unacceptable.

I would like to know the status concerning the issues previously submitted to your staff concerning garbage removal by a neighbor on or about mid-May 2008.

The situation remains unabated.

Respectfully submitted,

David S. Wall
02.10.08

///
///
///

**Cc: City Attorney / City Manager
Director ESD / Director PBCE**

**CALIFORNIA PUC -
DIVISION OF WATER
AND AUDITS**
Advice Letter Cover Sheet

(Date Filed / Received Stamp by CPUC)

PUBLIC RECORD h

| | | | |
|---------|--------------|-----------------------------------|---|
| AL #: 5 | Date Mailed: | Requested Effective Date: ASAP | Requested Tier: <input type="checkbox"/> Tier 1 <input type="checkbox"/> Tier 2 <input checked="" type="checkbox"/> Tier 3 |
|---------|--------------|-----------------------------------|---|

| | |
|---|--|
| <p>You have 20 days from mailing to protest this advice letter. If you chose to protest or respond to the advice letter, send Protest and/or Correspondence within 20 days to: and if you have email capability, also email to:</p> <p>Your protest also must be served on Utility</p> | Director, Division of Water and Audits 505 Van Ness Ave. San Francisco, CA 94102 |
| | water_division@cpuc.ca.gov |
| | (see attached advice letter for more information and grounds for protest) |

| | |
|---|---|
| Company Name: Klein Homes Water Company | CPUC Utility Number: _____ WTC _____ WTD <u>425</u> SWR _____ |
| Address | |
| | |

| | | | |
|-----------------------|----------------|-------------|----------|
| Contact Name: | Email Address: | Phone No.: | Fax No.: |
| Filer Wilma Pribyl | _____ | (707) _____ | _____ |
| Alternate | _____ | _____ | _____ |

Description:
 This advice letter requests Commission authorization for amortization of its purchased water balancing account and authorization of a Unanticipated Repair Cost balancing account. Per GO 96-B, this is a Tier 3 filing.

This advice letter will not affect existing service.

The Annual Revenue Impact will be \$12,387.12 or 28.8%

| (FOR CPUC USE ONLY) | |
|---|---|
| WTS Program/Activity/Type _____ / _____ / _____ Project Manager: _____ Analyst: _____ Due Date: _____ Completion Date: _____ | <input type="checkbox"/> Tier 1 <input type="checkbox"/> Tier 2 <input type="checkbox"/> Tier 3 20th Day : _____ 30th Day : _____ Initial Suspension on: ____ / ____ / ____ Final Suspension on: ____ / ____ / ____ Resolution No.: _____ AL / Tariff Effective Date: _____ |

2/3/09

Date

KLEIN HOMES WATER COMPANY
SANTA CLARA COUNTY

Advice Letter No. 5

TO THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Klein Homes Water Company hereby transmits for filing the following changes to its tariff schedules which are attached hereto:

| <u>Cal. P.U.C Sheet No.</u> | <u>Title of Sheet</u> | <u>Canceling Sheet No.</u> |
|---------------------------------|--------------------------------|--------------------------------|
| 90-W | Schedule No. 1 METERED SERVICE | 88-W |
| 91-W | Table of Contents | 89-W |

SUMMARY

The present rates of Klein Homes Water Company became effective on November 30, 2008 through Advice Letter No. 4 which authorized an interim general rate increase of \$10,354 or 139.8%

This advice letter respectfully requests Commission authorization for recovery of the balance in its purchased water balancing account.

BACKGROUND

Klein Homes requests authority under Decision No 06-04-037, April 13, 2006 to increase rates for water service to amortize the balancing account as of January 1, 2009, without interest.

Klein Homes serves approximately 19 metered customers in Santa Clara County.

DISCUSSION

The amortization of the \$37,161.36 undercollection in the balancing account requested herein is for the purpose of recovering in rates incremental changes in purchased water expenses that have occurred since the present rates become effective, without interest. This rate increase will not result in a return greater than that previously authorized.

The requested amortization expense will result in an increase in rates of \$70.40 for 36 consecutive months. This is an increase of \$12,387.12 per year or 28.8%

Service is satisfactory. There are no Commission orders requiring system improvements for this company, nor are there significant service problems requiring corrective action.

This filing will not cause withdrawal of service nor conflict with any other schedule or rule.

NOTICE

Klein Homes has given public notice of the request for an increase by sending a copy of this advice letter to each customer on January 26, 2009.

RESPONSE OR PROTEST

Anyone may respond to or protest this advice letter. A response supports the filing and may contain information that proves useful to the Commission in evaluating the advice letter. A protest objects to the advice letter in whole or in part and must set forth the specific grounds on which it is based. These grounds are:

- (1) The Utility did not properly serve or give notice of the advice letter;
- (2) The relief requested in the advice letter would violate statute or Commission order, or is not authorized by statute or Commission order on which the Utility relies;
- (3) The analysis, calculations, or data in the advice letter contain material error or omissions;
- (4) The relief requested in the advice letter is pending before the Commission in a formal proceeding;
- (5) The relief requested in the advice letter requires consideration in a formal hearing, or is otherwise inappropriate for the advice letter process;
- (6) The relief requested in the advice letter is unjust, unreasonable, or discriminatory (provided that such a protest may not be made where it would require relitigating a prior order of the Commission.)

