



# Memorandum

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

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

**SUBJECT:** The Public Record  
May 7 – May 13, 2010

**DATE:** May 14, 2010

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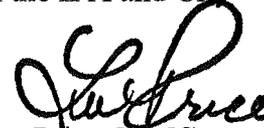
## ITEMS TRANSMITTED TO THE ADMINISTRATION

### ITEMS FILED FOR THE PUBLIC RECORD

- (a) Letter from Green Party of Santa Clara County Council Member James Doyle to Frederick deFuniak, Chairman, Elections Commission and the Office of the City Clerk dated May 10, 2010 expressing support of adoption of the Instant Runoff Voting system.
- (b) Email from Ed Brooks received by the City Clerk dated May 6, 2010, "...help Save Our Services" addressing the current budget crisis.
- (c) Email from Karen Thomas received by the City Clerk dated May 7, 2010, "...help Save Our Services" addressing the current budget crisis.
- (d) Email from Alex Vassar received by the City Clerk dated May 8, 2010, "...help Save Our Services" addressing the current budget crisis.
- (e) Email from Pirouz Maghsoudnia received by the City Clerk dated May 8, 2010, "...help Save Our Services" addressing the current budget crisis.
- (f) Email from Steve Landau received by the City Clerk dated May 9, 2010, "...help Save Our Services" addressing the current budget crisis.
- (g) Letter from Hathaway Park Neighborhood Association Vice President Andrea Miller received by the City Clerk dated May 11, 2010, addressing the current budget crisis.
- (h) Email from Christina Yip received by the City Clerk dated May 11, 2010, "...Save Our Services" addressing the current budget crisis.
- (i) Letter from D. Rumbley received by the City Clerk dated May 12, 2010, addressing the current budget crisis.

Honorable Mayor and City Council Members  
May 14, 2010  
Subject: The Public Record: May 7 – May 13, 2010

- (j) Letter from City of Saratoga Mayor Kathleen King dated May 13, 2010 announcing the passing of Council Member Susie Vedantham Nagpal and recognizing her service to the City of Saratoga and its residents.
- (k) Email from Anthony Rose received by the City Clerk dated May 13, 2010, "Support a 10% pay reduction for all employees" addressing the current budget crisis.
- (l) Email from James Macfarlane received by the City Clerk dated May 13, 2010, "Reduce employee compensation" addressing the current budget crisis.
- (m) Letter from Scott Gist received by the City Clerk dated May 13, 2010, addressing the current budget crisis.
- (n) Letter from David S. Wall to Mayor Reed and City Council dated May 13, 2010 titled "The Ghetto Life: Update on the SCEP". (Photographs on file in the Office of the City Clerk)
- (o) Letter from David S. Wall to Mayor Reed and City Council dated May 13, 2010 titled "Modify the City Charter to assist City Attorney in 'Fund Transfers' to collect revenues".
- (p) Letter from David S. Wall to Mayor Reed and City Council dated May 13, 2010 titled "Police Memorial Service marred by mention and presence of the IPA and City Manager".



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

PUBLIC RECORD           a          

for the people

**Green Party of Santa Clara County**

for the earth

May 10, 2008

P.O. Box 390372  
Mountain View,  
California 94039  
(408) 22-EARTH

Frederick deFuniak Chairman, Elections Commission  
Office of the City Clerk  
200 East Santa Clara Street  
San Jose, CA 95111

Council Members:  
Andrea Dorey  
Carol Brouillet  
Caroline Yacoub  
Dana St George  
Jim Doyle  
Tian Harter  
Wes Rolley

RE: Instant Runoff Voting

Chairman deFuniak and Commissioners:

The Green Party of Santa Clara County has endorsed the Instant Runoff Voting (IRV) project being lead by Blair Bobie of the New America Foundation and Steve Chessin of Californians for Electoral Reform. As you conclude your study of IRV we would like to reiterate our support of San Jose adopting this voting system.

