



# Memorandum

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

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

**SUBJECT:** The Public Record  
April 16 – April 22, 2010

**DATE:** April 23, 2010

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## ITEMS TRANSMITTED TO THE ADMINISTRATION

### ITEMS FILED FOR THE PUBLIC RECORD

- (a) Letter from U.S. Department of Housing and Urban Development Assistant Secretary Mercedes Marquez to Mayor Reed dated April 9, 2010 submitting FY 2010 allocations for the Office of Community Planning and Development's (CPD's) formula programs.
- (b) Letter from Santa Clara Valley Water District Chair/Board of Directors Richard P. Santos to Mayor Reed dated April 15, 2010 regarding the Upper Guadalupe River Flood Protection Project Real Estate Transaction.
- (c) Email from Santa Clara County Cities Association (SCCCA) Executive Director Raania Mohsen dated April 16, 2010 submitting April 8, 2010 Minutes and the May 13, 2010 Agenda for the SCCCA Cities Selection Committee and Board of Directors Meetings.
- (d) Notification of Application filed by the San José Water Company with the California Public Utilities Commission on April 2, 2010 for a Rate Increase, received by the City Clerk April 16, 2010.
- (e) Email from Acting Representative for the North of Forest Neighborhood Kirk Vartan to the Mayor and City Council received April 19, 2010, expressing concern regarding clean-up of toxic substances by the Department of Toxic Substances Control.
- (f) Email from Anu Mandavilla representing the Coalition for Justice and Accountability (CJA) to the Mayor and City Council received April 21, 2010, submitting a letter from the CJA regarding "Hiring Process Used for Recruitment of the New IPA".
- (g) Letter from David S. Wall to Mayor Reed and City Council dated April 22, 2010 titled "The Ghetto Life: Update on the SCEP". (Photographs on file in the Office of the City Clerk)

Honorable Mayor and City Council Members  
April 23, 2010  
Subject: The Public Record: April 16 - 22, 2010

- (h) Letter from David S. Wall to Mayor Reed and City Council dated April 22, 2010 titled "Amend City Charter, specifically Section 411 and take back control of taxpayer money".
- (i) Letter from David S. Wall to Mayor Reed and City Council dated April 22, 2010 titled "Wasteful spending by the Office of the City Manager got YOU down?".
- (j) Letter from David S. Wall to Mayor Reed and City Council dated April 22, 2010 titled "Thanks Nancy Maldonado, Office Specialist II for a job well done!".
- (k) Letter from David S. Wall to Mayor Reed and City Council dated April 22, 2010 titled "Thanks Rudy Reyes, Grounds Worker I for a job continuously well done" (Photograph on file in the Office of the City Clerk)
- (l) Letter from David S. Wall to Mayor Reed and City Council dated April 22, 2010 titled "Thanks Denisse Madriz, Senior Accounting Clerk for a job well done!".
- (m) Letter from David S. Wall to Mayor Reed and City Council dated April 22, 2010 titled "Council, Office of the Attorney and Office of the Auditor should be immune from anymore pay cuts."
- (n) Letter from David S. Wall to Mayor Reed and City Council dated April 22, 2010 titled "Ryland Park Pool a home for mosquitoes?" (Photograph on file in the Office of the City Clerk)



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



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-7000

ASSISTANT SECRETARY FOR  
COMMUNITY PLANNING AND DEVELOPMENT

April 9, 2010

The Honorable Charles R. Reed  
Mayor of San Jose  
18th Floor  
200 East Santa Clara Street  
San Jose, CA 95113-1903

Dear Mayor Reed:

I am pleased to inform you of your Fiscal Year (FY) 2010 allocations for the Office of Community Planning and Development's (CPD's) formula programs. The CPD formula programs provide funding for housing, community and economic development activities, and assistance for low- and moderate-income persons and special populations across the country. FY2010 funding for these programs was included in Public Law 111-117, signed by President Obama on December 16, 2009.

Your community has the following amounts available in FY2010:

Community Development Block Grant	\$10,896,115
HOME Investment Partnerships	\$4,664,977
Housing Opportunities for Persons with AIDS	\$871,489
Emergency Shelter Grants	\$442,295

I would like to highlight two important matters for this funding cycle. First, the Department urges grantees to consider the needs of returning veterans and their families in the design and administration of these formula programs. Our fellow Americans have served our nation on the battlefields of Iraq and Afghanistan and countless other places around the globe. Many veterans are returning to our communities with wounds and injuries that may make it difficult for them to find housing or support themselves and/or their families. I ask that you consider their sacrifice and ensure that these men and women receive every appropriate consideration in the use of these funds at the local level.

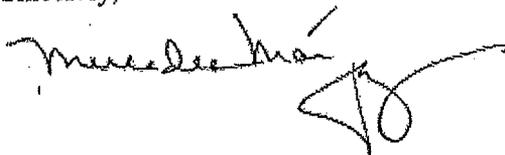
Second, it is important that HUD have complete performance measurement data for its formula grant programs to report to Congress, the Office of Management and Budget, and the public at large. Grantees must report outcome indicators for all open activities in the Integrated Disbursement and Information System (IDIS) to assess their performance toward achieving their objectives and outcomes in their Consolidated Annual Performance and Evaluation Report.

FOR MORE INFORMATION  
CONTACT THE ASSISTANT SECRETARY FOR  
COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT  
WASHINGTON, DC 20410-7000

We have a challenging journey ahead, but I believe with your help we can successfully meet those challenges. I look forward to working with you. If you or any member of your staff has questions, please contact your local CPD office director.

Sincerely,

A handwritten signature in black ink, appearing to read "Mercedes Márquez", with a stylized flourish extending to the right.

