

# Memorandum

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

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

**SUBJECT:** The Public Record  
September 25-October 1, 2009

**DATE:** October 2, 2009

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## **ITEMS TRANSMITTED TO THE ADMINISTRATION**

- (a) Letter from Steven Hacker to Mayor Reed dated September 15, 2009 regarding McEnergy Convention Center Exclusive In-House Teamsters Labor.

## **ITEMS FILED FOR THE PUBLIC RECORD**

- (b) Notification letter from Verizon wireless to Consumer Protection and Safety Division dated September 15, 2009 for Hwy 880 Brokaw of GTE Mobilnet of California Limited Partnership (U-3002-C), of San Jose, CA MSA.
- (c) Notice of Public Hearing on October 14, 2009 from LAFCO to City Clerk Lee Price received via email September 23, 2009.
- (d) Letter from Senior Citizens Commission Chair Frances Jones dated September 17, 2009 writing on behalf of the Commission applauding the Council's decision to Oppose AB 761 (Calderon).
- (e) Letter from David S. Wall to Mayor Reed and City Council dated September 30, 2009 regarding "Being "Environmental" is one way of not being heard".
- (f) Letter from David S. Wall to Mayor Reed and City Council dated September 30, 2009 thanking San Jose Police Officer James Soh (#4075).
- (g) Letter from David S. Wall to Mayor Reed and City Council dated September 30, 2009 thanking Debbie L. Bybee, Community Coordinator for SNI.
- (h) Letter from David S. Wall to Mayor Reed and City Council dated September 30, 2009 regarding "Inform City Employees of budget cuts and layoffs before holiday season. (#6)".
- (i) Letter from David S. Wall to Mayor Reed and City Council dated October 1, 2009 regarding "The Ghetto Life: Update on the SCEP".
- (j) Letter from David S. Wall to Mayor Reed and City Council dated October 1, 2009 regarding "Mayor Reed \$27,237.50 pay cut puts him the running for canonization".

Honorable Mayor and City Council Members  
October 2, 2009  
Subject: The Public Record: September 25-October 1, 2009

- (k) Letter from David S. Wall to Mayor Reed and City Council dated October 1, 2009 regarding "The Graffiti Abatement Ordinance needs sharper teeth".
- (l) Letter from David S. Wall to Mayor Reed and City Council dated October 1, 2009 thanking the San Jose Fire Department.



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



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PUBLIC RECORD a

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Steven Hacker, CAE  
**General Counsel**  
Barnes & Thornburg, LLC  
Chicago, Illinois USA

15 September 2009

The Honorable Chuck Reed  
Mayor of San Jose  
Office of the Mayor  
200 E. Santa Clara Street  
San Jose, CA 95113

RE: McEnergy Convention Center Exclusive In-House Teamsters Labor

Dear Mayor Reed:

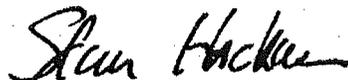
Team San Jose's unilateral seizure of all Teamsters labor at McEnergy Convention Center in August 2009 is contrary to the stated position of the International Association of Exhibitions and Events (IAEE) regarding exclusive in-house services and, we believe, is detrimental to the interests of exhibition organizers, exhibitors and general service contractors. Team San Jose's exclusive labor program improperly intrudes into existing collective bargaining agreements and is destined to result in substantial litigation. It also interferes with business contracts that are now in force between general service contractors and their customers. It exposes organizers, exhibitors and general service contractors to new and potentially serious legal liabilities. The new program also violates existing lease agreements that are now in place between Team San Jose and event organizers.

While Team San Jose says its program will improve the customers' experience in that building, we believe quite the contrary will be the case. The costs of doing business in McEnergy Convention Center are destined to increase as the direct result of this program. We believe that Team San Jose's principle motivation for imposing this program is to provide the McEnergy Convention Center with a new source of revenue. IAEE believes that revenues will instead sharply decrease as the result of the loss of business that will result from this ill-conceived program.

