



Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

SUBJECT: The Public Record
March 5 - 11, 2010

DATE: March 12, 2010

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Memorandum from Small Business Development Commission Chair James Smith to Mayor Reed and City Council dated February 27, 2010 providing input from members of the public regarding Economic Impact of Reduction of Single-Use Carryout Bags.
- (b) Letter from the San José Library Commission to Mayor Reed and City Council dated March 4, 2010 urging continued support of the San José library system.
- (c) Letter from Senior Citizens Commission Chair Frances Jones to Mayor Reed and City Council dated March 5, 2010, urging the preservation of nutrition funding for seniors and providing the "Elder Economic Security Standard Index" for Santa Clara County.
- (d) Overview of Mayor Reed's Legislative Advocacy Trip to Washing DC and Los Angeles March 3-5, 2010, including Testimony of Mayor Reed to the House Committee on Oversight and Government Reform, March 5, 2010.
- (e) Letter from Pat Pizzo to Mayor Reed and City Council dated March 9, 2010 protesting PG&E's planned removal of trees from TJ Martin and Fontana Parks in South San José.
- (f) Letter from Home Builders Association of Northern California Southern Division Executive Director Crisand Giles to Mayor Reed and City Council dated March 9, 2010 regarding the Status Report of the Santa Clara Valley Habitat Conservation Plan.
- (g) Letter from David S. Wall to Mayor Reed and City Council dated March 11, 2010 titled "The Ghetto Life: Update on the SCEP".
- (h) Letter from David S. Wall to Mayor Reed and City Council dated March 11, 2010 titled "The need for legislation: The Corrupt Influences Protection Act (C.I.P.A.)"

Honorable Mayor and City Council Members
March 12, 2010
Subject: The Public Record: March 5-11, 2010

- (i) Letter from David S. Wall to Mayor Reed and City Council dated March 11, 2010 titled "City of San José Voters should determine level of indebtedness".
- (j) Letter from David S. Wall to Mayor Reed and City Council dated March 11, 2010 titled "Thanks to San José Police Officer Todd McMahon #4184".



Lee Price, MMC
City Clerk

LP/rmk

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
Director of Transportation
Public Information Officer
San José Mercury News
Library



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Small Business
Development Commission

SUBJECT: ECONOMIC IMPACT OF
REDUCTION OF SINGLE-USE
CARRYOUT BAGS

DATE: February 27, 2010

The San Jose Small Business Development Commission (SBDC) has received input over a considerable period of time on the issue of the single-use carryout bag ban. This issue was first raised by the public at the October 14, 2009 meeting and subsequently the SBDC conducted public hearings during our meetings of December 9, 2009, January 13th, 2010 and February 10, 2010. City Staff provided an overview of the proposal at the December 9 meeting and the public was provided an opportunity to speak on the subject.

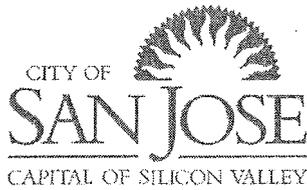
Members of the public that spoke on this issue are as follows:

- Alison Chan, representative, Save the Bay
- Manny Diaz, consultant for the American Chemistry Council, Former State Assemblyman and Councilmember
- James Duran, Chair, Hispanic Chamber of Commerce, Silicon Valley
- Kerri Hamilton, representative, Citizens for Environmental and Economic Justice
- Theresa Bumb-Navarro, San Jose Flea Market
- Skip Lacaze, Zero Waste Manager, Environmental Services Department, City of San Jose
- Jo Zientek, Deputy Director, Environmental Services Department, City of San Jose

Some of the input received suggests there is public concern regarding the economic impact of a single-use carryout bag ban, particularly if San Jose alone is enacting legislation and not as part of a region-wide or state-wide action.

It is the determination of the Commissioners that we should consider the economic impact of any proposed single-use carryout bag ban by conducting an independent economic impact study. Specifically the Commissioners urge that the Council direct the Office of Economic Development to commission an independent, quantitative, scientifically valid-economic impact study on potential carryout bag policies to be conducted by third-party economists. We believe their scope of work should focus exclusively on the potential impacts on businesses in San Jose and the region.

JAMES SMITH
Chair

*San José Public Library*

SAN JOSÉ LIBRARY COMMISSION

March 4, 2010

Dear Mayor Reed and City Council:

Thank you for your continued support of the library system. Your advocacy during these tough economic times has kept libraries open and services available for San José residents. However, as the economy continues to decline and unemployment in Silicon Valley remains at an alarming 11.5%, library services are now even more a necessity. We ask that you continue to find creative ways to keep libraries open.

We know the City Council must make difficult financial decisions this year, but would remind you that in past years' budget priority setting sessions, funding libraries has consistently been a top priority. Our library system is an essential city service that continues to receive the highest marks among San José residents that are surveyed.

By providing a safe and enriching haven for students after school, our libraries remain a crucial part of the public safety system and reduce juvenile delinquency. The job search seminars and free computer access are in the highest demand for job seekers that have no other options to accessing essential job search avenues. Literacy, story time, wellness and cultural events all help local residents thrive in these hard times.

Our system has grown to 18 libraries with six more slated to open in the next two years. Now that we are reaching the final stages of the bond measure, it is imperative that all branches are opened and all residents receive equal library services throughout the city.

San José has developed an innovative customer service model which makes our library system a nationwide benchmark. We enjoy the highest per capita circulation and lowest staffing ratio in libraries of our size. Our library system operates at the highest level of efficiency, serving customers at half the cost per citizen when compared to Santa Clara County or San Francisco libraries. Furthermore, our libraries have been consistently rated as the most effective San José department.