Mercedes Márquez  
Assistant Secretary

5750 ALMADEN EXPWY  
SAN JOSE, CA 95118-3686  
TELEPHONE (408) 265-2600  
FACSIMILE (408) 266-0271  
www.valleywater.org  
AN EQUAL OPPORTUNITY EMPLOYER

April 15, 2010

The Honorable Chuck Reed  
Mayor of City of San Jose  
200 East Santa Clara Street, 18<sup>th</sup> Floor  
San Jose, CA 95113

BOARD OF DIRECTORS  
ROSEMARY C. KAMEI,  
DISTRICT 1  
JOE JUDGE,  
DISTRICT 2  
RICHARD P. SANTOS,  
CHAIR, DISTRICT 3  
LARRY WILSON,  
VICE CHAIR, DISTRICT 4  
PATRICK S. KWOK, P.E.,  
DISTRICT 5  
TONY ESTREMER, A  
AT LARGE

BEAU GOLDIE  
CHIEF EXECUTIVE OFFICER  
MICHELE L. KING  
CLERK OF THE BOARD

Subject: Upper Guadalupe River Flood Protection Project Real Estate Transaction

Dear Mayor Reed:

Thank you for your letter dated March 8, 2010, regarding the remaining real estate transaction for the Reach 6 flood protection work along the Upper Guadalupe River. Specifically, you proposed the Santa Clara Valley Water District (District) and the City of San Jose (City) split the difference in the appraisal amounts for the City's abandoned streets, needed for construction of flood protection improvements in this section of the Upper Guadalupe River. Your "can-do" approach to resolving the real estate transaction issue is greatly appreciated.

We would like to thank Councilmember Sam Liccardo for his leadership in the past several weeks with regards to moving this construction work forward. He understands the need for this project in regards to the health and safety of our community and its importance to local job creation.

I also appreciate the efforts of your City Manager, Debra Figone, and her staff, who worked closely with our CEO, Beau Goldie, to arrive at a solution that is acceptable for all parties and will allow construction to proceed. On April 6, 2010, the City Council approved an Exchange Agreement for the District to begin project construction while the paperwork for vacation of abandoned City streets and the dedication of a new street extension to the City is completed. On April 13, 2010, the District's Board of Directors approved the same Agreement and awarded the construction contract.

Thank you again for your work to assure the success of this critical project. I look forward to future collaboration between the City and the District on matters that benefit the residents and businesses of the City.

Sincerely,



Richard P. Santos  
Chair/Board of Directors

cc: The Honorable Sam Liccardo, Councilmember, District 3, City of San Jose  
Ms. Debra Figone, City Manager, City of San Jose  
Mr. Ed Shikada, Deputy City Manager, City of San Jose  
cc: Board of Directors (7), B. Goldie, M. Klemencic, K. Oven, C. Elias, N. Nguyen, N. Brown,  
M. Diltz (C10-0021)

cp:jl  
0415c-l.docx



**From:** Raania Mohsen [mailto:raania.mohsen@scacounty.org]

**Sent:** Friday, April 16, 2010 4:58 PM

**Subject:** Cities Association: City Selection Committee Meeting, May 13, 6:45 pm

Dear All,

There will be a City Selection Committee Meeting on Thursday, May 13<sup>th</sup>, 6:45 pm, at Sunnyvale City Hall, prior to the regularly scheduled Board Meeting.

The Agenda and Minutes are attached and will be available on our website shortly.

There will be a total of 6 appointments as indicated below:

- 1) BAAQMD – one appointment; Sue Garner has expressed interest in re-appointment.
- 2) Council on Aging Advisory Board – one appointment; Peter Zhego has expressed interest in re-appointment.
- 3) ABAG Executive Board – two appointments:
  - a. Joe Pirzynski, Los Gatos, has expressed interest in re-appointment
  - b. Ronit Bryant, Mountain View, has expressed interest in appointment.
- 4) ABAG Executive Board Alternate – two appointments:
  - a. David Casas, Los Altos, has expressed interest in re-appointment
  - b. No expression of interest.

If you or members of your council are interested in the ABAG Exec. Board Alternate appointment, please let me know.

If you have any questions, feel free to call or email me.

Thank you,

Raania

***Raania Mohsen***  
Executive Director

**Santa Clara County Cities Association**  
505 West Olive Avenue, Suite 749  
Sunnyvale, CA 94086  
(408) 730-7770

**Minutes**  
**SANTA CLARA COUNTY CITY SELECTION COMMITTEE**  
**Sunnyvale City Hall**  
**April 8, 2010**

The regular meeting of the Santa Clara County City Selection Committee was called to order at 6:55 p.m. with SCCCA President David Casas presiding.

**1. Call to Order/Roll Call**

**Present:**

Dan Furtado, Campbell  
Orrin Mahoney, Cupertino  
Al Pinheiro, Gilroy  
David Casas, Los Altos  
Ginger Summit, Los Altos Hills  
Joe Pirzynski, Los Gatos  
Bob Livengood, Milpitas  
Don Perry, Monte Sereno  
Steve Tate, Morgan Hill  
Jac Siegal, Mountain View  
Larry Klein, Palo Alto  
Howard Miller, Saratoga  
Patricia Mahan, Santa Clara

**Also Present:**

Laurie Greer, SCC Social Services  
Diana Bautista, Sen. Maldonado's Office  
Betsy Shotwell, City of San Jose  
Raania Mohsen, SCCCA Exec. Dir.

- 2. Consent Calendar:** Minutes of the meeting of January 14, 2010: Motion (Pirzynski)/Second (Tate) to accept the minutes. Carried unanimously.
- 3. Communications received:** Letter of interest from Kris Wang of Cupertino noted.
- 4. Appointments:**  
**Recycling Waste & Reduction Commission:** Kris Wang, Cupertino, was re-appointed to a term expiring March 2016. Motion (Pinheiro)/Second (Pirzynski). Carried unanimously.
- 5. Adjournment.** The meeting was adjourned at 6:57 p.m.

Respectfully submitted:  
Raania Mohsen, Executive Director

## NOTICE and AGENDA

### CITY SELECTION COMMITTEE

6:45 P.M. Thursday, May 13, 2010

Sunnyvale City Hall, West Conference Room

456 West Olive Avenue, Sunnyvale, CA

### NOTICE OF MEETING

NOTICE IS HEREBY GIVEN, pursuant to the requirement of law, that the City Selection Committee for Santa Clara County will meet in special session Thursday, May 13, 2010 at 6:45 p.m. at Sunnyvale City Hall, Sunnyvale, CA, in accordance with the following agenda items.