The Green Party not only supports IRV, we have used it for internal decisions and elections for over a decade. One of its effects we've noticed is reducing the level of post-decision dissonance. With a standard voting system (non-transferable vote, simple majority) a large segment of voters can be left feeling disenfranchised from the decision. When this occurs we've found decisions more difficult to implement due to lingering disagreements. But, with the ranked-choice ballot of IRV, more people play a part in deriving the final decision. Even if it was their second or third choice, it was a decision in which they participated so they more readily accept the outcome.

As we've seen in San Francisco elections, IRV successfully chose the most popular candidate from among crowded fields in the Board of Supervisors races. There are no reports of significant voter confusion or dissatisfaction with the system. And the recent lawsuit against IRV was dismissed as being baseless. San Francisco demonstrates that IRV has gained public acceptance.

In public elections IRV will also negate the "spoiler" effect and the pernicious vote splitting between similar candidates. We also expect it to reduce elections costs since it eliminates the need for a separate run-off election.

While there is no perfect election system, we believe that IRV would be a successful improvement over the current system, which hasn't advanced much in the past two centuries. We encourage you to make a favorable recommendation to the City Council, and we thank you for your work on the Elections Commission.

RECEIVED  
San Jose City Clerk

2010 MAY 10 P 2:38

James Doyle

*James Doyle*  
for the County Council,  
Green Party of Santa Clara County

**Krantz, Ruth**

**From:** Kenny, Cathy  
**Sent:** Monday, May 10, 2010 11:53 AM  
**To:** Agendadesk  
**Subject:** FW: Ed Brooks wants you to help Save Our Services  
For the public record...

PUBLIC RECORD   b  

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**From:** Ed Brooks  
**Sent:** Thursday, May 06, 2010 10:48 PM  
**To:** BudgetComments  
**Subject:** Ed Brooks wants you to help Save Our Services

May 6, 2010

Debra Figone  
200 E. Santa Clara Street  
95113 San Jose CA

Dear Debra Figone,

I am writing to urge you to take action today to reduce employee costs in the City of San José. In the last 10 years, the cost of employees has gone up 72% while the actual number of employees has gone down! This is unacceptable and doesn't make sense.

City employees have been receiving generous salary and benefits increases over the years when the economy was good. We can no longer afford to pay such high wages and pensions. Employee costs are going to bankrupt the City of San José.

We need strong leadership from the city council, city manager and union leadership to help navigate San José through this current crisis and to put measures in place to ensure that this doesn't happen again down the road. We need real solutions, not one-time quick fixes that will just push the problem off to the next year.

I ask that you work on real solutions that involve permanent cuts of at least 10% to employee wages and benefits – now, not later!

Sincerely

Ed Brooks  
4565 Strawberry Park Dr

**Krantz, Ruth**PUBLIC RECORD C

**From:** Kenny, Cathy  
**Sent:** Monday, May 10, 2010 11:54 AM  
**To:** Agendadesk  
**Subject:** FW: karen Thomas wants you to help Save Our Services  
For the public record...

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**From:** karen Thomas  
**Sent:** Friday, May 07, 2010 12:20 PM  
**To:** BudgetComments  
**Subject:** karen Thomas wants you to help Save Our Services

May 7, 2010

Debra Figone  
200 E. Santa Clara Street  
95113 San Jose CA

Dear Debra Figone,

This budget crisis means that everyone must work together and share in the pain. The mayor and every member of the city council should support a 10% pay reduction for all city employees and should be working to get the unions to agree.

No one wants to see city employees get pink slips. It is up to the leadership of each union to get their members to agree to a 10% pay reduction. City employees have been compensated well for years and now that the economy has turned, they need to be a part of the solution.

It's hard to believe that city employees would rather see hundreds of their co-workers laid off than take a small pay cut! For those who are left with jobs, they will inevitably be saddled with greater work loads. It just doesn't make sense that the unions are more focused on protecting employees' salaries rather than their jobs.

I support a 10% pay cut. But employees making less than, say, \$80,000, should maybe contribute less and those making over \$150,000 should maybe contribute more.