We understand that additional dollars for staff and building maintenance will be required. We urge you to work with the commission and library staff to ensure that all libraries remain open and new libraries under construction will be open to residents upon completion.

Thank you for your support and we hope you still continue to ensure our San José residents receive quality services in their communities.

Sincerely,
San José Library Commission



RECEIVED
SENIOR CITIZENS COMMISSION
San Jose City Clerk

2010 MAR 10 P 3:24

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

March 5, 2010

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:

On behalf of the San José Senior Citizens Commission, I am forwarding this important issue to your attention. The Ten Year Strategic Plan "Community For A Lifetime" the joint venture developed by the City and County, launched in 2005, identified Nutrition and Socialization as being essential to the well being of seniors.

The "Elder Economic Security Standard Index" developed by UCLA identified in 2007 that in Santa Clara County it is not just "poor" elders who are struggling:

- The average Social Security payment of \$13,464 is not enough to live on, and yet, one out of three seniors in California relies exclusively on Social Security to cover their basic costs.
- Women – even those few fortunate enough to have a pension in addition to Social Security can not meet their basic expenses if they rent or own a home with a mortgage.
- Men, with a pension in addition to Social Security and other sources of unearned income, are getting by if they rent or own their home free and clear. But men who are still paying off a mortgage fall short of the Elder Standard Index in Santa Clara County.
- Public supports are supposed to help close the gap between seniors' income and their expenses but many elders fall through the cracks: access to these supports is based on an unrealistically low assessment of what it costs to live: the \$10,210 Federal Poverty Line.

There are fourteen (14) nutrition sites in the City of San Jose many serving the poorest seniors in the city who have had their livelihood decimated in the State budget and they will have their SSI/SSP grants cuts once again in the budget for 2010/2011. For many the meal that they receive at the nutrition sites is the only meal that they eat that day.

The Total Cost of Nutrition from the General Fund is \$378,000 which in the larger scheme of things is a drop in the bucket.

The impact of cuts in the PRNS budget on the Office On Aging and Seniors in the budget for 2010/2011 is dire. To address the dire budget situation in the City and in the spirit of preserving nutrition for our poorest seniors the Senior Citizens Commission in the City of San Jose has voted unanimously that our priority must be to recommend that the \$378,000 cost of nutrition be removed from the general fund to the tobacco funding for the Healthy Neighborhood Venture Fund (HNVF) with an annual income in excess of \$10,000,000 and be set as a priority to come off the top to ensure meeting the nutrition needs of the poorest seniors in the City.

Sincerely,

Frances Jones

Frances Jones,
Chair, Senior Citizens Commission

/LB

cc: Pete Constant, Councilmember, Dist. 1
Debra Figone, City Manager
Albert Balagso, PRNS Director
Julie Edmonds-Mares, PRNS Assistant Director
Angel Rios, PRNS Deputy Director
Dan Wax, PRNS, Division Manager
Lee Price, City Clerk
Ash Kalra, CD 2
Sam Liccardo, CD 3
Kansen Chu, CD 4
Nora Campos, CD 5
Pierluigi Oliverio, CD 6
Madison Nguyen, CD 7
Rose Herrera, CD 8
Judy Chirco, CD 9
Nancy Pyle, CD 10
Meghan Revolinsky, Assistant to CM Constant
Khoa Nguyen, Mayor's Policy Analyst
Correspondence Binder

Santa Clara County, CA 2007

Elder Economic Security Standard™ Index

Elder Standard Per Year, Annual Comparisons, and Basic Monthly Expenses for Selected Household Types

Elder Standard Per Year

(based on monthly expenses shown below*)

Elder Person			Elder Couple		
Owner w/o mortgage	Owner w/mortgage	Renter, one bedroom	Owner w/o mortgage	Owner w/mortgage	Renter, one bedroom
\$17,632	\$37,641	\$25,391	\$27,345	\$47,354	\$35,104

Annual Comparison Amounts

Federal Poverty Guideline
(2007 DHHS)

\$10,210	\$10,210	\$10,210	\$13,690	\$13,690	\$13,690
173%	369%	249%	200%	346%	256%

% of Federal Poverty
[Elder Standard divided by (1) Federal Poverty Guideline]

SSI Payment Maximum, California 2007

\$10,272	\$10,272	\$10,272	\$18,024	\$18,024	\$18,024
-\$7,360	-\$27,369	-\$15,119	-\$9,321	-\$29,330	-\$17,080

SSI Income Gap
[SSI Payment Maximum minus (-) Elder Standard]

Average Social Security Payment 2007

\$13,464	\$13,464	\$13,464	\$22,619	\$22,619	\$22,619
-\$4,169	-\$24,177	-\$11,928	-\$4,727	-\$24,735	-\$12,485

Soc Sec Income Gap
[Average Social Security Payment minus (-) Elder Standard]

*Basic Monthly Expenses Used to Calculate Elder Standard

Monthly Expenses

	Elder Person			Elder Couple		
	Owner w/o mortgage	Owner w/mortgage	Renter, one bedroom	Owner w/o mortgage	Owner w/mortgage	Renter, one bedroom
Housing	\$421	\$2,089	\$1,068	\$421	\$2,089	\$1,068
Food	308	308	308	569	569	569
Transportation	202	202	202	323	323	323
Health Care (Good Health)	293	293	293	586	586	586
Miscellaneous @ 20%	245	245	245	380	380	380
Elder Standard Per Month	\$1,469	\$3,137	\$2,116	\$2,279	\$3,946	\$2,925