IAEE strongly opposes Team San Jose's exclusive labor program. We urge you and the San Jose City Council to exercise its leadership by immediately ordering Team San Jose to rescind its flawed exclusive in-house labor program.

Opposing all but the most essential exhibition hall exclusive in-house services, such as those that bear directly upon the health and safety of building occupants, is a long-held position of IAEE. Because exclusive in-house services eliminate the forces of free market competition they almost always result in diminished levels of service and higher costs to customers.

Sincerely,

A handwritten signature in black ink that reads "Steven Hacker". The signature is written in a cursive style with a long horizontal stroke at the end.

Steven Hacker, CAE  
President



**IAEE**  
International Association  
of Exhibitions and Events™

**IAEE POLICY STATEMENT:  
IN-HOUSE EXCLUSIVE SERVICE CONTRACTS**

The mission of IAEE is to promote the expansion of the exhibition industry by providing unique and essential education, services, and resources to its members around the world. IAEE believes that competition in a free market place ensures the continued growth of the exhibition industry.

While IAEE understands and supports the need of some facilities to maintain certain services on an exclusive basis under certain circumstances, IAEE believes that exhibition management and service providers should also be permitted to conduct their business in the market place unencumbered by all interference, to the fullest extent possible.

IAEE urges exhibition management, service contractors, and facility management to promote and maintain competition in the market place.

IAEE believes that the promotion of competition provides the assurance that the welfare of our customers, exhibitors, and visitors will remain our principal objective.

*Adopted: February 26, 1995*

The Verizon Wireless logo, featuring the word "verizon" in a bold, lowercase sans-serif font and "wireless" in a smaller, lowercase sans-serif font to its right.

1120 Sanctuary Pkwy  
Suite 150  
MC: GASA5REG  
Alpharetta, GA 30009  
(770) 797-1070

September 15, 2009

Ms. Anna Hom  
**Consumer Protection and Safety Division**  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102  
[alh@cpuc.ca.gov](mailto:alh@cpuc.ca.gov)

Re: Notification Letter for **Hwy 880 Brokaw** of GTE Mobilnet of California Limited  
Partnership (U-3002-C), of San Jose, CA MSA

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This is to provide the Commission with notice according to the provisions of General Order No. 159.A of the Public Utilities Commission of the State of California ("CPUC") for the project described in Attachment A.

A copy of this notification letter is also being provided to the appropriate local government agency for its information. Should there be any questions regarding this project, or if you disagree with any of the information contained herein, please contact Chrissy L. Agricola of Verizon Wireless at (770) 797-1049.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chrissy L. Agricola".

**Chrissy L. Agricola**  
Verizon Wireless  
MTS Network Compliance

RECEIVED  
San Jose City Clerk  
2009 SEP 29 A 11:11

Notification Letter  
GTE Mobilnet of California Limited Partnership (U-3002-C)  
September 15, 2009  
Page 2

**Attachment A**

CPUC CELL SITE REPORT GTE Mobilnet of California Limited Partnership (U-3002-C)

**PROJECT LOCATION: Hwy 880 Brokaw – I/B**

SITE NAME: Hwy 880 Brokaw  
SITE ADDRESS: 1760 Junction Avenue  
LOCATION: San Jose, CA 95112  
COUNTY: Santa Clara  
APN: 237-08-073  
COORDINATES: 37° 22' 45.00"/121° 54' 14.53" (NAD83)

**1. PROJECT DESCRIPTION:**

GTE Mobilnet of California Limited Partnership (U-3002-C) proposes six (6) panel antennas mounted on a new 60 foot tall slimline pole. New equipment shelter with two (2) GPS antennas and a new generator.