Sincerely

karen Thomas

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5/13/2010

**Krantz, Ruth**

**From:** Kenny, Cathy  
**Sent:** Tuesday, May 11, 2010 12:20 PM  
**To:** Agendadesk  
**Subject:** FW: Alex Vassar wants you to help Save Our Services  
Submitting for public record.

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**From:** Alex Vassar  
**Sent:** Saturday, May 08, 2010 7:57 PM  
**To:** BudgetComments  
**Subject:** Alex Vassar wants you to help Save Our Services

May 8, 2010

Debra Figone  
200 E. Santa Clara Street  
95113 San Jose CA

Dear Debra Figone,

Please do the right thing!

The current city employee retirement system poses a huge problem for the City's budget. Since 2000, retirement contributions by the City have gone up over 50% for Federated employees and 82% for police and fire retirement. The City cannot afford to shovel out this much money year after year, especially with the current financial crisis.

While no change can be made to past retirement plans, we can change the plans for future City hires. The City can still offer attractive retirement plans that do not pose such a financial burden to the City and to taxpayers. By supporting a two-tiered retirement system, new employees will receive smaller contribution rates from the City, drastically reducing the cost.

Sincerely

Alex Vassar

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**Krantz, Ruth**

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**From:** Kenny, Cathy  
**Sent:** Tuesday, May 11, 2010 12:20 PM  
**To:** Agendadesk  
**Subject:** FW: Pirouz Maghsoudnia wants you to help Save Our Services

For public record.

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**From:** Pirouz Maghsoudnia  
**Sent:** Saturday, May 08, 2010 10:59 PM  
**To:** BudgetComments  
**Subject:** Pirouz Maghsoudnia wants you to help Save Our Services

May 8, 2010

Debra Figone  
200 E. Santa Clara Street  
95113 San Jose CA

Dear Debra Figone,

I ask that you encourage city employees to agree to a 10% cut in pay. City residents and employees are all in this together and we all need to be a part of the solution to the budget crisis.

How can we encourage our children to learn when libraries are closed? If there are fewer police officers and firefighters, then who will protect us? If these 10% salary cuts are not agreed to by the employees then laying off employees to balance the city budget is the only option that will be a losing proposition for all. We need solutions that are long term and a 10% salary cut will allow us to work towards a city that can balance its budget.

Sincerely

Pirouz Maghsoudnia

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**Krantz, Ruth**PUBLIC RECORD f

**From:** Kenny, Cathy  
**Sent:** Tuesday, May 11, 2010 12:20 PM  
**To:** Agendadesk  
**Subject:** FW: Steve Landau wants you to help Save Our Services  
Submitting for public record.

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**From:** Steve Landau [mailto:steve]  
**Sent:** Sunday, May 09, 2010 7:18 AM  
**To:** BudgetComments  
**Subject:** Steve Landau wants you to help Save Our Services

May 9, 2010

Debra Figone  
200 E. Santa Clara Street  
95113 San Jose CA

Dear Debra Figone,

Please work to reduce the cost of City employees. For years, taxpayers have been funding very generous employee wages and pensions that are now bankrupting the City! It is simply not fair to ask taxpayers to give more and expect less. Employees must be willing to take small concessions to ensure that San José will be able to keep our libraries open and our streets safe.

City employment should not be considered a \"jobs program\". It should mean fair pay and benefits for the job being done.

Working for government used to mean modest pay and benefits, but good job security. Now it seems like public employees expect high pay, excellent benefits and a job for life! We simply cannot afford the current system, nor are we willing to support its continuance.

It is up to you, each member of the city council and other leaders at City Hall to persuade workers to accept a 10% permanent pay cut. Without such an agreement, our services will be slashed and jobs will be lost. Please act now to safeguard our future.