For complete report, methodology, or other counties visit:
http://www.healthpolicy.ucla.edu/elder_index08feb.html

For more information about the California Elder Economic Security Initiative™ Program visit:
<http://www.insightccd.org/index.php?page=california-elder-economic-security-initiative>

UCLA CENTER FOR HEALTH POLICY RESEARCH



INSIGHT
CENTER FOR COMMUNITY ECONOMIC DEVELOPMENT



Wider Opportunities for Women

**Mayor Reed's Legislative Advocacy trip
To Washington DC and Los Angeles
March 3-5 2010**

AGENCIES

GSA – Federal Courthouse Site and strategy

Bill Guerin - Assistant Commissioner Office of Construction Programs

Leslie Sheperd – Chief Architect

Robert Andrukonis – Director, Center for Courthouse Programs

Barry Dauphine – Western Regional Director (by phone)

DOE – Loan Guarantee Program

Jonathan Silver – Executive Director

Kenneth Cestari – Attorney Advisor Loan Guarantee Program

Sky Gallegos – Deputy Assistant Secretary for Intergovernmental and External Affairs

Environmental Protection Agency – Energy Star certification, Green Vision update, Clean Tech Legislative Agenda, Sustainable Communities and Smart Growth resources, grants or technical assistance

Katharine Kaplan – Energy Star product development

Sarah Pallone – Deputy Associate Administrator for Intergovernmental Relations

Arnita Hannon – Intergovernmental Liaison

Office of Policy and Economic Innovation – Green Jobs

OPEI – DOT-HUD-EPA Partnership for Sustainable Communities

Office of Air and Radiation – Climate and Energy Program for local government clean energy

Office of Water – Green Water Infrastructure and Urban Water Initiative

US Department of Health and Human Services and Department of Education – SJ 2020 and Promise Neighborhoods (Franklin McKinley Children's Zone)
Jim Mason – Senior Advisor to the Director, HHS
Adam Honeysett – Intergovernmental Affairs, DOE
Joan Lombardi – HHS Deputy Assistant Secretary, Administration for Children and Families, Interdepartmental Liaison for Early Childhood Development
Jacqueline Jones – Senior Advisor to the Secretary of Education

US Department of Transportation – ATN, ETDC, High Speed Rail, SAFETEA reauthorization, (MPO governance and Metropolitan Mobility Program)
Peter Appel – Administrator, DOT Research and Innovative Technology Administration
Jeffrey Onizuk – Congressional Affairs Specialist

US Department of Justice – Use of Force, Foreclosure/Mortgage Fraud, Stimulus Funds Accountability
Tony West – Assistant Attorney General Civil Division

LEGISLATORS

Senator Diane Feinstein's Office – Clean Tech Legislative Agenda, MPO governance, Appropriation Requests (Autumn Street, LED Streetlights, Mental Health One Stop Shop, SJPD E Cite Devices, Clean Technology Innovation Center)
Ryan Hunt – Appropriation Director

Congress Member Zoe Lofgren – Clean Tech Legislative Agenda, Use of Force, Appropriation Requests (Autumn Street, Mental Health One Stop Shop, Clean Technology Innovation Center, SJPD E Cite Devices)

Congress Member Mike Honda – Clean Tech Legislative Agenda, Green Vision Update, Use of Force, Appropriation Requests (SJPD E Cite Devices, Clean Technology Innovation Center, Work2Future Clean Tech Workforce Development Initiative, Mental Health One Stop Shop)

Congress Member Anna Eshoo's Office – Joint Venture Silicon Valley State of the Valley Report, Clean Tech Legislative Agenda, Appropriation Requests (Mental Health One Stop Shop, SMART Streetlight project, SJPD E Cite Devices, Clean Tech Innovation Center)

Mieke Eoyang – Chief of Staff

Casey Fromson – Legislative Assistant

PRESS

The Hill

Silla Brush – Tax policy, Deferral of Foreign Earnings, R&D Tax Credits, SBA Loan restructure

Boston Globe

Sasha Issenberg - National Political Reporter & Washington correspondent for Monocle – purpose of trip, Clean Tech Legislative Agenda, Green Vision Update, US Tax Policy, ARRA funding.

LOS ANGELES

House Committee on Oversight and Government Reform

Edolphus Towns – Chair

Diane Watson – Chair Subcommittee Government Management, Organization, and Procurement

Grace Napolitano – Chair Subcommittee on Natural Resources on Water and Power

Judy Chu – House Education and Labor Committee

Linda Sanchez – Ways and Means Committee

Provide testimony to the committee regarding the federal ARRA funds, how they are being distributed, what can be improved, and what the next round of federal funding should be focused on. (testimony attached)

Testimony of Chuck Reed
Mayor of San José, California
To the House Committee on Oversight and Government Reform

March 5, 2010

Since the passage of the Stimulus Package last year, San José has been awarded more than \$100 million dollars from the ARRA program. These funds will allow us to begin long over due improvements in our roads, invest in our transit networks, improve our airport, and train our workers. As a region, the Silicon Valley has been awarded nearly \$900 million dollars. Stimulus funds received by the region have had an impact on both maintaining our workforce and spurring short term job creation. We appreciate the money.

Unfortunately, San José and Silicon Valley have been hit hard by the economic downturn, nearly every industry has lost significant jobs. Between July 2008 and July 2009, Silicon Valley experienced a loss of 42,000 jobs; manufacturing (-13,800), professional services (-9,100), transportation (-8,600), and construction (-7,800) have been hit the hardest. Our unemployment rate has soared to 13.3% ahead of both the State (12.4%) and the nation (10.1%).