ANTENNAS: Six (6) panel antennas  
TOWER DESIGN: Slimline Tower with raydome  
TOWER APPEARANCE: Three (3) antenna 58' centerline; Three (3) antennas 52' centerline  
TOWER HEIGHT: 60'  
BUILDING SIZE: 12' x 16' equipment shelter  
OTHER: N/A

Notification Letter  
GTE Mobilnet of California Limited Partnership (U-3002-C)  
September 15, 2009  
Page 3

**3. BUSINESS ADDRESSES OF ALL LOCAL GOVERNMENT AGENCIES:**

Cc: Joseph Horwedel, Director  
San Jose Department of Planning Building and  
200 East Santa Clara Street  
San Jose, CA 95113

Debra Figone  
City of San Jose  
200 East Santa Clara Street  
San Jose, CA 95113

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

**4. LAND USE APPROVALS:**

Type:	Special Use Permit SP08-008
Issued:	02/25/09
Effective:	02/27/09
Agency:	City of San Jose
Permit No.:	SP08-008
Resolution No.:	N/A

**From:** Abello, Emmanuel

**Sent:** Wednesday, September 23, 2009 3:24 PM

**To:** Campbell City Manager; Cupertino City Manager; Gilroy City Manager; Los Altos City Manager; Los Altos Hills City Manager; Los Gatos City Manager; Milpitas City Manager; Monte Sereno City Manager; Morgan Hill City Manager; Mountain View City Manager; Palo Alto City Manager; Figone, Debra; Santa Clara City Manager; Saratoga City Manager; Sunnyvale City Manager; Aldercroft Heights County Water District; Burbank Sanitary District; Central Fire Protection District/Saratoga Fire; County Library Service Area; County Lighting Service Area; County Sanitation District No. 2-3; Cupertino Sanitary District; El Camino Hospital District; Guadalupe-Coyote RCD; Lake Canyon CSD; Lion's Gate Community Services District; Los Altos Hills County Fire District; Midpeninsula Regional Open Space District; Purissima Hills County Water District; Rancho Rinconada Recreation; San Martin County Water District; Santa Clara Valley Transportation Authority; Santa Clara Valley Water District; Saratoga Cemetery District; Saratoga Fire Protection District; Congdon, Patrick; SCC Vector Control District; South Santa Clara County Fire District; Sunol Sanitary District; West Bay Sanitary District; West Valley Sanitation District; Campbell City Clerk; Cupertino City Clerk; Gilroy City Clerk; Los Altos City Clerk; Los Altos Hills Town Clerk; Los Gatos Town Clerk; Milpitas City Clerk; Monte Sereno City Clerk; Morgan Hill City Clerk; Mountain View City Clerk; Palo Alto Town Clerk; Price, Lee; Santa Clara City Clerk; Saratoga City Clerk; Sunnyvale City Clerk; Aldercroft Heights County Water District; Burbank Sanitary District; County Library Service Area; Cupertino Sanitary District; Guadalupe-Coyote RCD; Los Altos Hills County Fire District; Midpeninsula Regional Open Space District; Pacheco Pass Water District; Purissima Hills County Water District; Rancho Rinconada Recreation; Santa Clara Valley Transportation Authority; Crook, Lauren; South Santa Clara County Fire District; Sunol Sanitary District; West Valley Sanitation District; Harrison, Emily; Smith, Jeff; jody.hallessen@pln.sccgov.org; bill.shoe@pln.sccgov.org

**Cc:** Palacherla, Neelima; Noel, Dunia

**Subject:** LAFCO Notice of Public Hearing on October 14, 2009

## NOTICE OF PUBLIC HEARING

### Local Agency Formation Commission of Santa Clara County (LAFCO)

The Local Agency Formation Commission of Santa Clara County will hold a public hearing on Wednesday, October 14, 2009 at 1:15 p.m., or as soon thereafter as the matter can be heard, in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San Jose, California, to consider:

1. **Adoption of policy related to Role of Commissioners which includes policy on attendance of alternate commissioners at closed sessions and deletion of LAFCO's current Policy on Role of Alternate Members.**
2. **Adoption of policy for LAFCO Records Retention and adoption of a Records Retention Schedule.**
3. **Amendment of LAFCO's current Island Annexation Policies to reflect changes in State law.**

**4. Amendment of LAFCO's current Service Review Policies to reflect changes in state law.**

Staff reports including proposed policies will be on file at the LAFCO Office and available on the LAFCO website at [www.santaclara.lafco.ca.gov](http://www.santaclara.lafco.ca.gov) after September 28, 2009. All interested persons may appear and be heard at said time and place. Written communications should be filed prior to the date of the hearing at the address below.