#### AGENDA

1. **Call to Order/Roll Call**
2. **Consent Calendar**
  - a. Minutes of the meeting of April 8, 2010
3. **Communication Received:**
  - a. **Bay Area Air Quality Management District – (Job Description):**  
Appointment to fill term expiring March 6, 2012.
    - i. Letter of interest for re-appointment received from Sue Garner, Monte Sereno.
  - b. **Council on Aging Advisory Board Exec. Board – (Job Description):**  
Appointment to fill term expiring June, 2013.
    - i. Letter of interest for re-appointment received from Peter Zhego.
  - c. **Association of Bay Area Governments Executive Board – (Job Description):** Two appointments to fill terms expiring June 30, 2012.
    - i. Letter of interest received from Ronit Bryant, Mountain View.
    - ii. Letter of interest received for re-appointment from Joe Pirzynski, Los Gatos.
  - d. **Association of Bay Area Governments Executive Board Alternate – (Job Description):** Two appointments to fill terms expiring June 30, 2012.
    - i. Expression of interest received for re-appointment from David Casas, Los Altos.
    - ii. No expression of interest received for second appointment.

**4. Appointments**

- a. Bay Area Quality Management District** – one appointment
- b. Council on Aging Advisory Board** – one appointment
- c. Association of Bay Area Governments Exec. Board** – two appointments
- d. Association of Bay Area Governments Exec. Board Alternate** – two appointments

**5. Adjournment**

**Note:** City Selection Committee rules specify that each city's representative to the Committee is the city's Mayor or his/her designee from the city's council.

2

**NOTIFICATION OF APPLICATION BY SAN JOSE WATER COMPANY  
FOR A RATE INCREASE**

On April 2, 2010 San Jose Water Company (SJWC) filed Application 10-04-005 with the California Public Utilities Commission (Commission) requesting authorization to increase its annual revenue requirement by \$80,041 or about 0.03% and to increase rates proportionately. In order to make the budget sufficient to comply with the requirements of the Commission's General Order No. 103. This increase is necessary to support the capital budget of approximately \$410,000 for standard meter replacement. If authorized, the monthly service charge for a 3/4-inch residential meter would increase from \$16.31 to \$16.33, and the monthly bill for SJWC's average residential customer served by a 3/4-inch meter and using 15 Ccf per month would increase by about two cents (\$.02), or about 0.04%. If approved, the rate change should become effective approximately 90 days after filing.

The following tables summarize SJWC's proposed rate changes by meter size:

**Schedules 1, 1B, 1C and RW**

**Monthly Metered Service Charge**

Meter Sizes	Present Rates	Proposed Rates
5/8 x 3/4-inch	\$16.31	\$16.33
3/4-inch	\$16.31	\$16.33
1-inch	\$27.18	\$27.22
1 1/2-inch	\$54.37	\$54.45
2-inch	\$86.99	\$87.12
3-inch	\$163.11	\$163.34
4-inch	\$271.84	\$272.23
6-inch	\$543.69	\$544.47
8-inch	\$869.90	\$871.15
10-inch	\$1250.48	\$1252.28

Quantity Charges (Per Ccf):

No Change

**The CPUC's Process**

The CPUC'S Division of Ratepayer Advocates (DRA) will review the Application and submit its independent analysis and recommendations in written reports for the CPUC's consideration. That report will become available to the public. DRA is staffed with engineers, auditors, and other professional staff and is tasked with representing the interest of all utility ratepayers. Other interested parties may also participate in the proceeding.

Evidentiary hearings may be held whereby of parties of record will present their testimony and will be subject to cross-examination before the assigned Administrative Law Judge (ALJ). These evidentiary hearings are open to the public, but only parties to the proceeding may present evidence or cross-examine witnesses. If you wish to become a party and participate in the evidentiary hearings, please contact the CPUC's Public Advisor at the address shown below.

Parties at these hearings may offer proposals to the Commission that differ from those requested by SJWC. After considering all proposals and evidence presented during the formal hearing process, the assigned ALJ will issue a proposed decision. When the CPUC issues a final decision on Application 10-04-005 it may adopt, amend or modify all or part of the ALJ's proposed decision as written. The CPUC's final decision may be different from SJWC's proposal.

**Protesting the Application**

Protests to this application should be mailed to the Commission's Public Advisor's Office. For assistance in filing a protest or otherwise participating in the proceeding, please contact the Public Advisor's Office at:

California Public Utilities Commission  
Public Advisor's Office  
505 Van Ness Avenue  
San Francisco, CA 94102,  
E-mail: [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov)

You may also call 866.849.8390 (toll free) or 415.703.2074. Please mention that you are writing about Application 10-04-005.

**Public Comment**

Written public comment may be sent to the Public Advisor's Office at the address shown above. These comments will become part of the formal correspondence file of the proceeding and will be circulated for review to the assigned ALJ, the assigned Commissioner and the appropriate Commission staff. Comments will be collected on an ongoing basis until such time that the evidentiary hearings commence. Please send comments to the CPUC's Public Advisor's Office listed above. In addition, public participation hearings may be held. Please refer to San Jose Water Company's Application No. 10-04-005 in all of your communications.

A copy of SJWC's Application and further information may be obtained from the company's customer service office located at:



110 West Taylor Street • San Jose, CA 95110  
408-279-7900 • [www.sjwater.com](http://www.sjwater.com)  
Se habla español

RECEIVED  
San Jose City Clerk  
2010 APR 16 P 2:48

**From:** Kirk Vartan (NOFA)  
**Sent:** Monday, April 19, 2010 2:00 AM  
**To:**  
(Pie  
**Cc:**

**Subject:** FW: URGENT - State TOXIC Remediation scheduled to begin Monday, April 19th at BAREC 90 N. Winchester Blvd., Santa Clara.

**Importance:** High

Mayor and City Council,

I am forwarding this urgent letter to you as this Santa Clara property also affects San Jose residents. We are in Councilmember Oliverio's District 6 and share the same fence line that Santa Clara shares on the other two sides. We are directly across the street from Valley Fair on Winchester Blvd.

We are all concerned with the safety measures and protocols used in this now very rushed clean-up activity. It is a 7+ week action that will impact residents and shoppers alike.

