



Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

SUBJECT: The Public Record
October 23-29, 2009

DATE: October 30, 2009

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Petition signed by Community members to Mayor Reed and City Council dated October 18, 2009 urging the Council to follow the recommendation of the Human Rights Commission to support and join as amicus in support of Plaintiffs in case No. 09-cv-02292-VRW (Perry, Stier, Katami and Zarrillo v Schwazenegger and Hollingsworth, et al.: as official proponents of Proposition 8).
- (b) Notification application of Pacific Gas and Electric Company to State, County and City Officials dated October 19, 2009 for expedited authorization to change residential electric rates effective January 1, 2010, as permitted by newly enacted Public Utilities Code Section 739.9.
- (c) Letter from David S. Wall to Mayor Reed and City Council dated October 26, 2009 regarding "Deferral of "Parkland Fees" is tantamount to a "gifting of public monies" to developers".
- (d) Email from League of Women Voters of San José/Santa Clara to Mayor Reed and City Council dated October 28, 2009 regarding City Council Meeting August 4, 2009 and City Attorney Rick Doyle's response to letter from Bob Brownstein considered by the Rules and Open Government Committee on September 30, 2009.
- (e) Letter from David S. Wall to Mayor Reed and City Council dated October 29, 2009 regarding the "The Ghetto Life: Update on the SCEP".

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

October 18, 2009

TO: Rules and Open Government Committee, City of San Jose
Mayor Reed, Chair
Vice Mayor Chirco, Vice Chair
Council Member Constant
Council Member Pyle
Council Member Nguyen, Alternate

And all additional members of the San Jose City Council

We, the undersigned, urge you to follow the recommendation of the San Jose Human Rights Commission in their meeting of October 15, 2009,

To support and join as amicus, or in other means as permitted by the Court, in support of Plaintiffs, in Case No. 09-cv-02292-VRW in the United States District Court for the Northern District of California:

KRISTIN M. PERRY, SANDRA B. STIER, PAUL T. KATAMI AND JEFFREY J ZARRILLO, Plaintiffs
Vs
ARNOLD SCHWARZENEGGER, in his official capacity as governor of California, etc. et al., Defendants
DENNIS HOLLINGSWORTH, et al., as official proponents of Proposition 8, Defendant-Intervenors

The rights that were legally granted for same-sex couples to marry in the State of California were taken away by the passage of "Proposition 8" in November, 2008.

Proposition 8 failed in the City of San Jose and Santa Clara County.

In filing this Amicus brief with the court, we ask the City of San Jose to show support for Equal Rights, not special rights, for gay and lesbian couples to marry.

Name/Signature	Address	Email
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* JOE ESTRADA	PO Box 410515 SJ 95141	joelens@yahoo.ca
* Lorenzo Arciniaga	" " " " " "	" " " "

October 18, 2009

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Vice Mayor Chirco, Vice Chair

Council Member Constant

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October 18, 2009

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Vice Mayor Chirco, Vice Chair
Council Member Constant
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October 18, 2009

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Vice Mayor Chirco, Vice Chair
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October 19, 2009
TO: STATE, COUNTY AND CITY
OFFICIALS

PUBLIC RECORD 5

**NOTIFICATION OF APPLICATION FILING OF
PACIFIC GAS AND ELECTRIC COMPANY (PG&E): FOR
EXPEDITED AUTHORIZATION TO CHANGE RESIDENTIAL ELECTRIC RATES
EFFECTIVE JANUARY 1, 2010, AS PERMITTED BY NEWLY ENACTED PUBLIC
UTILITIES CODE SECTION 739.9**

DETAILED INFORMATION ABOUT THIS APPLICATION

On October 14, 2009, PG&E filed an Application for expedited Commission authorization to change residential electric rates effective January 1, 2010. The requested rate change is permitted by newly enacted Public Utilities Code Section 739.9, which allows the Commission to approve increases in rates for residential Tiers 1 and 2 (low monthly usage) in accordance with specific formulas. Specifically, PG&E proposes to increase Tier 1 and Tier 2 rates on rate schedule E-1 by 5.0 percent and to decrease Tier 3, 4, and 5 rates commensurately. PG&E proposes no change in rates for customers in the California Alternate Rates for Energy (CARE) program. The relief PG&E requests in this Application will not change PG&E's authorized overall electric revenue requirement or the revenue assigned to the residential class. To implement this rate change on January 1, 2010, PG&E is proposing an expedited procedural schedule.

Will rates increase?

Non-CARE residential electric rates on schedule E-1 will increase by 5.0 percent for Tiers 1 and 2 and will decrease commensurately for Tiers 3, 4, and 5. Whether a residential customer's bill will increase or decrease will depend on the customer's electricity usage. Other rates will not be affected.