Sincerely

Steve Landau

5/13/2010

May 11, 2010

William Clark  
200 E. Santa Clara Street  
c/o City Attorney's Office  
San Jose CA, 95113

Dear William Clark,

This budget crisis means that everyone must work together and share in the pain. The mayor and every member of the city council should support a 10% pay reduction for all city employees and should be working to get the unions to agree.

No one wants to see city employees get pink slips. It is up to the leadership of each union to get their members to agree to a 10% pay reduction. City employees have been compensated well for years and now that the economy has turned, they need to be a part of the solution.

It's hard to believe that city employees would rather see hundreds of their co-workers laid off than take a small pay cut! For those who are left with jobs, they will inevitably be saddled with greater work loads. It just doesn't make sense that the unions are more focused on protecting employees' salaries rather than their jobs.

This is sent with the utmost respect for the work that all of our union workers do for the City of San Jose and its residents every day. We want to keep as many of employed as possible.

Sincerely,

Andrea Miller

District 1 resident

Hathaway Park Neighborhood Association Vice President

Sincerely

Andrea Miller



**From:** Christina Yip  
**Sent:** Tuesday, May 11, 2010 7:56 PM  
**To:** Herrera, Rose  
**Subject:** Christina Yip wants you to help Save Our Services

May 11, 2010

Councilmember Herrera  
200 E. Santa Clara Street  
San Jose CA, 95113

Dear Councilmember Herrera,

No organization, city, or government can afford generous retirement benefits developed 30 - 50 years ago. Haven't you learned from the demise of GM? San Jose better get it's act together, slash benefits and make them more in line with reality, dismiss the unions, and spend only what you take in, even if it means hardship for everyone. In times like these, everyone need to make sacrifices, including unions, teachers, firefighters, policemen, office workers, city employees. NO ONE CAN BE SPARED!!!!

Sincerely

Christina Yip

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# CITY OF SARATOGA

13777 FRUITVALE AVENUE • SARATOGA, CALIFORNIA 95070 • [www.saratoga.ca.us](http://www.saratoga.ca.us)

Incorporated October 22, 1956

May 13, 2010

## Saratoga Mourns the Passing of Council member Susie Vedantham Nagpal

City staff, Council members, and Commission members of the City of Saratoga extend our deepest condolences to family members, friends and colleagues of Susie Vedantham Nagpal, who passed away last evening.

Most recently, Susie served as a City Council member, beginning her term in December 2008. Susie distinguished herself on the Council by the thoughtful and considerate questions she posed on matters of policy and her natural tendency to seek understanding of others' opinions and work toward compromise on challenging decisions. Her warm smile, considerate manner of speaking, attention to detail and keen knowledge enlivened discussion and helped forge cooperation among her Council colleagues.

Prior to her City Council service, Susie served on Saratoga's Planning Commission, from 2003 to 2008, when she assumed elected office as a City Council member. During her 5-year service on the Planning Commission, Susie embodied and demonstrated her deep values of listening, appreciating and understanding differing perspectives, developing consensus and seeking solutions to often complex issues. As Susie noted in her application for the Planning Commission, she believed there is always an answer!

Susie's deep commitment to her family and community was evident to all with whom she interacted. She immediately put others at ease with her keen interest in a broad range of topics, and her ability to relate to and draw out people from diverse backgrounds and cultures. Her recent absence from City Hall and around the community has been deeply felt by all of us. We have solace in knowing she left a legacy of kindness and strong community values that will carry forward into the future.

In honor and in remembrance of Susie and her family, the Saratoga City flag has been set at half mast at all City facilities. In addition, a memory book has been placed in the south lobby of the City Administration Building at 13777 Fruitvale Avenue. The lobby will be open on Thursday, May 13<sup>th</sup> from 3:00 p.m. to 9:00 p.m., and from 9:00 a.m. to 9:00 p.m. on Friday, May 14<sup>th</sup> through Wednesday, May 19<sup>th</sup>. Beginning at 6:00 p.m. on May 19<sup>th</sup>, the memory book will be placed in the lobby of the Theater building, where it will remain through the duration of the City Council meeting that evening. We invite all who knew and loved her to write their words of condolence and memory, and to bring favorite pictures or other mementos to place in the book. The book will then be presented to Susie's family.