It is clear that the State is trying to rush the next step. I received notification of the cleanup on Thursday, April 15<sup>th</sup> (three days ago). There are many children, adults, and seniors that live around this property and it is not clear why their health and safety is not a priority.

Please help the City of Santa Clara demand answers from the two State Agencies involved. The DGS and DTSC appear to be ignoring the citizens they are obligated to protect. Their contact information is in the attached letter I received in the mail on Thursday, but I have listed it out for you:

Karen Toth, DTSC Unit Chief  
(510) 540-3834  
[KToth@dtsc.ca.gov](mailto:KToth@dtsc.ca.gov)

Richard Perry, DTSC Public Participation Specialist  
(510) 540-3910  
[RPerry@dtsc.ca.gov](mailto:RPerry@dtsc.ca.gov)

David Perry, DGS Project Manager  
(916) 375-4907  
[David.Perry@dgs.ca.gov](mailto:David.Perry@dgs.ca.gov)

I there leaves very little time to discuss since the State is ready to roll the dozers. What we are asking for does not cost any money and can be addressed with existing staff to reach out and talk to the right people. Please help a fairly underrepresented group of San Jose citizens.

Thanks for your time and if you need to reach me, my information is listed below.

Kirk Vartan  
598 N Henry Ave  
Acting Representative for the North of Forest Neighborhood

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**WORK NOTICE**  
**Former Bay Area Research Extension**  
**Center (BAREC)**  
**90 North Winchester Boulevard**  
**Santa Clara, California**



**Field Work being conducted beginning on April 19, 2010**

The Department of Toxic Substances Control (DTSC) is distributing this notice to inform the community of upcoming work at the Former Bay Area Research Extension Center (BAREC) Site, located at 90 North Winchester Boulevard, Santa Clara, California (See Figure on page 2).

Work will be conducted on the Site between 8:00 A.M. and 5:00 P.M.

The following work activities will begin on April 19, 2010. This work will take approximately 7 weeks to complete:

- Week of April 19 – Install a 6 foot dust fence around entire site and a 10 foot temporary dust fence around excavation areas and mow excavation areas. Other site preparation work including surveying of excavation areas.
- April 19 thru May 10 - Building Demolition - This includes abatement of lead, asbestos, demolition of buildings and removal of related wastes. **This work is not under DTSC's oversight.**
- May 6 thru May 24 – Soil Excavation
  - Excavation of approximately 5,000 to 6,000 cubic yards of contaminated soil will be removed from the Site and disposed at an approved offsite facility.
  - Dust control measures such as water spray will be used to minimize dust in the air. Additionally, air monitoring will be conducted to protect both workers at the Site and nearby residents.
  - Confirmation samples will be collected to ensure that cleanup goals for the site are met.
- May 25 thru June 8 – Backfill excavation areas.

All work will be performed in accordance with the Removal Action Work Plan for the Site which was approved by DTSC on October 19, 2007 and a site-specific health and safety plan that complies with both state and federal regulations designed to protect the health and safety of onsite workers and the public.

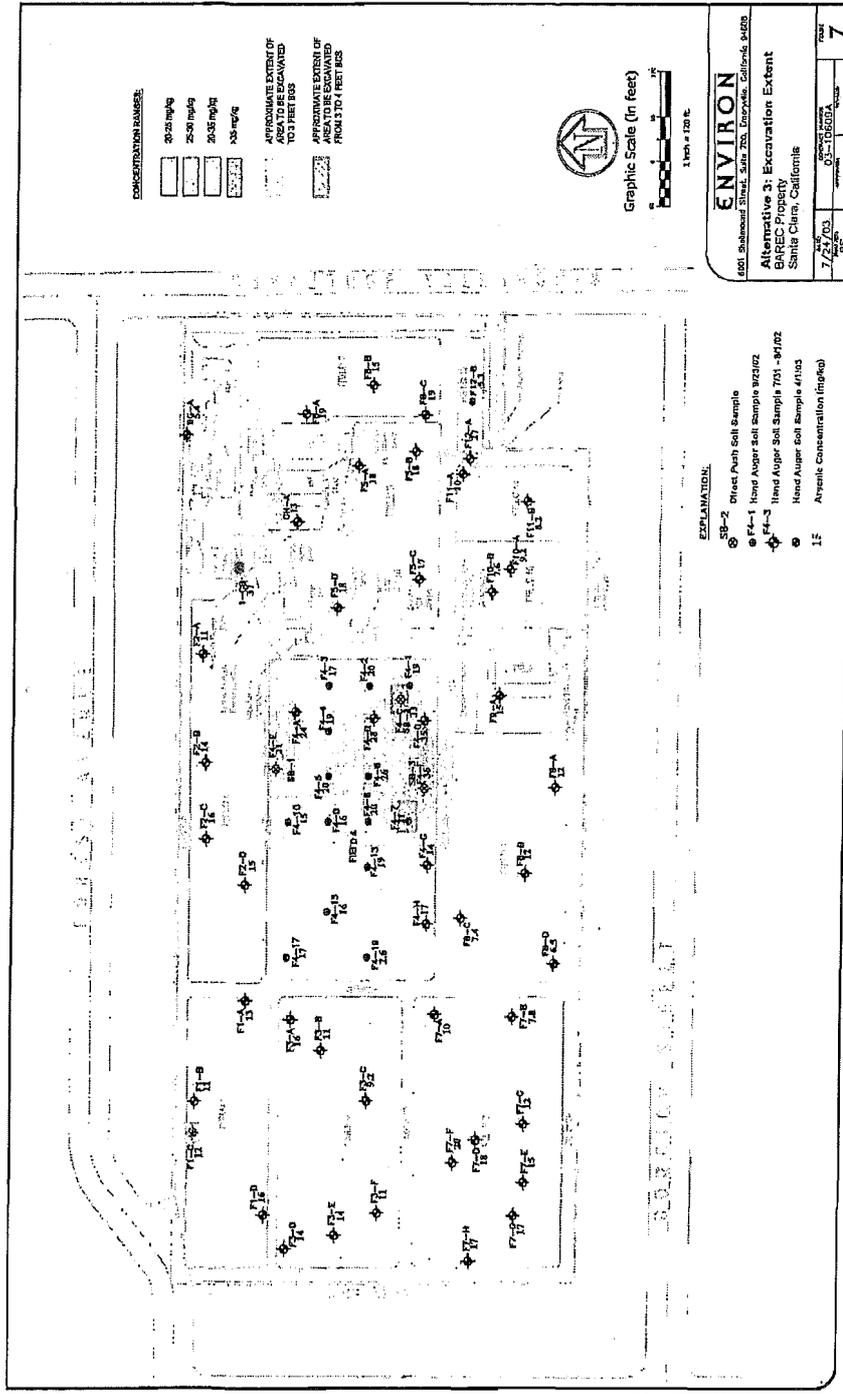
The complete record for this site is available for review at the following locations:

Central Park Library  
2635 Homestead Road  
Santa Clara, California 95051  
(408) 615-2970

Department of Toxic Substances Control  
700 Heinz Avenue  
Berkeley, California 94710  
(510) 540-3800 (Call for appointment)

To view electronic versions of the Workplan, visit the DTSC EnviroStor website:  
<http://www.envirostor.dtsc.ca.gov/public/>. Enter Santa Clara in the city section and select Former Bay Area Research Extension Center (BAREC) from the alphabetical list of sites.

If you have any questions or concerns, please contact: DTSC Unit Chief, Karen Toth at (510) 540-3834, e-mail to [KToth@dtsc.ca.gov](mailto:KToth@dtsc.ca.gov) ; DTSC Public Participation Specialist, Richard A Perry, at (510) 540-3910, e-mail to [RPerry@dtsc.ca.gov](mailto:RPerry@dtsc.ca.gov), DGS Project Manager, David Perry at (916) 375-4907, e-mail to [David.Perry@dgs.ca.gov](mailto:David.Perry@dgs.ca.gov). For media inquiries, please contact DTSC Public Information Officer Robert Palomares, at (916) 424-7031, by email [RPalomar@dtsc.ca.gov](mailto:RPalomar@dtsc.ca.gov); or Jeffrey Young, Deputy Director, Public Affairs, Department of General Services at (916) 376-5007, by email to [Jeffrey.Young@dgs.ca.gov](mailto:Jeffrey.Young@dgs.ca.gov).



**ENVIRO**  
 1001 Shattuck Street, Suite 200, Emeryville, California 94608

Alternative 3: Excavation Extent  
 BAREC Property  
 Santa Clara, California

7/24/03  
 03-T0600A

7

- EXPLANATION**
- F1-2 Direct Push Soil Sample
  - F1-1 Hand Auger Soil Sample 9/21/02
  - F1-3 Hand Auger Soil Sample 7/01 - 8/1/02
  - Hand Auger Soil Sample 4/11/03
  - 15 Arsenic Concentration (mg/g)

**From:** Anu Mandavilli [redacted]

**Sent:** Wednesday, April 21, 2010 2:02 PM

**To:** The Office of Mayor Chuck Reed; District1; Kalra, Ash; District3; Liccardo, Sam; District4; District5; Oliverio, Pierluigi; District7; Herrera, Rose; Chirco, Judy; Office of Councilmember Nancy Pyle

**Cc:** AACI; Raj Jayadev; Asian Law Alliance; Lew, Michele; Socorro McCord; Al Morales

**Subject:** Letter to City Council from CJA, 4/21

Dear Mayor Reed and Members of City Council,

Please see attached a letter that I am forwarding to you on behalf of the Coalition for Justice and Accountability. We'd appreciate it if you can confirm receipt of the attachment, and we look forward to your responses and further discussion of issues mentioned in the letter.

sincerely,

Anu Mandavilli

(on behalf of the CJA)



## **Coalition for Justice and Accountability**

*"Building a community where everyone feels safe."*

To:

Honorable Members of City Council, San Jose  
Mayor Chuck Reed  
Councilmember Pete Constant, District 1  
Councilmember Ash Kalra, District 2  
Councilmember Sam Liccardo, District 3  
Councilmember Kansen Chu, District 4  
Councilmember Nora Campos, District 5  
Councilmember Pierluigi Oliverio, District 6  
Councilmember Madison Nguyen, District 7  
Councilmember Rose Herrera, District 8  
Councilmember Judy Chirco, District 9  
Councilmember Nancy Pyle, District 10

From:

The Coalition for Justice and Accountability  
San Jose, CA

April 21, 2010

Re: Hiring Process Used for Recruitment of the New IPA

As you are aware, the Coalition for Justice and Accountability (CJA) represents a wide range of individuals, organizations and ethnic groups, and seeks to bring to the City Council their interests and concerns on the subject of Public Safety and Police-Community relations. Accordingly, CJA has sought to play an active role in the process of recruiting a new Independent Police Auditor (IPA) for San Jose. We have carefully followed the recruitment process that has just culminated in the appointment of a new IPA for San Jose, and have some recommendations regarding (1) community input and (2) keeping the public informed about the proceedings. We find that the current process of IPA recruitment is working to discourage rather than encourage public participation. Consequently, we are writing to you to record our concerns with the intent of improving, in the future, how the City incorporates community input while hiring for important positions that are of a sensitive nature.

Our concerns are as follows:

1. CJA welcomed news that community members would be appointed to serve on the community panel that would interview potential candidates for the IPA position. Following this announcement, CJA sent to members of the City Council a list of community organizations whose members might be candidates for inclusion in the Community Panel. This list was based upon CJA's collective knowledge of individuals and groups that have a history of working on related issues (such as Debug, NAACP, etc.), and our confidence that they would be able to effectively represent the community's concerns. We were sorry to note, however, that there has been a noticeable lack of transparency in the manner in which panelists were chosen. Several members of CJA have contacted their council members, but have been unable to learn either the criteria employed to pick panelists, or their identities, and/or qualifications to be on the panel.
2. Secondly, we have learnt that the community panelists were required to sign a confidentiality agreement. We feel that this effectively stopped any possibility of public discussion about the candidates, and thus disallowed the formation of an informed opinion amongst community members as to which candidate might be the best fit for San Jose.
3. Thirdly, we have some questions about the nature and purpose of the feedback collected from the community panel. Despite our enquiries, we have been unable to ascertain how the panelists' feedback was used in the selection of a candidate. We understand that after the interviews were completed, during the debriefing session that was facilitated by Human Resources (HR), the panelists were not allowed to rank the various candidates. Given that the final goal of the recruitment process is, in fact, the selection of one candidate over all others, we feel it would have been useful to allow the panelists to rank the various candidates.