Our problems are compounded by the State of California's chronic budget problems and the near collapse of the capital markets in 2008. The state has helped itself to more than \$400 million of the city's funds over the past 12 years. Huge losses suffered by our pension plans will require the city to spend \$50 million dollars next fiscal year to cover our pension obligations contributing to a budget shortfall of over \$100 million dollars in FY 2010-2011.

That is why it is so important to continue to invest in the private sector in order to create jobs that are permanent and will continue long after the federal government stops paying for them.

California is unique in that it has always been open to new ideas. Silicon Valley in particular has attracted entrepreneurs and innovators for decades.

From our early days in agriculture to defense, from computers to the internet, Silicon Valley has led the way. We are leaders. We create, we innovate; we have regional assets embedded into our history that make us the best place in the world to cultivate entrepreneurship and innovation. Last year the Milken Institute evaluated tech centers and concluded that Silicon Valley is still number one, and by a large margin.

We have the ability to lead the state, the nation, and the world in the clean tech sector. Silicon Valley is the epicenter of green technologies with more than \$1.9 billion in venture capital investment in clean technology. The region accounts for 31% of all clean tech investment in the United States and 55% in California.

Federal spending should be targeted to foster innovation, to create long lasting employment opportunities, and to help the country be a global force in Clean Technology.

The private sector must lead the way out of the recession by providing long-term and permanent jobs. Yet, it is proving more and more difficult to attract and retain innovative companies in the burgeoning clean tech sector because of state and federal regulatory and statutory impacts.

Silicon Valley wants to stay the global leader in innovation and we need policy restructure and creative funding allocations to do it. For the past three years we have published the San José Clean Tech Legislative Agenda. After hosting a summit with CEO's, entrepreneurs, venture capitalists, bankers, legislators, and regulators, we put together an agenda recommending policy and legislative changes that support clean technology innovations that will lead to the growth of this industry. Our 2010 agenda will be approved by the City Council next week and we will submit a copy of it for your consideration.

Access to capital remains a critical problem for many of our clean tech companies. If we want to see long-term job creation, the private sector needs substantially improved access to capital markets. We support federal funding that will help do that.

One example is the Department of Energy Loan Guarantee program, which allows many companies to invest in new equipment, expand their operations, add talent, and grow their companies. These companies can go anywhere in the world and are actively being recruited by foreign governments. The DOE loan guarantees will make it possible for them to stay in the US.

Last year, 10 Silicon Valley renewable energy companies had DOE loan guarantee applications pending. Several of these companies are looking to expand their production and manufacturing operations. Slowly processing their loan guarantee applications will allow other countries to lure our companies abroad, taking their innovations and jobs with them. One of these companies, Nanosolar, has orders that will take three years to fulfill and needs to expand their production capacity. They want to build a 300,000 square foot manufacturing facility here in Silicon Valley; we cannot afford to lose them.

While we fight to keep our new clean tech companies here in the United States, our existing successful companies doing business world wide are facing major challenges. US tax policy is preventing many of our technology companies from bringing their earnings home and re-investing them in the US. Congress and the Administration are considering a proposal which would severely limit, and possibly eliminate entirely, U.S. multinational businesses' ability to "defer" U.S. taxes on active foreign business income.

This is a bad idea. The loss of deferral would immediately increase taxes for U.S. businesses with worldwide operations and have a negative impact on employees and suppliers in the US. The additional tax burden would ultimately force U.S. companies to stop hiring in the US, move jobs and investments overseas, or surrender lucrative markets to foreign competitors. In addition, the additional cash drain on many U.S. companies could make them acquisition targets of foreign competitors.

In order to remain competitive globally, U.S. tax policy needs to incentivize our companies to expand their operations and hire workers here rather than the country they happen to land contracts. Limiting U.S. multinationals'

ability to defer taxes on profit earned abroad decreases our expendable income.

According to the Technology CEO Council, repealing deferral completely would cost at least 159,000 jobs or \$7.3 billion in payments to workers. The impact would not be just on current jobs. Future investment in human resources will also likely be outside of the U.S. under a non-deferral tax regime. Twenty-two million Americans work for U.S. multinationals. We can ill-afford to have global American companies relocate jobs and investments overseas. The repercussions could be significant, particularly in this nascent economic recovery. We must keep America strong and Americans employed.

Access to capital has been an issue for start-up clean technology companies and small businesses alike. Traditionally these companies could turn to the Small Business Administration (SBA) for loans. SBA loans are capped at \$250,000 which worked well for small companies in the past, however clean technology is a more capital intensive industry. If our national priority is to grow clean technology, we need to increase the loan limits to allow these companies to invest in manufacturing equipment and additional personnel.

In Silicon Valley we see clean technology as both an economic development opportunity and a way to reduce our dependence on foreign oil. Like many cities, we have developed a sustainability plan, San José's Green Vision. Ensuring a sustainable future for current and future generations requires new waves of Clean Technology innovation. In San José, our companies are already incubating and producing many of these technologies. They are leading the world in solar innovation, alternative fuels, new transportation systems, efficient lighting, and energy monitoring systems. They are transforming San José into the world center of Clean Tech innovation with thousands of new jobs and billions of dollars in new investment.

The Obama Administration's FY2010-2011 Budget states, "We need to recognize that competitive, high-performing regional economies are essential to a strong national economy." Innovation clusters have been

identified as one of the best solutions for regional prosperity, permanent jobs and global influence that would make the United States the leader in Clean Technology. We agree.