I think I speak for the City Council when I say: Susie was family to all of us. Today, we feel we have lost a best friend and a sister. Susie brought out the best in us and she will be missed more than I can express. We are heart broken at her loss.

Kathleen King  
Mayor

**From:** Anthony Rose  
**Sent:** Thursday, May 13, 2010 10:24 AM  
**To:** ctcanthonyro1@gmail.com  
**Subject:** Support a 10% pay reduction for all employees

May 13, 2010

Councilmember Constant  
200 E. Santa Clara Street  
San Jose CA, 95113

Dear Councilmember Constant,

I applaud the city council's leadership in agreeing to take a 10% pay cut and I urge all city employees to agree to the same pay cut in order to Save Our Services. Fewer employees mean fewer city services. Services have already been cut enough.

Higher unemployment due to layoffs, closed libraries and longer wait times at City Hall are not solutions - they are the byproducts of failed leadership. Please do not fail the people of San José by closing our libraries and slashing our other services.

City employees have enjoyed generous salaries and benefits over the years, but San José can no longer afford to pay them. Everyone should shoulder some of pain as the City makes cuts. It is simply not fair to ask San José residents to give up their services and not ask employees to give up a small portion of their pay.

We are one community and unless employees can come to the table with real concessions, it's the residents who are once again being asked pay the price.

Sincerely

Anthony Rose



May 13, 2010

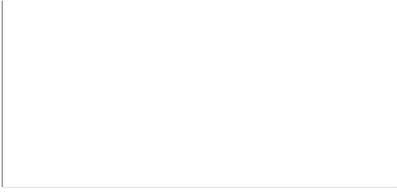
Debra Figone  
200 E. Santa Clara Street  
San Jose CA, 95113

Dear Debra Figone,

By laying-off city employees, we will be doing exactly what we are trying to avoid—reducing services. City employees are necessary in providing the services we have now, whatever of them are left. By reducing the number of city employees, there will be less services and less efficiency. The City of San Jose has provided generous pay and benefits to city employees for years, and it is about time the employees joined in the sacrifice. We urge you to reduce city employee pay by 10%, in an effort to save our services!

Sincerely

Scott Gist



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

RECEIVED  
San Jose City Clerk

May 14<sup>3</sup>, 2010

2010 MAY 13 P 4: 13

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, (05.10.10), After attending the first budget hearing in which several Departmental Directors slung verbal bull manure upon Council to save their own butts, 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 1659 hours and found eleven (11) stolen and abandoned shopping carts. *A 45% decrease as to the number of stolen and abandoned shopping carts from last week is hereby recorded.*

The perennial garbage pile (herein PGP) and "the perennial growing debris field" (herein PGDF) has been "cleaned up" by person(s) unknown. Several photographs including new structures (use of wooden pallets for flooring, side walls and roof) were taken and they are on file at the Office of the City Clerk and Mayor Reed's Office.

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

FoodMaxx (2), Target (2), "Unmarked (1), Longs Drugs (1), Safeway (1), Ross (1), Lucky Stores (1), WalMart (1), Toys "R" Us (1) and (1) 96-gallon, blue, "Allied Waste Services" garbage container w/garbage.

\*"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).

**Union Pacific Railroad "shanty town" has returned.**

District 3, also more analytically known as "Slum District 3" continues to be the bellwether of depravity and lawlessness at North Tenth Street @ Horning Street proper as well as on Union Pacific Railroad (UPR) property.

The inability for his Honor, Councilmember Liccardo to resolve the stolen and abandoned shopping cart issue at this locale and to prevent UPR from being the victim of crime on its' property is well documented. But, is his Honor to blame? Yes in part and No in part.

The Yes vote for placing the blame on his Honor is simple enough. Where is the required legislation to hold businesses accountable for their property; the shopping carts, from leaving the premises of the business?