In addition, it has come to our attention that the Community Panel was advised that their comments were to be typed up by the HR, and presented to the City Council for use in their interview process. However, we understand that the panelists did not have an opportunity to see the summary in order to be able to confirm that their comments were included in the HRC document. We have also been unable to confirm when members of the City Council received the panel's feedback – did they see it before they interviewed the candidates, or was it just before they made their respective decisions about the new IPA?

Given the recent history in San Jose of uneven Police-Community relations, and the unfortunate missteps earlier in the IPA recruitment process (including the extremely poor public input collected by Avery Associates), our hope was that special efforts would be made by the City to make this recruitment process as open and transparent as possible. As detailed above, this has not been the case thus far. We realize that old practices are hard to alter. We think we have a responsibility to remind each of you of the fact that San Jose's inability to include the public in the decision-making process contradicts Mayor Reed's and others' statements about increasing transparency. Therefore, we earnestly ask you to plan and practice a more inclusive, and a more

democratic process in the future, one which clearly lays out the various steps and stages in the overall process of recruitment for City positions.

We request that this issue be agendized so the City has an opportunity to advise the community on how the hiring process can be updated in order to improve transparency, and build community trust. Please advise when this letter will be referred to the Rules Committee for action so that CJA members may attend that meeting.

On behalf of the Coalition for Justice and Accountability,  
Anu Mandavilli

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

PUBLIC RECORD g

RECEIVED  
San Jose City Clerk

April 22, 2010

2010 APR 22 P 4:14

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, (04.19.10), 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 0946 hours and found twelve (12) stolen and abandoned shopping carts. *A 20% increase as to the number of stolen and abandoned shopping carts from last week is hereby recorded.*

The perennial garbage pile (herein PGP) has competition called, "the perennial growing debris field" (herein PGDF). It is a debris field along the railroad tracks. The PGP has been reduced from City property. Photographs were taken and are on file at the Office of the City Clerk and the City Attorney.

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

SaveMart (2), Safeway (2), Petsmart (1), Trader Joe's (1), Target (1), FoodMaxx (1), McKee Oriental Market (1), OSH (1), "Unmarked" (1) and 99 Ranch Market (1).

A green, 96-gallon garbage style wheeled container with the name, "Pleasant Hill Bayshore Disposal" printed on it was also present, abandoned and probably the same one from last week. It was full of "trash".

\*"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).

**Railroad property is a festering health hazard. Vagrants rule this locale.**

**Union Pacific Railroad is a victim of crime.**

Consider for a moment that all of YOU owned property were thieves, vandals, vagrants and other sub divisions of the criminal element could do to YOUR property what the photographs depict on the property of the Union Pacific Railroad, I bet you would have the Police round up these swine without hesitation and order that these miscreants be chucked into a municipal stockade. But YOU could care less. After all, it is not YOUR property. But, the Union Pacific railroad will spend significant money to abate the effects of this lawlessness and YOUR unabated incompetence to protect society from these wastrels.

Another photograph this week was that of a vine with a flower, a Passion flower. An excellent specimen of *Passiflora Caerulea*, a blue passion flower, can be seen on the northeast fence line while walking approximately twenty (20) yards northbound on the railroad tracks from the corner of North Tenth Street @ Horning Street. (Caroline's fence line".)

Cuttings were taken with Caroline's permission. I hope I can "root" them.

\*\*PHOTOGRAPHS ON FILE IN THE OFFICE OF THE CITY CLERK\*\*

Cc: City Attorney / City Auditor / City Manager

Respectfully submitted,

David S. Wall  
04.22.10

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

RECEIVED  
San Jose City Clerk

2010 APR 22 P 4:17

April 22, 2010

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

**Re: Amend City Charter, specifically Section 411, and take back control of taxpayer money.**

**Budget reduction idea; ELIMINATE EMPLOYEE RELATIONS – a “useless, redundant system”.**

**Office of the City Attorney controls the functions anyway. Dump Employee Relations.**

**Attorney’s are best suited to deal with the “Unions” and all issues concerning employment law.**

In my opinion, Employee Relations is a useless, redundant system that illustrates the boundless vanity of the Office of the City Manager.

Employee Relations is nothing more than an entity of “spin doctors” for the Office of the City Manager. This entity’s main function is to “put the best light” on any and all shenanigans that arise in the management and mismanagement of City employees. This includes negotiation with Unions.

THE UNHOLY ALLIANCE OF; the Office of the City Manager, Employee Relations and the Union hierarchies are nothing more than entities that could be described as; sycophantic parasites that feed on each other, embellish each other’s antics and foster an archaic administrative system all on the public’s dime. It is this archaic administrative system that is responsible for the costs of operating San José’s municipal government. And this must change.

**The Office of the City Attorney controls the material aspects of Employee Relations, a parasitic entity.**

Employee Relations could not exist and or function without the Office of the City Attorney, therefore, eliminate Employee Relations in its entirety. It would be more efficient for the Office of the City Attorney to control all aspects of Employee Relations.

By AMENDING THE CITY CHARTER, SECTION 411, and thereby eliminating Employee Relations, a useless and wasteful era in the life of the organization will begin to end.

*Respectfully submitted,*

*David S. Wall*  
04.22.10

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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

April 22, 2010

2010 APR 22 P 4: 16

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

**Re: Wasteful spending by the Office of the City Manager got YOU down?**

**Are YOU weary of explaining the outrageous compensation package for Police Auditor?**

**Running out of excuses as to why the Public's Safety is now jeopardized?**

**Are YOU saddened that City Employees are losing their jobs and Managers are not?**

**Just sing, "Polly wolly doodle" and all will be O.K.!**

Prior to the Rules and Open Government Committee meeting on Wednesday (04.21.10), I heard a rumor that a "pleasure fair" of sorts was being held on the 17<sup>th</sup> floor in the "Tower". According to an unnamed source, the Office of Cultural Affairs was hosting a "Feel Good Fiesta" for all Councilmembers who were sick to their stomachs when they received the bill for all the wasteful spending they authorized the Office of the City Manager to expend in their names.