Email:

Fax: (408) 295-1613

Mailing

Address: LAFCO of Santa Clara County  
70 West Hedding Street, 11th Floor, San Jose, CA 95110

September 23, 2009

Neelima Palacherla, LAFCO Executive Officer

(408) 299-5127



PUBLIC RECORD   d  

SENIOR CITIZENS COMMISSION

San Jose City Clerk

2009 SEP 30 A 9:55

5730 Chambertin Drive  
San Jose, California 95118  
Tel: (408) 979-7915  
Fax: (408) 979-0536

September 17, 2009

Mayor Chuck Reed  
Members of the San José City Council  
City Hall  
200 East Santa Clara Street  
San José, CA 95113

Dear Honorable Mayor Reed and City Council:

The San Jose Senior Citizens Commission applauds the City Council's decision to Oppose AB 761(Calderon).

This recommendation was unanimously passed at our meeting of September 9, 2009.

Sincerely,

Frances Jones,  
Chair, Senior Citizens Commission

/LB

cc: Pete Constant, Councilmember, Dist. 1  
Debra Figone, City Manager  
Albert Balagso, PRNS Director  
Julie Edmond-Mares, PRNS Assistant Director  
Angel Rios, PRNS Deputy Director  
Dan Wax, PRNS, Division Manager

David S. Wall  
P.O. Box 7621  
San José, California 95150  
Phone / Fax (408)-295-5999

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San Jose City Clerk  
2009 OCT -1 P 4: 20

September 30, 2009

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

**Re: Being “Environmental” is one way of not being heard.**

**Policy of asking “Is there is anyone who would like to comment...” should be practiced.**

Today at the **RULES AND OPEN GOVERNMENT COMMITTEE** I filled out a “Citizen’s Request to Speak” card on items: H (2) the “Graffiti Abatement Ordinance and H (3) ‘Performance Management and Reporting in San José: A Proposal for Improvement’. But, I put them on the same “Citizen’s Request to Speak” card because I am an “environmentalist” who supports much of the Mayor’s “Green Vision” even if I poke some fun about the policy from time to time.

I did get to speak on the Graffiti issue but, Mayor Reed over looked my addition of wanting to make comment on H (3) “Performance management and Reporting in San José: A Proposal for Improvement”, which, by the way, did not mention any thing about application to the Civil Service Rules or the Merit Principle. Both are required for this scheme to work.

Now, I am not asserting any wrong doing by the Mayor. Anyone could have overlooked this. Maybe I should have filled out two “Citizen’s Request to Speak” cards but I like trees and only filled out one. Items H (2) and H (3) were clearly marked.

I believe; the old fashion, down home version of asking if anyone in the audience would like to comment on an issue discussed by the Council, prior to a vote, should be given a verbal invitation to do so.

This practice would have great utility amongst the disabled community or anyone whom the “spirit” gave them an idea during the proceedings which should be brought forth for the record to better our community.

I am glad Mayor Reed is safely back in San José.

*Respectfully submitted,*

*David S. Wall*  
10.01.09

///  
///

**Cc: City Attorney / City Auditor / City Manager**

David S. Wall  
P.O. Box 7621  
San José, California 95150  
Phone / Fax (408)-295-5999

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San Jose City Clerk

September 30, 2009

2009 OCT -1 P 4: 14

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

**Re: Thanks to San José Police Officer James Soh (#4075)! (SJPD Event # 09-269-1449)**

Saturday night (09.26.09) **Officer James Soh** and several of his brother officers were summoned into the neighborhood to quell another, in a long series of, breach of the public's peace at a chronic problem property.

