

# Memorandum

**TO:** Honorable Mayor &  
City Council Members

**FROM:** Lee Price, MMC  
City Clerk

**SUBJECT:** The Public Record  
March 13-25, 2009

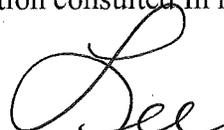
**DATE:** March 26, 2009

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**ITEMS TRANSMITTED TO THE ADMINISTRATION**

**ITEMS FILED FOR THE PUBLIC RECORD**

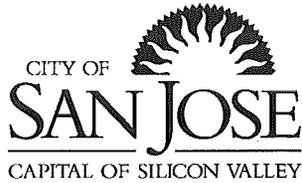
- (a) Memorandum from Deputy Director of Finance Julia Cooper dated March 13, 2009 submitting the Director's TEFRA Public Hearing of March 13, 2009 (On file in the Office of the City Clerk).
- (b) Letter from Martha O'Connell to Mayor Reed and City Council dated March 13, 2009 regarding amendment to San Jose Municipal Code, Section 2.08.060.
- (c) Letter from Christian Esdreton to Mayor Reed received March 25, 2009 regarding the affects of the nationwide economic crisis.
- (d) Letter from David S. Wall to Mayor Reed and City Council dated March 25, 2009 regarding "Downtown baseball: Battle of the Domains – Imminent and Eminent".
- (e) Letter from David S. Wall to Mayor Reed and City Council dated March 25, 2009 regarding "The Ghetto Life: Update on the SCEP".
- (f) Letter from David S. Wall to Mayor Reed and City Council dated March 26, 2009 regarding "Was the San Jose Police Officers Association consulted In re CPLE?".

  
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  
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# Memorandum

**TO:** Lee Price  
City Clerk

**FROM:** Julia H. Cooper

**SUBJECT:** Public Record  
Director's TEFRA Public Hearing

**DATE:** March 13, 2009

Attached are Certificates No. 2009-1, and No. 2009-2, Meeting Report, sign-in sheet, agenda packet, City Council memo from Housing Department and Notice of Public Hearing for the Director's TEFRA Public Hearing of March 13, 2009, as requested by City of San José as Issuer. The hearing was published and the agenda was posted as required by law.

Please file as part of the public record. If you have any questions, please call Peter Detlefs at extension 57015.

  
JULIA H. COOPER  
Deputy Director of Finance

**Attachments**

(On file in the Office of the City Clerk)

cc: Shasta Greene, City Attorney's Office

RECEIVED  
San Jose City Clerk  
2009 MAR 25 A 11:24

March 25, 2009

RECEIVED  
San Jose City Clerk

2009-MAR 26 A 9:00

TO: Mayor Chuck Reed

City Council Persons

Constant  
Kalra  
Liccardo  
Chu  
Campos  
Oliverio  
Nguyen  
Herrera  
Chirco  
Pyle

FROM: Martha O'Connell

RE: Amendment to San Jose Municipal Code, Section 2.08.060  
❖ Equal Protection for the Gay, Lesbian, Bisexual and Transgender Community

I have been copied on an email from City Attorney Jordan that states that the Senior Commission cannot amend the attendance requirement of its By-laws to include "significant other" because Section 2.08.060 of the Municipal Code does not provide for this addition.

This means that gay, lesbian, bisexual, or transgender members of City Boards and Commissions cannot be given an excused absence from meetings if their significant other is ill or has died. I think this is a simple oversight on the part of the Council, which in large part has been forthright in its support for the GLBT Community.

As a member of the GLBT Community in San Jose, I ask that this item be placed on the agenda by the Council and that staff be directed to draft the necessary change to 2.08.060 to afford GLBT Commissioners and Board Members the same rights as heterosexual Commissioners and Board members. Thank you for your support of this issue of equality and basic fairness.

Cc: Senior Citizen Commission  
Human Right Commission  
Youth Commission

Christian Esdreton

Office of Mayor Chuck Reed  
200 East Santa Clara Street  
San Jose, CA 95113  
(408) 535-4800 fax (408) 292-6422  
[mayoremail@sanjoseca.gov](mailto:mayoremail@sanjoseca.gov)

Dear Mayor Chuck Reed,

In my area, there are a lot of problems that are affecting the city of San Jose. A major dilemma affecting my area is the nationwide economical crisis. This has been affecting the Silicon Valley drastically. Huge companies such as Cisco and Apple have been losing hundreds of employees due to the economy. The crisis has also affected the prices of homes on the market. But another major problem is the elimination of sports programs in the Eastside School District due to budget cuts. This has forced and encouraged teacher/coaches and students to leave those schools. Public transportation such as the Light Rail transit performance has gone down because of the lack of public use. The Public has not been using the transit due to saving money. Other than the economical problems, the controversy over Madison Nguyen and her actions have been big in San Jose. There has been a re-election for her council spot and the complaints of the name of the "Little Saigon" shopping center.

For these problems to stop from happening, we must take major action. The biggest problem that we face is the economy problem in the Silicon Valley. To solve this problem, we must establish more job opportunities in our area. This gives chances to the unemployed to be hired. With the school budgets, fundraisers can be held to help raise money to support the sport programs. On the market prices of homes, that can be solved by getting more people to work. The use of the Public Transit can be fixed by suggesting to the public that the price of the light rail can lead to saving money from gas. For the Madison Nguyen controversy, an investigation should be established to find out the flaws in her job. As the Mayor you have the power to determine if the public is right or wrong. Well thank you for time to read this later.

Sincerely,



Christian Esdreton

David S. Wall

RECEIVED  
San Jose City Clerk

March 25, 2009

2009 MAR 25 P 1: 25

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

**Re: Downtown baseball: Battle of the Domains - Imminent and Eminent.**

## **Downtown Baseball will take homes!**

The City of San José is a *heartless* and *soulless corporation*, do not forget these facts.