Silicon Valley has achieved a unique position. We have a rich history of innovation, a population supportive of technological advancements, and a collection of some of the most renowned universities in the world. The acknowledgement of Clusters being an integral part in economic recovery aligns with the recently passed Jobs Bill: a key component is investing in things that create permanent jobs, such as an innovation "eco-system."

Silicon Valley businesses are already able and prepared to collaborate. The Valley, though internally competitive, has been fostering a sense of collaboration since day one, because the benefits of shared technology are obvious. The Milken Institute review of Tech Centers Clusters described Silicon Valley as a "unique ecosystem of collaborating entities." We work together and through these interactions jobs, profits, and tax revenues are generated naturally. That is good for our region and for the country.

The ARRA investment in our cities, job training, education, and infrastructure surely helped stabilize our national economy and opened the door towards recovery, but what helped turn the tide last year is not sustainable. The next wave of federal investment needs to focus on the creation of long-term, permanent jobs that only come from the private sector. As we have seen in the recent past, targeted federal investment in new technologies will foster new companies and innovations creating thousands of jobs that will grow the national economy. We look forward to working with you.

Open Forum

PUBLIC RECORD e 4.2

Tuesday, March 9, 2010

Tree Removal T.J. Martin and Fontana Parks

Mayor Reed and City Council Members

I protest the removal of trees in the TJ Martin and Fontana Parks in South San Jose. I do not think that PG&E fully appreciates the uniqueness of the situation; these are City Parks whose creation was guided over 30 years ago by a master plan and executed by a cooperative effort between the City, residents and the utility. The parks are an integral part of the residential community they serve and the trees have matured to become an integral component of the parks. Not only will tree removal reduce the quality of life in the area, it will negatively influence the wildlife habitat and limit the City's green footprint. Additionally, it will lower property values of adjacent homes.

I have attended public hearings and field meetings concerning this issue. Perhaps some trees must go. However, the indifference of the City in this process has exasperated the problem. The City won't assume responsibility for pruning and mitigation; and it threatens legal action for citizen involvement. PG&E vegetation management policy is overly rigid with respect to pruning over tree-removal and does not address mitigation needs. What options are open to the park-users and residents to sustain or improve the quality of these parks?

We recognize the current financial crisis for the City. Yet, even in today's meeting, the Council has considered increasing park resources. What we ask for TJ Martin and Fontana Parks is a pro-active commitment by the City to limit the loss of trees and to plan and execute a cyclic mitigation plan so that shade trees will be an integral part of the park's existence over the years.



1585 Oak Canyon Dr.
San Jose, CA 95120
408 997-2231

March 9, 2010

The Honorable Mayor Chuck Reed
CITY OF SAN JOSE
San Jose City Hall
200 East Santa Clara St.
San Jose, CA 95113

The Honorable Members of the City Council
CITY OF SAN JOSE
San Jose City Hall
200 East Santa Clara St.
San Jose, CA 95113

**Re: Santa Clara Valley Habitat Conservation Plan
*March 9, 2010 Council Meeting – Council Agenda Item 4.2***

Dear Honorable Mayor and Members of the City Council:

On behalf of the Home Builders Association of Northern California (HBANC), we appreciate the opportunity to provide comments and concerns regarding the Council's status report on the Santa Clara Valley Habitat Conservation Plan (HCP).

We remain opposed to the Urban Intensification/Infill fee (Zone D), this fee is anti-infill, anti-density, and anti-smart growth. The Zone D fee is inconsistent with each of the general plan visions being considered by participating local agencies—especially the Envision 2040 alternatives being considered by the City of San Jose. The fee is intended to mitigate the impact of vehicle miles traveled and resulting nitrogen emissions on plants that are habitat for the Bay Checkered Butterfly. We cannot agree with the flawed approach that new infill projects should pay for the nitrogen deposition of the past. We can support option 2.) Drop the fee and use other cost savings or option 4.) Drop the fee in lieu of another source. We have identified State and Federal funds available for serpentine soil acquisition that negate the adoption of the Zone D fee. These additional funding sources may be applied for without Section 6 mitigation preconditions and were discussed at our March 4th HCP meeting, highlights included:

- State Funding – in 2008 the Governor signed SB 732 the Strategic Growth Council which recently finalized several municipal grant programs, joint applications - which would be relevant to HCP land acquisition - could receive \$10 Million for purchasing in perpetuity identified serpentine soils. There are also Proposition 84 funds for Urban Green Planning (\$17.5 Million) and Urban Greening for Sustainable Communities Programs (\$70 Million) for reducing urban communities contribution to global warming and increasing their adaptability to climate change while improving the quality of life in those communities.
- Federal Funding – US HUD Sustainable Communities Planning Grant Program, in the 2010 budget Congress provided a total of \$150 million to HUD for a program to improve regional planning efforts that integrate housing and transportation decisions, and increase the capacity to improve regional planning efforts that integrate housing and transportation decisions and increase the capacity to improve land use and zoning.

While we recognize that the HCP has been under development for several years, and is the product of long hours and hard work, the HCP in its current form punishes the very development type touted to reduce vehicle miles traveled and lessens the overall impact of development long supported by San Jose planning policies. We look forward to working constructively with the City of San Jose and HCP partners to identify funding sources.