A protest shall provide citations or proofs where available to allow Staff to properly consider the protest.

A response or protest must be made in writing or by electronic mail and must be received by the DWA within 20 days of the date this advice letter is filed.

The address for mailing or delivering a protest is:

Tariff Unit, DWA, 3rd floor

California Public Utilities Commission,
505 Van Ness Avenue, San Francisco, CA 94102
water_division@cpuc.ca.gov

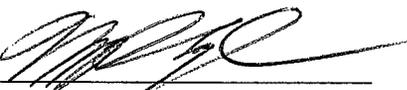
On the same date the response or protest is submitted to the DWA, the respondent or protestant shall send a copy by mail (or e-mail) to the Utility, addressed to:

Klein Homes Water Company
201 Burlington Dr.
Ukiah CA 95482
wmpribyl@jps.net

Cities and counties that need Board of Supervisors' or Board of Commissioners' approval to protest should inform the DWA, within the 20 day protest period, so that a late filed protest can be entertained. The informing document should include an estimate of the date the proposed protest might be voted on."

In compliance with General order 96-B, Water Industry Rule 4.1 this document has been mailed to all interested and affected parties as detailed in Attachment A

KLEIN HOMES WATER COMPANY

By: 

Wilma Pribyl
Owner

Attachments

KLEIN HOMES WATER COMPANY
Advice Letter No. 5
Financial Information

ESTIMATED 2008 ANNUAL REVENUE

| | |
|------------------------------------|----------|
| Estimated Revenue at Present Rates | \$42,945 |
| Revenue Increase | \$12,387 |
| Estimated 2008 Revenue | \$55,332 |

KLEIN HOMES WATER COMPANY

KLEIN HOMES WATER COMPANY
ADVICE LETTER No. 5
SERVICE LIST
(PER SECTION 4.3 OF GENERAL ORDER No. 96-B)

San Jose Water Company
Attn: Regulatory Affairs
110 West Taylor Street
San Jose, CA 95110

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

City of San Jose
Attn: Municipal Water Department
3025 Tuers Road
San Jose, CA 95120

KLEIN HOMES WATER COMPANY

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy via first class United States mail of the following document, Klein Homes Water Company, Inc. Advice Letter No. 5, upon all parties of record as shown on the Service List attached hereto, a copy thereof properly addressed to each party.

Executed in Urbah, Ca on the 4th day of February, 2009



Wilma Pribyl, Owner

TABLE OF CONTENTS

The following listed tariff sheets contain all effective rates and rules and regulations affecting the rates and service of the Utility, together with information relating thereto:

| SUBJECT MATTER OF SHEET | C.P.U.C. SHEET NO. | |
|---|-----------------------|-----|
| Title Page | 1-W | |
| Table of Contents | 91-W, 79-W | (T) |
| Preliminary Statement | 2-W, 3-W | |
| Service Area Map | 4-W | |
| Rate Schedules: | | |
| Schedule No. 1, General Metered Service | 90-W 86-W | (C) |
| Schedule LC, Late Payment Service | | |
| Schedule No. UF, Surcharge to Fund Public Utilities Reimbursement Fee | 83-W | |
| Rules: | | |
| No. 1 - Definitions | 5-W, 6-W | |
| No. 2 - Description of Service | 7-W | |
| No. 3 - Application for Service | 8-W | |
| No. 4 - Contracts | 9-W | |
| No. 5 - Special Information Required on Forms | 10-W - 12-W | |
| No. 6 - Establishment and Re-establishment of Credit | 13-W | |
| No. 7 - Deposits | 14-W, 15-W | |
| No. 8 - Notices | 16-W - 17-W | |
| No. 9 - Rendering and Payment of Bills | 18-W - 20-W | |
| No. 10- Disputed Bills | 21-W, 22-W | |
| No. 11- Discontinuance and Restoration of Service | 23-W - 30-W | |
| No. 12- Information Available to Public | 31-W, 32-W | |
| No. 13 Temporary Service | 33-W, 34-W | |
| No. 14 Continuity of Service | 35-W | |
| No. 15 Main Extensions | 36-W - 49-W | |
| No. 16 Service Connections, Meters, and Customer's Facilities | 50-W - 56-W | |
| No. 17 Standards for Measurement of Service | 57-W | |
| No. 18 Meter Tests and Adjustment of Bills for Meter Error | 58-W - 60-W | |
| No. 19 Service to Separate Premises and Multiple Units, and Resale of Water | 61-W | |
| No. 20 Water Conservation | 62-W | |
| No. 21 Fire Protection | 63-W | |

(continued)

(To be inserted by utility)

Issued by

(To be inserted by Cal. P.U.C.)