The "problem property" is a sad story all into itself. Briefly, the property is a late 1800's house having a large basement, two additional stories and an attic, approximately 3600 square feet. This property is in foreclosure proceedings. The owner is in the moving process. An adult male (18-19 years old) is "left in charge". "Unrestricted parties" involving in excess of thirty (30) young adults is not uncommon. The resulting alcohol and drug use leads to violent and destructive behaviors. Damage to personal property of another as well as damage to public property routinely flows from these "unrestricted parties".

Saturday night, was a particularly "epic" event in regards to the level of disturbance and collateral damage.

Around 11:00 P.M. I heard a noise consistent with a "gunshot" and immediately went to investigate. I went to the problem property to discuss the "disturbance from the party" with the young adult. As I proceeded, I encountered two San José Police Officers who had just arrived on the scene. One of them was **Officer Soh**. Within a few seconds at least four (4) addition Officers arrived on station. I was asked some questions by the Police. I briefed them as to the nature of the ongoing problem and as to the structure of the house; particularly the basement and an unlighted passage way leading to an internal door way which connects with the first floor could be a significant safety hazard.

***Officer Soh** and his brother Officers then proceeded to bring this disturbance of the public's peace into submission with a level of courtesy and efficiency yet to be chronicled anywhere to my knowledge.*

After the Police had "swept" the house, politely convinced the "revelers" to disperse and confronted the responsible young adult in charge of the his family's home; **Officer Soh** investigated my reporting of damage to public property and associated collateral damage.

During this period, all other Officers "cleared the scene" and went on other calls. In the scope of his investigations of property damage, another car load of party goers arrived. **Officer Soh** noted this and witnessed one of the occupants "drinking from a container".

With self initiated precision and dispatch, **Officer Soh**, politely had the four male occupants exit the car. Soon thereafter, another Officer arrived on station. Several open containers of alcohol were presented by the occupants of the car. There was at least one bottle of "hard alcohol".

**Officer Soh's** professionalism, *exceptional attention to detail* and *courtesy* is an example of *Community Policing* at its' finest. Combined with his follow up meeting with his Sergeant a day later to discuss my concerns about the "problem property" in more detail is, "outstanding Police work"!

Please convey my gratitude to **Officer Soh** for an exceptional demonstration of Police work that will certainly be eclipsed over time.

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

*Respectfully submitted,*

*David S. Wall*

*09.30.09*

David S. Wall  
P.O. Box 7621  
San José, California 95150  
Phone / Fax (408)-295-5999

RECEIVED  
San Jose City Clerk

2009 OCT -1 P 4: 13

September 30, 2009

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

**Re: THANK-YOU! Debbie L. Bybee, Community Coordinator for SNI!**

**Your efforts in the restoration of Ryland Park Swimming Pool, outstanding!**

Saturday (09.26.09) the ghetto neighborhood by Ryland Park enjoyed a taste of civic pride and the spirit of rejuvenation.

The source of this well deserved pride was the dedication of Ryland Park's Swimming Pool restoration.

The swimming pool at Ryland Park is a circular structure whose dimensions and depth are uniquely tailored for children, yet enjoyable for adults. Especially, where escaping the heat on those all too frequent dawg days of summer are almost impossible.

**Debbie L. Bybee's** work in the restoration of Ryland Park's swimming pool, which carries the moniker of "Rotary Ryland Pool", is considerable. Considerable means there was, and still is, a lot of "donated time" that is not recognized as it should be.

As a Coordinator for the Strong Neighborhoods Initiative (SNI) there are many, many hours which do not include compensation; be it monetary or even a "Thank-You".