The San José City Council *controls* the Redevelopment Agency (RDA). Do not forget this fact.

If the Baseball Commissioner gives the “green light” for the Oakland Athletics’ (the A’s) to be located in San José, despite the territorial rights conferred on the San Francisco Giants, at least two very expensive actions will be put into play.

The first will be litigation of the “territorial rights” issue. How much San José tax dollars will be spent here? It could easily surpass the costs for the special election in District 7. San Francisco is not going “to go quietly into the night” concerning their “baseball market” revenue.

Almost simultaneously will be imminent and eminent domain activity. The “*imminent*” part has to do with the RDA and “current market values for homes” that are needed for the Downtown baseball stadium. The values for homes are very low now and for the foreseeable future which makes seizing them all the more palatable and therefore “*imminent*”.

If San José will prevail with the “confidential negotiations” with Santa Clara County (**in lieu of all the Sunshine and Open Government Reforms**) and are able to raise their debt ceiling on property taxes collected by the RDA from roughly \$7.6 billion dollars to \$15.0 billion dollars; the loathsome and feared “*eminent domain*- the power of the state to take private property for public use with payment of compensation to the owner” will be “locked and loaded”.

Properties required for the Downtown baseball stadium have already been identified, sequenced, and entered into the RDA’s attack computers. All that remains, if the aforementioned conditions have been satisfied, is the San José City Council “pushing the button” and neighborhoods will be sacrificed on the altar of greed and avarice. A lot of people get rich at taxpayer expense.

But, let us not forget the prestidigitators who espouse that Downtown baseball “is good for the City” are the same patricians who use Redevelopment Agency debt, taxpayer monies to destroy the homes of other taxpayers for an *illusory gamble*. Chief amongst them is Councilmember Liccardo, who is supposed to represent the interests of the targeted neighborhoods in the Downtown.

Downtown baseball is a loser for the taxpayers and the affected Downtown neighborhoods.

*Respectfully submitted,*

Cc: City Attorney / Auditor / City Manager

David S. Wall  
03.25.09

David S. Wall

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Jose City Clerk

2009 MAR 26 A 9:57

March 26, 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 Monday, (03.23.09) approximately 1555 hours, after the "Community and Economic Development Committee Meeting (*in which the City of San José's Communist Manifesto concerning housing was discussed in definitive detail*), 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 thirteen (13) stolen and abandoned shopping carts *A 117% increase of theft of shopping carts from last Monday is hereby recorded.*

*The garbage at this locale was again minimal. Garbage was mainly contained in several stolen and abandoned shopping carts. Litter, an indicator of the state of "ghetto-ness" is to be considered the norm for ghetto San José. Garbage and litter is increasing on railroad property due to the presence of the criminal element when captured, should be placed in a Municipal Stockade until further proceedings are warranted.*

\*\*\*\***New Definition of "Ghetto-ness"?** Should Councilmember Liccardo, since the SCEP is within Council District 3, become the new standard of "**Ghetto-ness**" (*for District 3 only*)? "Ghetto-ness" would be then defined as a percentage of Councilmember Liccardo (CL) representing his failure to resolve theft and garbage at the SCEP locale. I'm still considering the percentage of Mayor Reed's contribution in this calculation.

Thus, for this SCEP report, the unit of "**Ghetto-ness**" would be tied to the number of stolen and abandoned shopping carts, garbage, litter, and all other factors that degrade civilization in District 3 redefined as a percent CL or %CL. For this week, 117% increase in stolen and abandoned shopping carts plus a conservative estimation of all other factors that degrade civilization an additional 25% for a total of 142% CL.

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

Mi Pueblo (3), PetsMart (1), WalMart (1), Safeway (1), Unmarked (1), Costco (1), The Home Depot (1), Trader Joe's (1), Office Depot (1), World Market (1), and FoodMaxx (1).

\*\*\***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 Railroad Tracks Resident(s) undertaken.**

A "welfare check" to establish the status of any and all occupant(s) along the railroad tracks proceeding Northbound, approximately one hundred and twenty (120) yards on the railroad tracks from North Tenth Street @ Horning Street; *was not* carried out.

Only one (1) individual was sited, walking Northbound on the "tracks".

Two of Manuel's chickens were out and about. The "black" chicken had a buddy, a plump beige colored hen with multi colored wing tips. This hen would be a delicious morsel on the barbecue, roasting on the slow turning spit, lathered up with a fine Cajun inspired sauce, not too hot but just right enough to smack your lips a few of times in between bites.

*There were no interviews this week*

Respectfully submitted,

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

David S. Wall  
03.26.09

David S. Wall

PUBLIC RECORD   f  

RECEIVED  
San Jose City Clerk

2009 MAR 26 A 9:57

March 26, 2009

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

**Re: Was the San José Police Officers Association consulted In re CPLE?**

Yesterday, (Wednesday, 03.25.09) at the Open Government and Rules Committee meeting (Rules) the Consortium for Police Leadership in Equity (CPLE) was discussed in some detail. The specific Item is 10.3 on the aforementioned AGENDA.

I have a couple of concerns, *at this time*, about this process.

First, giving a third party entity “**unprecedented access to Police records**” is beyond the scope of “reasonable mind”. Further clarification is needed.

Second, was the **San José Police Officers Association (SJPOA)**, consulted at any time, concerning the direction towards “*a hybrid Civilian Police Review Board process*” that **CPLE** could be reasonably be defined?

It would be prudent to seek out the advice and concerns, if any, of the **SJPOA**.

*Respectfully submitted,*

David S. Wall  
03.26.09

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