Thank you for your time and consideration, sincerely,

Crisand Giles

Encl: California Strategic Growth Council Funding Opportunities
HUD Sustainable Communities Grant Program www.epa.gov/smartgrowth/partnership



1029 K Street, Suite 26 | Sacramento, CA 95814
tel: (916) 215-5215 | fax: (916) 848-3626
cm_consulting@comcast.net

Date: March 1, 2010
To: Interested Persons
From: Cliff Moriyama
Re: California Strategic Growth Council Funding Opportunities

At the end of the 2008 Legislative Session, the Governor signed SB 732 that created the Strategic Growth Council. The Council is made up of the agency secretaries from Business Transportation and Housing, California Health and Human Services, California Environmental Protection Agency, and the California Natural Resources Agency; the director of the Governor's Office of Planning and Research; and public member Robert Fisher who was appointed by the Governor.

The purpose of the Council is to coordinate the activities of the above-mentioned agencies as California when focusing on environmental, public health, housing, and planning issues related to climate change and AB 32.

The Council has just finalized several grant programs and will be encouraging entities to apply. The three programs are:

- Sustainable Communities Planning Grant and Incentive Program
- Urban Greening Planning Program
- Urban Greening for Sustainable Communities Program

These programs and the funding made available could be a source of continued/new work as it relates to municipalities and other public agencies as they deal with issues related to climate change, SB 375, and sustainable communities. Attached for your information are the final drafts of the guidelines approved by the Strategic Growth Council. Please contact us with any questions or comments.

Sustainable Communities Planning Grant and Incentive Program. Cities, counties, Metropolitan Planning Organizations (MPOs), Joint Powers Authorities (JPAs), Regional Transportation Planning Agencies (RTPAs), Councils of Governments (COGs), or combination thereof, are eligible to apply. Approximately \$60,000,000 in State funds is available for awards, which will be distributed over three cycles beginning Fiscal Year 2010/11. It is anticipated that Proposals funded under this solicitation will be not less than \$100,000 nor greater than \$1,000,000 each. The Council may consider higher grant awards for a joint proposal, submitted by eligible applicants for two or more adjoining entities, that are cooperative, scale appropriate and reflects the interdependence of environmental, economic community health, and other requirements. Partial funding may be considered to fully maximize grant awards. The Sustainable

Communities Planning Grant is funded by Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.

Urban Greening Planning Program will provide funds to assist entities in developing a master urban greening plan that will ultimately result in projects to help the State meet its environmental goals and the creation of healthy communities. The plan must be consistent with the State's planning policies and any applicable general or regional plan. The plan must outline or layout projects that reduce greenhouse gas emissions and provide multiple benefits including, but not limited to, decreasing air and water pollution, reducing the consumption of natural resources and energy, increasing the reliability of local water supplies, or increasing adaptability to climate change. Prop. 84 includes \$17.5 million for the purpose of creating urban greening plans that will serve as the master document guiding and coordinating greening projects in the applicant's jurisdiction.

Urban Greening for Sustainable Communities Program provides funds to preserve, enhance, increase or establish community green areas such as urban forests, open spaces, wetlands and community spaces (e.g., community gardens). The goal is for these greening projects to incrementally create more viable and sustainable communities throughout the State. Prop. 84 allows for up to \$70 million for urban greening projects that reduce energy consumption, conserve water, improve air and water quality, and provide other community benefits. The purpose of the chapter includes reducing urban communities' contribution to global warming and increasing their adaptability to climate change while improving the quality of life in those communities.

Workshops have been scheduled regarding the two urban greening programs. Below are the locations of remaining two workshops.

MOUNTAIN VIEW – March 2, 2010

9:30 a.m. – 12:30 p.m.

City of Mountain View Community

Center Auditorium

201 South Rengstorff Avenue

Mountain View, CA 94040

ANAHEIM – March 4, 2010

9:00 a.m. – 12:00 noon

Anaheim City Hall

Gordon Hoyt Conference Room

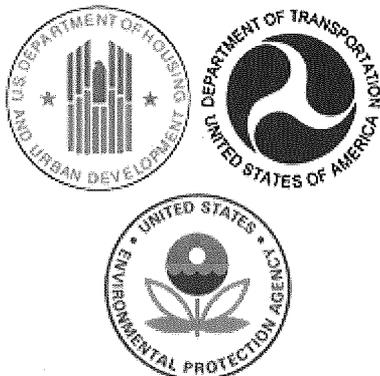
201 South Anaheim Boulevard

2nd Floor (West Tower)

Anaheim, CA 92805

- You are here: [EPA Home](#)
- [Office of Policy, Economics, and Innovation](#)
- [Office of Cross-Media Programs](#)
- [Smart Growth](#)
- [Newsroom](#)
- [HUD-DOT-EPA Interagency Partnership for Sustainable Communities](#)

HUD-DOT-EPA Interagency Partnership for Sustainable Communities



- [Updates](#)
- [Background](#)
- [Livability Principles](#)
- [Partnership Agreement](#)
- [Other Resources](#)

Updates

- **New!** **US HUD Announces Notice of Funding Availability - Sustainable Communities Planning Grant Program**
A top priority of President Barack Obama is to build economically competitive, healthy, opportunity-rich communities. In the 2010 Budget, Congress provided a total of \$150 million to HUD for a Sustainable Communities Initiative to improve regional planning efforts that integrate housing and transportation decisions, and increase the capacity to improve land use and zoning. Of that total, approximately \$100 million will be available for regional integrated planning initiatives through HUD's Sustainable Communities Planning Grant Program.