It is certainly a tribute to the public that **Debbie L. Bybee** serves this City, not only with distinction but, with tireless dedication to make our neighborhoods a better place to live.

Saturday was a hot day for a swimming pool restoration celebration. There were a lot of dignitaries basking in the light of their own aggrandizements and **Debbie L. Bybee** was held out briefly, for public recognition.

It is interesting to note, after the dignitaries received accolade and praise they all left. No real or lasting service here. Just "look at me...I'm so cool, so great" was the message.

Not so with **Debbie L. Bybee**. Remember, it was a hot Saturday afternoon. **Debbie L. Bybee** carried the entire day. And what thanks does she receive from the community?

Unfortunately, there is just a sincere Thank-You from me on the Public Record.

Mr. Mayor, search **Debbie L. Bybee** out in the workplace and thank her, please.

**Cc: City Attorney / City Auditor / City Manager  
Director Human Resources / Director Employee Relations**

*Respectfully submitted,*

*David S. Wall*  
09.30.09

David S. Wall  
P.O. Box 7621  
San José, California 95150  
Phone / Fax (408)-295-5999

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San Jose City Clerk

October 1, 2009

2009 OCT -1 P 4: 20

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

**Re: Inform City Employees of budget cuts and layoffs before holiday season. (#6)**

**City Manager sends non-specific "Emails" to employees-save your electronic breath.**

I have now requested, for the sixth time, that City employees be notified of the next series of layoffs *before* the holiday season.

So far, "No" warnings have been tendered to employees and "No" specifics as to percentages of employee job loss by Department is publically discussed. Why?

"NOTICE OF DEFAULTS" continues to be published in the "Local" section in the San José Mercury news.

YOU should all have the decency to give timely and accurate financial reports to City employees as to the state of their jobs. But, so far, YOU have not.

The layoff clock is ticking and the tax revenues to the City continue to plummet. "Whistling past the graveyard" may be in vogue for those afraid of the dark but; honest and upfront communication is respectful and over due to the dedicated servants of the public.

January 2010 and the following months thereafter will see dramatic changes in City operations. How many City employees are going to lose their jobs and health care?

*YOU can help mitigate these feelings by being forthright with the financial realities facing City coffers and by giving direction to the Office of the City Manager to do the following:*

1. Inform City employees as to the intentions of the administration as the financial conditions worsen and how the layoffs will be prioritized. Now.
2. Create menus of options to protect City employees and their healthcare benefits for Council to discuss and debate within one week and every week thereafter until all hope is lost.

*Rome is burning and The Office of the City Manager fiddles "The Medici Effect".*

**Today is Thursday, October 1<sup>st</sup>. Tick, tock. Tick, tock.**

*Respectfully submitted,*

Cc: City Attorney / City Auditor / City Manager

David S. Wall  
10.01.09

David S. Wall  
P.O. Box 7621  
San José, California 95150  
Phone / Fax (408)-295-5999

PUBLIC RECORD 1  
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San Jose City Clerk

October 1, 2009

2009 OCT -1 P 11:19

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, (09.29.09) approximately 1158 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 six (6) stolen and abandoned shopping carts. *A 50% increase as to the number of stolen and abandoned shopping carts is hereby recorded.*

The San José City Council still confers the benefit to the criminal element to steal as many shopping carts as they please. The Holiday shopping season is in its throes of blaspheming Christmas for profit in late September. I hope businesses that cheap out our holidays go broke.

Will senior management at Planning Building and Code Enforcement (PBCE) ever get off their butts and design a menu of solutions for Council to discuss and debate to keep "shopping carts" from leaving the premises of the shopkeeper?

Maybe those highly paid and benefited managers at PBCE will get the idea two or three months after they get the "boot" from City service. Time will tell.

The pile of Garbage behind the control box for the railroad crossing barricade has attained disgusting health hazard status. It did not take long. Photographs were taken and one is especially grizzly. Check out the flies on the pile of....General litter, consistent with a ghetto, is present and left unabated.