As the elevator door opened on the 17<sup>th</sup> Floor, I was seeing and hearing music being performed by a man on a xylophone and an old man sitting in a chair playing the harmonica. There was a young woman in a ballerina outfit dancing around on toe Pointe while several would be recipients of lavish City contracts were singing, "Polly wolly doodle" while also dancing about. A senior administrator from the Office of the City Manager was stuffing his pockets with sandwiches he made from the lavish buffet table of goodies. He murmured, "You ought to try the brownies from District 6's cannabis clubs and start singing a few bars of "poly wolly doodle" yourself."

Bewildered and a bit confused I asked what was going on here to a high level employee from the Housing Department. She said that after the Firefighters complained about the *"\$364,900 in leadership and consulting contracts with Wilfred Jarvis Institute of Cupertino and a \$245,000 contract with Shawn Spano of San José for "civic engagement services" as reported in the San José Mercury News by Mr. John Woolfolk (Local News section, Thursday, 04.15.10)*, the Office of the City Manager felt a need to liven up the spirits of Council and try to dissuade others from digging any deeper into any other expenditures, appointments, but, especially those bogus variable rate bonds to support affordable housing projects.

What about the City Manager getting over 872 hours of sick time earned as an Assistant City Manager pay scale reinstated after six years of being separated from City service?

"Oh it doesn't matter, it's not your money, why should you even care? If you lost your job and she keeps hers just sing Polly wolly doodle all the day!"

I then asked if I could take a "brownie" and eat it on my way to the Rules meeting. Mr. Capra said, "You can't take it with you".

*Respectfully...Polly wolly doodle all the day...submitted,*

Cc: City Attorney / City Auditor / City Manager

David S. Wall  
04.22.10

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

PUBLIC RECORD *J*

RECEIVED  
San Jose City Clerk

2010 APR 22 P 4:10

April 22, 2010

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

**Re: Thanks Nancy Maldonado, Office Specialist II for a job well done!**

It is a pleasure to bring to your attention the dutiful efforts of **Ms. Nancy Maldonado, Office Specialist II.**

**Ms. Nancy Maldonado, Office Specialist II** works in the Business Tax section of Revenue Management which is in the Finance Department. The Business tax section is located on the first floor of the Tower and it is where citizens come to pay their business tax.

On Tuesday, (04.13.10) shortly before a San José City Council meeting, I happen to have observed **Ms. Nancy Maldonado** assist a citizen with his small business application.

**Ms. Maldonado's** knowledge of her job and exceptional speed in the discharge in her official actions not only saved the citizen some money but thoroughly explained the "paper work" answering all the citizen's questions.

The manner or the degree of politeness and kindness exhibited to the citizen by **Ms. Nancy Maldonado** should serve as a reference point to wit the Director of Finance should integrate into his own repertoire of responses when so called upon to answer minor questions concerning the Finance Department.

**Ms. Nancy Maldonado's conduct, knowledge of her job and kindness is what a citizen expects and is very refreshing to see in action.**

With reference to these tough budgetary times, the staffing of the Business Tax section should be increased. **Ms. Nancy Maldonado** and her contemporaries are bringing in much needed revenue to the City.

Please take the necessary action to convey my gratitude to **Ms. Nancy Maldonado** for the exceptional service she renders to the City of San José with special emphasis on (04.13.10).

*Respectfully submitted,*

*David S. Wall*

*04.22.10*

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///  
///

Cc: City Attorney / City Auditor / City Manager

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

RECEIVED  
San Jose City Clerk  
2010 APR 22 P 4:12

April 22, 2010

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

**Re: Thanks Rudy Reyes, Grounds Worker I for a job continuously well done!**

It is a pleasure to bring to your attention the dutiful efforts of **Mr. Rudy Reyes, Grounds Worker I.**

**Mr. Rudy Reyes** has been exceptional in his efforts to maintain Ryland Park, the Dog Park as well as maintaining street trees as time permits.

The actions of **Mr. Rudy Reyes** over several years, has been the epitome of an outstanding City employee. Mr. Reyes routinely assists visitors who frequent the park by explaining city policies on the use of the barbeque areas with reference to birthday parties and other family oriented events.

**Mr. Reyes's** supervision of County Assistance Workers is to my knowledge, without negative incident or commentary. **Mr. Reyes's** supervision also ensures that the County Workers are properly equipped and have received the necessary safety equipment to do their jobs.

In reference to these tough budgetary times, the notion that contracting out Park maintenance will save the City a few bucks does not address the exceptional quality of work performed by City employees such as **Mr. Rudy Reyes.**

I firmly believe that preservation of **Mr. Rudy Reyes** and his contemporaries in PRNS is justified and serves as rationale to eliminate the position of Director and Assistant Director of PRNS in order to do so.

Please take the necessary action to convey my gratitude to **Mr. Rudy Reyes** for the exceptional service he renders to the City of San José with special emphasis on Ryland Park.

It is indeed unfortunate that his Honor, Councilmember Liccardo has not personally thanked **Mr. Rudy Reyes** for all the effort put into Ryland Park and for the joy that **Mr. Reyes's** dedication to service brings to the taxpayers.

Perhaps I will petition the Downtown Business Association to suggest to the Honorable Councilmember of District 3 to thank **Mr. Rudy Reyes, personally.**

A photograph of **Mr. Rudy Reyes** was taken on (Monday, 04.19.10) and is on file with the Office of the City Clerk and that of the City Attorney.

*Respectfully submitted,*

*David S. Wall*  
*04.22.10*

Cc: City Attorney / City Auditor / City Manager

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

RECEIVED  
San Jose City Clerk

2010 APR 22 P 4: 08

April 22, 2010

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

**Re: Thanks Denisse Madriz, Senior Accounting Clerk for a job well done!**

It is a pleasure to bring to your attention the dutiful efforts of **Ms. Denisse Madriz, Senior Accounting Clerk.**

**Ms. Denisse Madriz, Senior Accounting Clerk** works in the Business Tax section of Revenue Management which is in the Finance Department. The Business tax section is located on the first floor of the Tower and it is where citizens come to pay their business tax. **Ms. Madriz's** function is to provide another check of the "paper work" and to process the monetary transactions.