As part of a commitment to listening and learning, HUD is providing an Advance Notice with a description and framework of the grant program for public comment. HUD will be seeking input from the public, including State and local governments, regional bodies, community development entities, and a broad range of other stakeholders on how the Program should be structured in order to have the most meaningful impact on sustainable regional planning. [Read more...](#)

- **New!** **US DOT Announces Transportation Investment Generating Economic Recovery (TIGER) Grants**

The U.S. Department of Transportation announced \$1.5 billion in TIGER Grant funding for over 50 high-priority, innovative transportation projects across the country. The projects, funded by the American Recovery and Reinvestment Act (ARRA), will create thousands of jobs all over the country and help get the economy back on track.

The TIGER grant program targets major national and regional transportation projects that are in many cases difficult to pursue through other government funding programs. Selected projects must foster job creation, show strong economic benefits, and promote communities that are safer, cleaner and more livable.

The projects selected for TIGER grants are diverse. They range in size from under \$4 million to over \$100 million, and are found in both rural and urban communities from Alaska to Maine and Hawaii to South Carolina. The projects are distributed throughout 41 states and the District of Columbia. [Read more...](#)

- **New!** [Press release: EPA Announces New Support for Sustainable Communities New office, pilot programs to help communities minimize their environmental impact and increase economic opportunity \(02/10\)](#)
 - [Brownfields pilots](#)
- [Partnership In Action January 2010 \(PDF\)](#) (2pp, 272K, About PDF)

David S. Wall
P.O. Box 7621
San José, California 95150

RECEIVED
San Jose City Clerk

PUBLIC RECORD *g*

2010 MAR 11 P 4: 28

March 11, 2010

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, (03.08.10), I ventured over to North Tenth Street @ Horning Street to "take the pulse" of the SCEP (Shopping Cart Entitlement Program). I arrived on station at approximately 1646 hours and found twelve (12) stolen and abandoned shopping carts. *A 9% increase as to the number of stolen and abandoned shopping carts from last week is hereby recorded.*

As trippingly flowed from the tongue, the delicate euphonious sound of the perennial garbage pile (herein PGP) is what it is; a growing health hazard that no one at City Hall wants or apparently wishes to do anything about. You would think, in an election year, Councilmember Liccardo would be out picking up the garbage himself with television crews recording every second, perhaps this event will happen soon.

To be fair, the City Council is more concerned about the effects of their spending the taxpayer's money so recklessly that the projected deficit grows larger and larger by the day. And finding excuses that the deficit is not their fault is as difficult for them to espouse as to the real possibility of bankruptcy.

Tax revenues continue to plummet. Foreclosures take up more space in the San José Mercury News than accolades to Council "for a job well done".

So, as the City of San José deteriorates from a once proud and historic City; to a Ghetto, to a Slum, is it fair to say the next level of accurate depiction is that of a "fourth world sh*t hole"? Some will say, "It is not fair, but sadly, it is true." Others will not say anything and perhaps buy a lotto ticket hoping to escape to a better place. But where is this "better place"?

This "better place" is the City of Los Altos and Los Altos Hills. In this bucolic pastoral setting, swine herders are posted at the city limits with firm directions to herd the swine elements back to San José. Back, back to the land where common everyday drunk in public behaviors are protected along with the shopping cart thieves and other social outcasts. Not to mention the practices of the communist party with their inclusionary housing policies that permits putting a child molester or a grandmother rapist in your neighborhood.

So what is different in the "better place? The command or rather the song of the swine herders, "Vermin take your contagions and depart from our sight, go back to San José where your kind thrives."

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

"Unmarked" (3), WalMart (1), Mi Pueblo (1), 99 Ranch market (1), Best Buy (1), Safeway (1), Save Mart Supermarkets (1), Toys "R" Us (1), FoodMaxx (1), and Maxim Market (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" and are potential reservoirs of microbial agents waiting to spread contagion(s).

Respectfully submitted,

David S. Wall
03.11.10

Cc: City Attorney / City Auditor / City Manager

David S. Wall
P.O. Box 7621
San José, California 95150

PUBLIC RECORD h

RECEIVED
San Jose City Clerk

2010 MAR 11 P 4: 34

March 11, 2010

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

Re: The need for legislation: The Corrupt Influences Protection Act (C.I.P.A.)

Citizens need protection from corrupt influences at City Hall.

MATERIAL CONFLICTS OF INTEREST

It is tougher than usual for citizens to be protected from the effects of corruption from City Hall. The scandal at the Tech Museum of Innovation was the latest "family story" of enrichment at the taxpayer's expense. But, there are others.

Should Husband / Wife Directorships in the City of San José be allowed in the first place?

Should a Councilmember from a neighboring City be on the Mayor of San José's staff?

Should the relative of a neighboring City's Mayor be on the Mayor of San José's staff?

Should the Vice-Mayor of a neighboring City be a City of San José administrator?

Do the aforementioned constitute MATERIAL CONFLICTS OF INTERESTS?

My personal opinion is that the aforementioned DO constitute Material Conflicts of Interests and should be prohibited by strong leadership. Absent strong leadership, (or leadership of any kind) legislation is required to stop the aforementioned practices.

That is the impetus for the creation of the **Corrupt Influences Protection Act (CIPA)** that I do hereby propose.

Cronyism, nepotism, and favoritism should not be permitted by any government in our nation; be it Municipal, State or Federal. Even the slightest appearance of a conflict of interest should be under the strictest scrutiny. But, Material Conflicts of Interest should be barred by force of law.

Since there is an opportunity for two ballots this election year, I propose putting forward to the voting public, an amendment to the City Charter to prohibit not only "Material Conflicts of Interests"; but also to redefine those nebulous and lesser offending other "conflicts of interests" that seem to inappropriately exist and are accepted by "a wink and a nod".