If the Commission approves the Application, rate changes are limited to the residential class. Charges for bundled residential customers will change. The change to charges for direct access residential customers (those who purchase their electricity from non-PG&E suppliers) is minimal.

A typical bundled residential customer (a customer who receives electric generation as well as transmission and distribution services from PG&E) using 550 kilowatt-hours per month will see the average monthly bill change from \$74.13 to \$76.63, an increase of \$2.50 per month or 3.4 percent. A bundled residential customer using 850 kilowatt-hours per month, which is about twice the baseline allowance, will see the average monthly bill change from \$164.15 to \$163.46, a decrease of \$0.69 per month or 0.4 percent. A bundled residential customer using 1500 kilowatt-hours per month will see the average monthly bill change from \$434.98 to \$419.66, a decrease of \$15.32 or 3.5 percent. Individual bills may differ.

THE CPUC PROCESS

The CPUC's Division of Ratepayer Advocates (DRA) will review this Application. DRA is an independent arm of the CPUC, created by the Legislature to represent the interests of all utility customers throughout the state and obtain the lowest possible rate for service consistent with reliable and safe service levels. DRA has a multi-disciplinary staff with expertise in economics, finance, accounting and engineering. DRA's views do not necessarily reflect those of the CPUC. Other parties of record will also participate.

The CPUC may hold evidentiary hearings where parties of record present their proposals in testimony and are subject to cross-examination before an Administrative Law Judge (ALJ). These hearings are open to the public, but only those who are parties of record can present evidence or cross-examine witnesses during evidentiary hearings. Members of the public may attend these hearings, but are not allowed to participate.

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

FOR FURTHER INFORMATION

For more details call PG&E at 1-800-PGE-5000

Para más detalles llame al 1-800-660-8789

詳情請致電 1-800-893-9555

For TDD/TTY (speech-hearing impaired) call 1-800-652-4712

You may request a copy of the application and exhibits by writing to:

Pacific Gas and Electric Company
Residential Electric Rates Change Application
P.O. Box 7442, San Francisco, CA 94120.

You may contact the CPUC's Public Advisor with comments or questions as follows:

Public Advisor's Office
505 Van Ness Avenue, Room 2103
San Francisco, CA 94102

1-415-703-2074 or 1-866-849-8390 (toll free)

TTY 1-415-703-5282, TTY 1-866-836-7825 (toll free)

E-mail to public.advisor@cpuc.ca.gov

If you are writing a letter to the Public Advisor's Office, please include the name of the application to which you are referring. All comments will be circulated to the Commissioners, the assigned Administrative Law Judge and the Energy Division staff.

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

RECEIVED
San Jose City

October 26, 2009

2009 OCT 29 P 4: 17

2009 OCT 29 P

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

Re: Deferral of "Parkland Fees" is tantamount to a "gifting of public monies" to Developers.

The insanity of more housing projects propels Reed administration into irreversible decline.

No water and no money, just honey for Developers.

Let me see if I have it right; the worst economy since the great depression, Hyperinflation knocking on the door, City employee layoffs poised to be the worst in City history, a City deficit that could choke several herds of horses, declining sales tax revenues, a Tsunami of foreclosures of housing units pushing property taxes to new lows, massive vacancy rates of apartments, an unsold chasm of high density housing projects on the precipice of bankruptcy, a Redevelopment Agency debt of a little over 2 billion dollars, no RDA money in the bank, no money of any kind on the horizon and Mayor Reed wants to give several Developers of more housing projects a mulligan on having to pay for "Parkland Fees".

You have to read Mayor Reed's memorandum; dated 10.21.09 which appeared on the RULES AND OPEN GOVERNMENT COMMITTEE AGENDA, Item (H.2). But, you might just puke your guts out when the "sweet deal for the Developers" is revealed.

There are a total of seven (7) projects that are slated for winning the "Reed Lottery".

The first two projects would have brought in \$6.4 million dollars to the City. The remaining five (5) properties (currently in default of paying parkland fees) would bring in a range of \$20,000 to \$350,000 dollars apiece.

Big questions for the average taxpayer; "Would you trust a Developer who got this "sweet deal" ever to pay for Parkland Fees in any economy? How foreseeable is it that the Developers of these housing projects will go bankrupt and never pay the Parkland Fees? Does San José need any more housing projects for the next five thousand years?

San José is "the quintessential poster child of a housing glut". There is no tax revenue to support government services for the vacant housing that is already here; AN UNSUSTAINABLE WATER SUPPLY, and his royal brain trust wants to build more housing where Developers can postpone paying for their Parkland Fees after their projects are "ready to move forward"? Crime will increase with vacancies.

The "sugar buzz" of quick cash to support a collapsing municipal government is no fix at all.

All housing projects should be eliminated from consideration.

NO Water, NO money and there should be NO honey for Developers.