Advice No. 5-W

Date Filed _____

Dec. No. _____

Owner
 TITLE

Effective _____

Resolution No. _____

David S. Wall

PUBLIC RECORD 1

RECEIVED
San Jose City Clerk

2009 FEB 12 P 3: 52

February 12, 2009

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

Re: Public Intoxication Task Force

Were any Task Force Members "*asked, in any way*" if they have criminal convictions, at any stage of the application and selection to participate process?

Were any Task Force Members "*asked, in any way*" if they have criminal convictions, subsequent to selection and or during their participation, at any time, on the Public Intoxication Task Force?

The aforementioned questions do not imply, suggest or infer that any Task Force Member has a criminal conviction(s).

Respectfully submitted,

David S. Wall
02.12.2009

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Cc: City Attorney / Auditor / City Manager

David S. Wall

PUBLIC RECORD j

February 12, 2009

RECEIVED
San Jose City Clerk

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

2009 FEB 12 P 3: 52

Re: While Mayor Reed begs the Feds, Councilmember Oliverio panders to a staged show at Rules.

Dateline: "Open Government and Rules Committee Meeting (Wednesday, 02.11.2009)

While Mayor Reed brushed the dust off of his beggar's cup and flew to Washington, D.C. to beg for money (I hope he left his entourage at home), the "ALL Volunteer Crossing Guard issue", hit the fan.

Strutting into "Rules" like a pompous political popinjay on parade then pandering to a packed and staged house, Councilmember Oliverio tried in vain to give an impression that he was there to save the day, from my perspective. Oliverio knew there would be no quorum and his plan to use the Healthy Neighborhood's Venture Fund (HNVF), is really no plan at all. HNMF also pays for the after school homework program.

All the Twenty four (24) speakers at "Rules" from school superintendents, principals, to mothers and fathers some of whom had to take time off for work to voice their legitimate complaints to a non-functional government, painted a portrait of horror concerning the lack of safety in "cross walks". And Councilmember Oliverio, playing, on the assemblage's emotion concerning the latest kid to get killed while on his way to school, was an example of a "good politician" plying the tactics of the trade.

Here is why all of this needs never to have happened if Council was worth their pay.

ALL SJPD Officers should have standing orders to "hammer the crap" out of traffic violators around schools, especially the "Motor Unit" (Traffic Enforcement).

Council, working with the Honorable Attorney's Office should have been working on methodologies to reset the bail schedules which would insure draconian fines for traffic violations involving cross walks throughout the City including immediate impounding of vehicles where appropriate.

And if they are really clever, working with the legislature they might develop a funding scenario to make such a program self reliant. Laws are meant to be changed to fit the needs of the citizenry.

Council should have directed the City Manager to construct a "Crossing Guard Fund". The Finance Department should have been directed to identify any and all sources of funding not subject to Proposition 218 for the aforementioned fund construct.

The City Manager should have been queried as to the application of City employees who work near schools or major intersections to "give a helping hand".

Should Council "volunteer" for "Crossing Guard" duty?

Using the HNMF to fund Crossing Guards is an easy fix but, the problem should not exist in the first place.

Respectfully submitted,

Cc: City Attorney / Auditor / City Manager

David S. Wall
02.12.09

From: [Redacted]
Sent: Wednesday, February 11, 2009 2:47 PM
To: MayorEmail
Cc: City Clerk
Subject: Make Libraries Safe Again!

PUBLIC RECORD K
SAMPLE

February 11, 2009

Dear Mayor Chuck Reed

It's time to make our libraries safe for our children and grandchildren! Pornographic and obscene images are available on the computers in the library to anyone with a library card...no matter their age!

This is a disgrace to our City!

The time is NOW to fix this problem!

Can I count on you to protect our children and grandchildren?

Thank you,

February 10, 2009

The Honorable Chuck Reed, Mayor
San Jose City Council
200 E. Santa Clara Street
San Jose, CA 95113

Dear Mayor and Council Members,

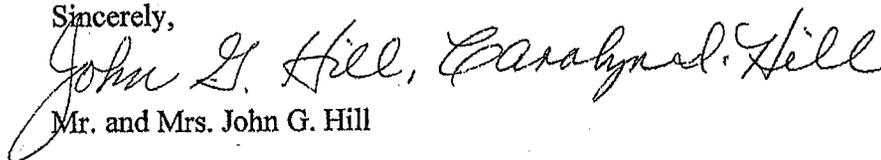
We are writing to express our concern over proposals to tax plastic and paper bags in San Jose and the County.

Although the proposed levy is modest, it would take effect at the worst possible time, as the Country and State are falling into a deep recession. The tax would act as a regressive increase in the sales tax, falling most heavily on families of limited means. Customers would have an incentive to shop elsewhere and perhaps even move their families outside of Santa Clara County.

By reducing sales while increasing compliance costs, the fee would penalize existing firms and discourage new business creation. In addition, managing the proposed tax program would add to an already unwieldy government bureaucracy. All County residents would suffer as a result.

We understand the fiscal challenges facing the city and county governments, but do not believe a \$0.25 paper and plastic bag tax to be a wise or productive approach. We urge you and your colleagues to reject this proposal.

Sincerely,


Mr. and Mrs. John G. Hill