Respectfully submitted,

David S. Wall
03.11.10

Cc: City Attorney / City Auditor / City Manager

David S. Wall
P.O. Box 7621
San José, California 95150

PUBLIC RECORD *i*

RECEIVED
San Jose City Clerk

2010 MAR 11 P 4: 32

March 11, 2010

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

Re: City of San José Voters should determine "level of indebtedness".

Crushing Debt incurred by Council will take generations to pay off.

Redevelopment Agency

City of San José Housing Department

Reclaimed Water Project

Advanced Water Filtration

Mineta San José International Airport - The Tale of Two Credit cards.

Who really benefits from these horrible debts? Not the Citizens of San José.

The bell tolls...for bankruptcy all around.

Since there is an opportunity for two ballots this election year, I propose putting forward to the voting public; an amendment to the City Charter to prohibit the San José City Council from increasing the indebtedness of the City of San José, in any manner that is reflective of the monies spent on the aforementioned projects without first obtaining VOTER APPROVAL.

The latest financial boondoggle concerns itself with the \$1.3 Billion indebtedness incurred by the **Mineta San José International Airport**. The financial decisions can be likened to an irresponsible person with two credit cards, neither of which should have been issued in the first place. Then the irresponsible person "racks up their limit" on one credit card and uses the other credit card to pay only the "interest" on the other. Combine this scenario with the loss of a job, in this particular case the loss of passenger traffic at the airport and a financial crisis of unparalleled equal is in process.

The testimony that this expansion of the airport was to "create jobs" is foolhardy and merits chastisement. Hundreds of jobs at the airport will be lost in the process. Management of the airport purports that the "cuts" are serious, yet, none of them had at least one bandage observable on their persons at the last Council Study Session. I guess they are suffering from internal wounds that have no real outward appearance. Not even "wallet thinning syndrome" was evident or foreseeable.

The indebtedness incurred by the San José City Council is irresponsible and further indebtedness should be barred by law, in my opinion.

Respectfully submitted,

David S. Wall
03.11.10

Cc: City Attorney / City Auditor / City Manager

David S. Wall
P.O. Box 7621
San José, California 95150

PUBLIC RECORD *J*

RECEIVED
San Jose City Clerk

2010 MAR 11 P 4: 27

March 11, 2010

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 Todd McMahon (#4184)! (S.J.P.D. event # 10-051-1058)

On Saturday night (02.20.10) after my neighbor watch patrol was without incident and ended sometime after 2100 hours. As a light misty rain was beginning to fall, I then witnessed a black sedan pulled up "kitty corner" across the street from my position and the driver exited the vehicle. He then opened the rear door of the vehicle and began throwing out garbage from the vehicle onto the public street. The illegal dumping suspect then "kicked the trash" underneath his vehicle while continuing to throw even more garbage onto to the public street.

I proceeded to approach the suspect. I asked him what he was doing throwing out his garbage onto the public street. I told him to pick up his garbage at once. He refused. I noticed a female in the front passenger seat and told the suspect. As I was writing down his license plate, make of car; a (black, Mitsubishi 4 door sedan, CA# 5NCC 903), I informed the suspect that I would be calling the San José Police regarding this matter. The "misty rain" had by now evolved into a "light rain".

As I was preparing to call SJP, I heard the sound of a vehicular crash. As I turned to look down the street, I witnessed a late model "Ford Bronco or Isuzu Trooper (SUV)" back away from a parked vehicle. I was not able to see the license plate in the darkness and this criminal then hurriedly sped away; not leaving a note or stopping at the "stop" sign. The "illegal dumper of garbage" then quickly got in his car and left the scene. I called 311 to report both incidents.

As I was on the phone to 311, two neighbors and two of their friends were walking by and saw me by the damaged vehicle. They over heard my conversation with dispatch and were curious. When my business with dispatch was concluded, they were all shocked at the story. Two of my neighbors rose to the status of good citizens for they walked over to the garbage and without gloves, picked up the garbage. There was no other garbage there except for what was "illegally dumped". I asked them to place the bag of garbage by a street light pole and that I would dispose of it later as S.J.P.D rolled up on the scene. I thanked my neighbors and began to brief **San José Police Officer Todd McMahon** as to the incidents.

Officer McMahon immediately took charge of the crime scene. With precision and dispatch, Officer McMahon began to focus on retrieval and processing the details of the both crimes.

Officer McMahon politely informed me to "stand by" as he began his investigations. The process concerning the "illegal dumping" was explained to me. The "hit and run" crime was then discussed, as the light rain continued to fall.

Officer McMahon's mastery of his superb training was evident with reference to the speed and focus of his investigatory prowess. Time is always of the essence in pinning down details in order to remedy injustice and intensify the pursuit of the criminal elements.

Officer McMahon took several photographs of the damaged vehicle, processed "paper work" and continued to question me so as to "jog my memory" of the events. I then showed the bag of garbage to Officer McMahon. He asked me a few more questions and then he had to go on another call.

The next day, Sunday, after returning from church, I saw an "Alongi Brothers Tow Truck" by the damaged vehicle. I met the distraught owner of the vehicle and her boy friend. They were very appreciative of the informative note left on their severely damaged vehicle by **Officer McMahon**.

Officer Todd McMahon must be special. His first name is spelled with two "d" s when one was good enough for God. Please take the requisite steps to give **Officer Todd McMahon (#4184)** the "thanks" associated with a job well done.

Respectfully submitted,

David S. Wall
03.11.10

Cc: City Attorney / City Auditor / City Manager