**Ownership of the stolen and abandoned shopping carts is as follows;**

**(No "plastic zip tied" carts with Julian dates present)**

Unmarked (1), Trader Joe's (1), Save Mart (1), Home Depot (1), Mi Pueblo (1) and FoodMaxx (1).

\*\*\***special note**\*\*\* the overall cleanliness of shopping carts picked up off the streets and returned to stores should be addressed by some governmental agency. Unsuspecting customers may use excrement coated shopping carts without their knowledge. Shopping carts picked up off the street are "filthy".

**No interviews this week.**

"Encampments" were noted on the railroad tracks. Photographs were taken, including an incoming train.

A couple of Manuel's chickens poked their heads out of the surrounding foliage and gave me chastisement for bringing too much attention to their feathery hood. Another chicken clucked a "thank-you" but said the rats are coming back. I better notify Councilmember Kalra (the rat hater).

*Respectfully submitted,*

Cc: City Attorney / City Auditor / City Manager

*David S. Wall*  
10.01.09

David S. Wall  
P.O. Box 7621  
San José, California 95150  
Phone / Fax (408)-295-5999

RECEIVED  
San Jose City Clerk

2009 OCT -1 P 4: 19

October 1, 2009

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

**Re: Mayor Reed's \$27, 237.50 pay cut puts him the running for canonization.**

**Sainthood for Mayor Reed for financial leadership is certain.**

**Office of City Manager's paltry 3.75% pay cut is likened to the "Piker's Pennies".**

Once again, *Mayor Reed was thanked* at the "RULES AND OPEN GOVERNMENT COMMITTEE" meeting Wednesday (09.30.09) for his enormous sacrifice of a "volunteered" \$27,237.50 pay cut.

But, also during the same *testimonial of tribute to Mayor Reed*, a question was tendered as to when the Office of the City Manager would follow suit or even "up the ante" by at least matching Mayor Reed's generous pay cut.

The Office of the City Manager, heads bowed as *the glowing tribute to Mayor Reed* was given had a choice to rise to the occasion and volunteer a matching pay cut. Or even; dare I pray that an even larger pay cut could be forthcoming from the "land of milk and honey"?

Those extremely well paid and benefited managers just sat there in silence. Perhaps the notion of the pay cuts "got their tongues" or maybe they were praying for the public inquisitor in this matter to just collapse and drop dead. But, there was "no response" from the Office of the City Manager.

**Should the Office of the City Manager all wear bags on their heads at "RULES"?**

This is not a "mean spirited" question. But, until the Office of the City Manager at least matches *the personal sacrifice by Mayor Reed* upon the public's altar, or tenders a larger pay cut thus "sweetening the pay cut pot"; the Public should not have to look upon the piker's shameless faces.

Holes cut into the bags for eyes and nose are appropriate. A small horizontal slit for the mouth would enhance the "blank stare" of indifference as to the plight of the taxpayer that the bag shields from detection.

Could this delineation of *a superb volitional leadership act by Mayor Reed* and the lack thereof from the Office of the City Manager create a new generation of "bag people"?

*Let us all hope that the Office of the City Manager chooses to align a pay cut that equals or surpasses Mayor Reed's pay cut. Otherwise, "bag it".*

Respectfully submitted,

David S. Wall  
10.01.09

**Cc: City Attorney / City Auditor / City Manager**

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San Jose City Clerk

2009 OCT -1 P 4: 19

October 1, 2009

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

**Re: The Graffiti Abatement Ordinance needs “sharper teeth”.**

**Proposed Amendments are not strong enough and will not deter graffiti “punks”.**

**A stronger Deterrence Model is needed.**

**Hold parents of graffiti “punks” accountable.**

**Seizure and forfeiture of property will get and hold perpetrator’s attention.**

**Assert Proverbs 22:15 and Proverbs 23:13-14 to President Obama.**

**And then Ask President Obama to permit “caning” via an Executive Order.**

It is past time to get “tough” with these graffiti “punks”. Current deterrent methodologies are ineffective. The proposed amendments to Chapter 9.58 of the San José Municipal Code as put forth at the “RULES AND OPEN GOVERNMENT COMMITTEE” meeting Wednesday (09.30.09), though well intended, will do absolutely nothing to deter graffiti and “gang tagging”.