The No vote for placing the blame on Councilmember Liccardo is also simple enough. Blame Mayor Reed for District 3's failures. After all, the Mayor is the boss.

*Respectfully submitted,*

*David S. Wall*

05.13.10

Cc: City Attorney / City Auditor / City Manager

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

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

PUBLIC RECORD           

RECEIVED  
San Jose City Clerk

May 1<sup>3</sup>, 2010

2010 MAY 13 P 4:11

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

**Re: Modify the City Charter to assist City Attorney in "FUND transfers" to collect revenues.**

**This modification will also greatly assist City Auditor to save revenues.**

**New administrative mantra, "It's time to throw the Office of the City Manager under the bus!"**

### **The San José City Charter: "SECTION 411.**

#### **The Council; Interference With Administrative Matters.**

**Neither the Council nor any of its members nor the Mayor shall interfere with the execution by the City Manager of his or her powers and duties, nor in any manner dictate the appointment or removal of any City officers or employees whom the City Manager is empowered to appoint except as expressly provided in Section 411.1. However, the Council may express its views and fully and freely discuss with the City Manager anything pertaining to the appointment and removal of such officers and employees.**

**Except for the purpose of inquiries and investigations under Section 416, the Council, its members and the Mayor shall deal with City officers and employees who are subject to the direction and supervision of the City Manager, City Attorney, City Auditor, Independent Police Auditor or City Clerk, solely through the City Manager, City Attorney, City Auditor, Independent Police Auditor or City Clerk, respectively, and neither the Council nor its members nor the Mayor shall give orders to any subordinate officer or employee, either publicly or privately.**

***Amended at election; November 4, 1986, November 3, 1992 and November 5, 1996"***

For all too long, the Office of the City Manager has smugly, arrogantly and successfully asserted Section 411 whenever it suits their administrative fancy.

The effects of the deficit, as applied to the Office of the Attorney and Auditor, and their respective draconian projections as to loss of revenues and protections of the City were made all too evident in the budget hearing today. Council appears to have taken the hint that Attorneys and Auditors are exceptionally valuable due to their respective fields of expertise with reference to the current and future needs of the City. "Highly paid managers" who dazzle you with verbiage have now become passé.

Earlier, the City Manager defended the position that managers are not to be laid off because of their credentials, training and the needs of the organization are such that they are needed during transition was noted for the concentration of nitrogenous compounds, associated with manure, as measured by a new and improved "Bullshitometer".

*Respectfully submitted,*

*David S. Wall*  
05.13.10

Cc: City Attorney / City Auditor / City Manager

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

PUBLIC RECORD \_\_\_\_\_  
RECEIVED  
San Jose City Clerk

May 1<sup>3</sup>, 2010

2010 MAY 13 P 4:12

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

**Re: Police Memorial Service marred by mention and presence of the IPA and City Manager.**

**E. Santa Clara Street between N.4<sup>th</sup>, N. 5<sup>th</sup> and N. 6<sup>th</sup> Streets should have been closed during the service.**

**The "Sharks" flag should have been removed completely prior to service.**

**Police Memorial Service should be strictly focused on the fallen.**

**Sergeant Morris Van Dyck Hubbard #21**

*July 12, 1924*

**Officer John Buck #10**

*April 5, 1933*

**Officer John J. Covalesk #70**

*November 15, 1950*

**Officer Richard Huerta #74**

*August 6, 1970*

**Officer Robert A. White #2325**

*January 29, 1985*

**Officer Henry Bunch #2076**

*July 29, 1985*

**Officer Robert Wirht #1596**

*September 8, 1988*

**Officer Eugene R. Simpson #1409**

*January 20, 1989*

**Officer Gordon A. Silva #1512**

*January 20, 1989*

**Officer Desmond Casey #2705**

*October 25, 1999*

**Officer Jeffrey Fontana #3702**

*October 28, 2001*

*Respectfully submitted,*

Cc: City Attorney / City Auditor / City Manager

*David S. Wall*  
05.13.10