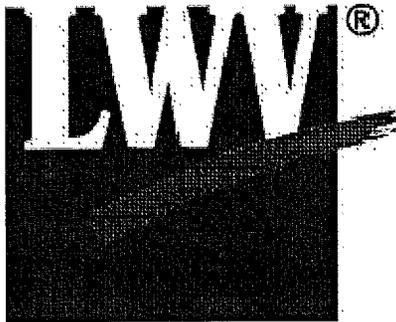
Respectfully submitted,

David S. Wall
10.29.09

Cc: City Attorney / City Auditor / City Manager

From: Brenda McHenry
Sent: Wednesday, October 28, 2009 1:21 PM
To: The Office of Mayor Chuck Reed; City Clerk
Subject: League of Women Voters letter re sunshine procedure issues

Sent by Brenda McHenry, Action Director



class=Section2>

League of Women Voters®
of San Jose/Santa Clara

class=Section3>

P.O.Box 5374
San Jose, Ca. 95150-7715
www.lwvsjsc.org
www.smartvoter.org

Mayor Chuck Reed
Members of San Jose City Council
200 E. Santa Clara St. 18th floor
San Jose CA 95113

October 28, 2009

RE: City Council meeting Sept. 24, 2009 City Attorney Rick Doyle's response to letter from Bob Brownstein dated September 9, 2009 Rules Committee agenda item H.1 9-30-09

Dear Mayor Reed and City Council:

The League of Women Voters is a strong supporter of sunshine reform and has participated in and followed the subsequent work and implementation of the Sunshine Reform Task Force recommendations.

We believe that the intent of the reforms put forth by the task force was to promote openness and opportunity for the public to participate at every level. While the Brown Act does much to ensure openness in public meetings, the Task Force intent is to go much further, beyond the basic tenets of openness, and allow the public in at every opportunity.

Obviously, after a motion has been voted on is not the time to receive opinions. When there is no chance left to influence a vote, words are wasted.

The situation that occurred at the August 4, 2009 meeting, when a motion to drop an item from the agenda was made, seconded, and voted upon points up this issue. Council members weighed in with opinions, but the public was not allowed that opportunity. Procedurally, there was a step missing. The fact that the issue received a good deal of testimony on its merits later on is not the point. The point is that the original motion—whether to discuss it at all-- did not receive a full hearing with public input.

The City Attorney's opinion is correct as it refers to the Brown Act, but it does not take into account the spirit of sunshine efforts.

"Sunshine" is a concept eagerly to be hoped for, but difficult to achieve. Practical considerations—time available, resources to be called upon, convenience—can get in the way of truly opening discussion to its fullest extent. Still, the goal is to reach that concept, not to come up with reasons not to.

The League strongly suggests that further discussion of policy in this area be undertaken by the appropriate body in order to allow public input at every level of debate on issues. The process of dealing with issues is every bit as important as the issues themselves.

Sincerely,



Martha C. Beattie
President

Cc: City Clerk
City Attorney

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 29, 2009

2009 OCT 29 P 4: 17

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

Is "Auto Row" losing ground to "Stolen and Abandoned Shopping Carts Row"?

On Monday, (10.26.09) approximately 1149 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 eighteen (18) stolen and abandoned shopping carts. *A 6.0 % increase as to the number of stolen and abandoned shopping carts from last week is hereby recorded.*

The garbage behind the control box for the railroad crossing barricade is still present. However, garbage has "piled up in front of the control box and has covered the city's side walk. A single person sized mattress is also deposited on this pile of garbage. Perhaps one could take a nap while smelling the perfume of rotting garbage that so uniquely characterizes ghetto District 3 of ghetto San José.

There is Gangster graffiti on the control box for the railroad crossing barricade and on an "illegal sign on the chain link fence. Photographs were taken. San José is well on it's way to becoming a slum.

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

Mi Pueblo (4), Unmarked (3)*, Mercado Suviana (3), Target (2), Safeway (1), Trader Joe's (1), Lucky Stores (1), Wal-Mart (1), Office Depot (1), and Pet smart (1).

*"Unmarked stolen and abandoned shopping carts have been "purposefully altered" to shield true identity.

*****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".

A photograph showing fourteen (14) stolen and abandoned shopping carts "lined up in a row" depicts an indicator of the local economy. Has San José's once vaulted "Auto Row" lost ground to San José's "stolen and abandoned shopping carts row"? Both indicate a loss of tax revenue and decay to civilization. This indicator is a variable in the "slumification" algorithm of San José.

No interviews this week.

Several vagrants were observed trespassing on the "tracks".

Manuel's chickens have gone on a hygiene strike. Their coop area smells worse than the garbage.

Respectfully submitted,

David S. Wall
10.29.09

Cc: City Attorney / City Auditor / City Manager