Community Service punishments mean absolutely nothing to these miscreants; nor does levying a fine of \$500 which they do not have or will pay if directed to do so.

I propose a stronger model of deterrence.

Direct the City Attorney to construct a methodology of: punishing the parents of juvenile offenders, in conjunction with the seizure and forfeiture of property (i.e. vehicles, homes etc.).

**Assert Proverbs 22:15 and Proverbs 23:13-14 to President Obama.**

**Proverbs 22:15**, “Foolishness is bound up in the heart of a child; The rod of correction will drive it far from him.”

**Proverbs 23:13-14**, “Do not withhold correction from a child, For *if* you beat him with a rod, he will not die. You shall beat him with a rod, And deliver his soul from hell.”

**And then Ask President Obama to permit “caning” via an Executive Order.**

“Caning” is an effective deterrence to graffiti in Singapore. It would work here as well.

However, this innovative model of deterrence will require an Executive Order from the President. I believe such an order would serve to deter graffiti based crimes.

If done thoughtfully, a lot of money for law enforcement could also be raised via “public caning events as perpetrators of graffiti crimes, “Get the Hell beat out of them” via their backsides.

Society does not have prison spaces, court room time and collection methodologies to collect fines from graffiti criminals that have no money. Society has no money to tolerate this continuous level of damage. Society requires an effective innovative remedy to this problem.

The City of San José has no money.

A stronger deterrence model is required.

*Respectfully submitted,*

**Cc: City Attorney / City Auditor / City Manager**

*David S. Wall*  
10.01.09

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RECEIVED  
San Jose City Clerk

October 1, 2009

2009 OCT -1 P 4: 18

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

**Re: Thank You San José Fire Department!**

**Explosions shake part of the "Vendome Neighborhood".**

**Fire Station #1, Fire Station #29 and a "good old Battalion Chief" save the day.**

**San José Fire Department deserves back pay and reinstatement of pay raises.**

**Source for back pay and pay raises...cuts to the budget of the Office of the City Manager.**

A couple of hours or so before "RULES AND OPEN GOVERNMENT COMMITTEE" meeting Wednesday (09.30.09), a series of three (3) explosions occurred in what turned out to be an underground PG&E electrical vault.

Billowing smoke and the uncertainty of repeated and perhaps additional explosions were of concern to several neighbors.

But, as **the San José Fire Department** rolled up one of the most efficient City organizations quelled any fears that the public harbored.

I have never seen a deployment of this size by **the San José Fire Department**. To our brave and valiant Firefighters, this is just another day. But, from my perspective, the shock and awe of projection of the firefighting profession is now enshrined in my memory.

As neighbors were evacuated from their homes some of the Firefighters assumed their battle stations and prepared for the worst. PG&E then showed up and quickly neutralized the threat to the public's safety. But, that did nothing to diminish the response and actions of the **San José Fire Department**.

Which then begs the question, why should the San José Fire Department suffer any pay cuts? I did not see anyone from the Office of the City Manager leaving the 17<sup>th</sup> Floor at City hall to give a helping hand.

**I am of the opinion that a review of the City's budget should include reinstatement of back pay and pay raises for the San José Fire Department.** I believe severe cuts, including the elimination of the Office of the City Manager are in order to facilitate this deserved compensation.

Please convey my gratitude to the **San José Fire Department** for an outstanding job protecting the citizenry on many levels.

*Respectfully submitted,*

*David S. Wall*  
10.01.09

**Cc: City Attorney / City Auditor / City Manager**