On Tuesday, (04.13.10) shortly before a San José City Council meeting, I happen to have observed **Ms. Denisse Madriz** assist a citizen with his small business paper work and required fees.

**Ms. Denisse Madriz's** knowledge of her job and exceptional speed in the discharge in her official actions processed the citizen's paper work and corresponding financial transaction with precision and dispatch.

The manner or the degree of precision and dispatch exhibited to the citizen by **Ms. Denisse Madriz** also deserves positive commentary and transmittal. **Ms. Madriz's** efficient processing of the paper work ensured an accurate transcript of the proceedings and the citizen was well served by her exceptional efforts.

**Ms. Madriz's** politeness and kindness also served to accentuate the positive aspects associated with the fee paying process.

With reference to these tough budgetary times, the staffing of the Business Tax section should be increased. **Ms. Denisse Madriz** and her contemporaries are bringing in much needed revenue to the City.

Please take the necessary action to convey my gratitude to **Ms. Denisse Madriz** for the exceptional service she renders to the City of San José with special emphasis on (04.13.10).

*Respectfully submitted,*

*David S. Wall*  
04.22.10

///  
///

Cc: City Attorney / City Auditor / City Manager

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

RECEIVED  
San Jose City Clerk

2010 APR 22 P 4: 07

April 22, 2010

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

**Re: Council, Office of the Attorney and Office of the Auditor should be immune from anymore pay cuts.**

I know Councilmember Liccardo and Councilmember Constant want to cut their salaries even more. God Bless them for it, but, I think they should be prohibited from having to do so.

Council puts in an inordinate amount of personal time and grief to wit they are never fully compensated for or even appreciated for having done so.

In recent events, Councilmember Pyle almost put herself in an early grave by developing pneumonia as a direct and proximate result of all that overtime concerning the visitation of the delegation from Ireland. And still she is ready for action on behalf of San José and District 10.

For all too long, Vice Mayor Chirco has been ravaged by the torments associated with being treated for breast cancer and still sets a record at the Rules and Open Government Committee meetings. Vice Mayor Chirco runs the fastest Rules meeting in the business when Mayor Reed is absent.

Mayor Reed is the virtual icon for salary and benefit cuts for the City. His \$27,234.50 pay and benefit cut has all but assured his canonization to the rank of Saint Charles, patron saint of the San José taxpayers. Yet, improvement is still sorely needed by not giving away so much borrowed money to affordable housing and the land purchases for "free sports stadiums".

However, his Honor still takes that \$100 stipend (along with Councilmembers Campos and Nguyen) from the Treatment Plant Advisory Committee (TPAC) for about five minutes worth of effort from 4:30 to 4:35 P.M. the second Thursday of every month. Granted if I speak, the meeting might last a couple of extra minutes, but it is still the costliest elevator ride for the taxpayers in the County.

So with reference to these tough budgetary times, YOUR donation of YOUR well deserved pay will probably not be appreciated as much as YOUR ability to amend the City Charter, specifically Section 411.

With regards to the Office of the City Attorney and that of the Office of the Auditor, no pay or benefit cuts of any kind should be hoisted on or accepted from them. These two exceptional Offices are without blemish and should be revered by all.

It is my opinion that the Office of the City Manager should make up the difference from the Attorneys and the Auditors benefits and pay cuts. And also genuflect every time they come into the presence of absolute greatness.

What no love for the Office of the City Manager? They get all the love they need form all those unnecessary, highly paid and benefited Deputy Directors at ESD and other senior administrators that weigh down the organization with their incompetence and lack of creativity.

*Respectfully submitted,*

*David S. Wall*  
04.22.10

Cc: City Attorney / City Auditor / City Manager

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San José, California 95150

RECEIVED  
San Jose City Clerk

April 22, 2010

2010 APR 22 P 4: 13

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

**Re: Ryland Park Pool a home for "mosquitoes"?**

The closure of municipal swimming pools always presents a dilemma for someone.

While on garbage detail in Ryland Park (Friday, 04.16.10), I happened upon some would be private contractors that are vying for the opportunity to use Ryland Park Pool as an integral part of their specific business enterprises. I also noted that the YMCA representative was also present.

Whereas the "New Service Delivery Model" a.k.a. "contracting out" is not a new phenomenon, opening up Ryland Park to third party business entities presents problems.

Such as; third party responsibilities for Damage and Increased "wear and tear" on Park infrastructure.

**Should the restrooms be left open?**

**The restrooms at Ryland Park primarily serve the vagrant population whose illegal activities on the Guadalupe River are well known to City officials.** Other vagrants also utilize these restrooms for obvious reasons and sometimes for nefarious business pursuits.

**The maintenance and supervision of the restrooms is problematic.**

*If the restrooms are to be left open who then provides the necessary supervision and maintenance to keep the restrooms from becoming a public health nuisance and a den of criminal activity?*

Remember all those "moms, dads and small kids" will be subjected to the criminal element in this sector of the Ryland park alone.

It is not reasonable or foreseeable that citizens can supervise or maintain these restrooms to acceptable standards. It is just foreseeable that in the normal course to wit the business entity operates, the restrooms will be a material aspect to their operation.

Here are some questions; "Does the business entity assume the responsibility of the restrooms maintenance and supervision as part of their contract with the City"?

Does the business entity provide for "third party-contracted restroom facilities"?

If "porta potties" and or "pay toilets" are to be used, how then will the nuisance issues be abated? Nuisance issues such as blight and odors.

**Maintenance of the Ryland Park Pool**

Who is going to keep Ryland Park Pool clean and appropriate sanitary condition?

Is the City or the third party contractor going to be responsible for keeping Ryland Park pool clean and in appropriate sanitary condition?

A photograph was taken of Ryland Park Pool (Monday, 04.19.10) and is on file at the Office of the City Clerk and that of the City Attorney. Mosquitoes are about to move in.

*Respectfully submitted,*

*David S. Wall*  
04.22.10

Cc: City Attorney / City Auditor / City Manager

\*\*PHOTOGRAPH ON FILE IN THE OFFICE OF THE CITY CLERK\*\*