

Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

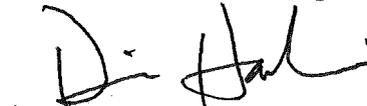
SUBJECT: The Public Record
August 20, 2010 – August 26, 2010

DATE: August 27, 2010

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Letter from James W. Aspinwall dated June 11, 2010 regarding the annexation of Cambrian 36.
- (b) Notification letter from Pacific Gas and Electric Company to State, County and City Officials dated August 23, 2010 regarding Application to Recover Pumped Storage Study Costs.
- (c) Letter from David Wall to Mayor Reed and City Council dated August 26, 2010 regarding "The Chilling of Free Speech during Council Meeting turns 'Transparent Government' Opaque" and "Creative Censorship at the Office of the City Clerk's blamed on 'errors made by trainees' is Unacceptable".
- (d) Letter from David Wall to Mayor Reed and City Council dated August 26, 2010 regarding "The Ghetto Life: Update on the SCEP".
- (d) Letter from David Wall to Mayor Reed and City Council dated August 26, 2010 regarding "Police Chief Recruitment...Report #1: on Community Meetings held on August 24, 2010 & August 25, 2010".
- (f) Notification letter from the City of San José's Housing Department regarding the Availability of the CAPER and Other Documents and Notice of Public Hearings.


Lee Price, MMC
City Clerk

LP/tld

Distribution: Mayor/Council
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Honorable Mayor and City Council Members
August 27, 2010
Subject: The Public Record: August 20, 2010 – August 26, 2010
Page 2 of 2

Council Liaison
Director of Planning
City Attorney
City Auditor

Director of Public Works
Director of Finance

11 June 2010

To Whom It May Concern,

We, the residents of unincorporated Santa Clara County pocket/parcel Cambrian 36, protest the continuing actions by the City of San Jose, its Planning Commission, and Vice Mayor/Councilperson Judy Chirco, in the pursuit of annexation of Cambrian 36.

The basis of this protest is as follows:

1. The City of San Jose has failed to fulfill its community outreach obligation and provide adequate 60-day advance notice prior to proceeding with a scheduled Planning Commission Hearing for August 25th, 2010 and City Council Hearing for September 21, 2010, as indicated in the published annexation process: <http://www.sanjoseca.gov/planning/annex/process.asp>

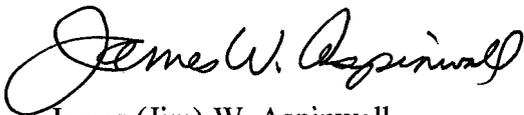
2. The City of San Jose has breached its own City Council policy, http://www.sanjoseca.gov/clerk/cp_manual/CPM_0_1.pdf, specifically and at least #2 of the Guiding Principles, "Clarity in policies, practices and procedures"

3. The City of San Jose has failed to prove that annexation of Cambrian 36 meets significant legislated objectives of LAFCO specific to improved services, in terms of basic city/infrastructure services, law enforcement, fire/rescue, and in core civic representation and participation.

4. From all indications and conspicuous lack of available records, this annexation effort is driven only on the "core values" of Vice Mayor Chirco, who also cannot justify this annexation economically or otherwise, and summarily cancelled progressing negotiations with the City of Campbell, who can meet the LAFCO objectives.

5. This annexation would be a disservice to the residents of both San Jose and Cambrian 36 by diluting and reducing critical public services, of which San Jose's deficit has already compromised.

Respectfully,



James (Jim) W. Aspinwall
Director-at-Large
Campbell Village Neighborhood Association

RECEIVED
San Jose City Clerk
2010 AUG 13 A 9:22

**NOTIFICATION OF PACIFIC GAS AND ELECTRIC COMPANY'S
FILING OF AN APPLICATION
TO RECOVER PUMPED STORAGE STUDY COSTS**

On August 20, 2010, Pacific Gas and Electric Company (PG&E) filed this Application at the California Public Utilities Commission (CPUC), requesting authorization to recover costs associated with studies performed to evaluate the feasibility of developing new hydroelectric pumped storage projects. If a project (or projects) is found feasible as a result of these studies, PG&E would seek approval from the CPUC to build the project and recover construction costs in a later filing pursuant to the CPUC's standard cost of service ratemaking process. PG&E is also requesting authorization from the CPUC to establish a balancing account to record and recover costs associated with the pumped storage studies.

This application requests recovery of \$33.475 million for costs associated with performing the pumped storage feasibility studies discussed above. Revenues required from customers would be collected in rates over a six-year period, beginning with the next available rate change after CPUC approval of this application.

What is the Pumped Storage Project?

A hydroelectric pumped storage project is a technology used to store electrical energy. Water is pumped from one reservoir to another reservoir at a higher elevation to store energy. When the stored energy is required to meet customer demand, the water is allowed to flow from the upper reservoir through hydroelectric generating equipment to the lower reservoir where it is captured and is once again available for pumping.

Why is PG&E Studying Pumped Storage?

PG&E is looking for ways to support the addition of renewable electricity generation resources. Additional renewable resources will benefit the environment, our customers and meet California's goal of having load-serving entities, such as PG&E, procure 33 percent of retail sales from eligible renewable energy resources by 2020. Some renewable generation technologies like wind and solar are dependent on weather conditions that may not coincide with customer demand. Pumped storage projects can support the use of intermittent renewable resources by using output generated during off-peak hours to pump water for energy storage and then releasing the water for additional electricity generation during peak demand periods. Pumped storage projects can integrate renewable generation resources into the grid, providing for stable grid operation with higher degrees of renewable electricity production.

Will rates increase as a result of this application?

Yes. However, the increase in rates resulting from this application will be spread over a six-year period and will not appear in customer bills until the next available rate change after CPUC approval of this application. Using the highest year costs of \$8.512 million, the bundled system average rate increase will be less than 0.07 percent, relative to current rates.

FOR FURTHER INFORMATION

To request a copy of the application and exhibits or for more details, call PG&E at 1-800-743-5000.

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

Para más detalles llame 1-800-660-6789

詳情請致電 1-800-893-9555

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

Pacific Gas and Electric Company
Pumped Storage Project
P.O. Box 7442
San Francisco, CA 94120.

THE CPUC PROCESS

The CPUC's Division of Ratepayer Advocates (DRA) may review this application.

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

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

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

If you would like to learn how you can participate in this proceeding or if you have comments or questions, you may contact the CPUC's Public Advisor as follows:

Public Advisor's Office
505 Van Ness Avenue
Room 2103
San Francisco, CA 94102
1-415-703-2074 or 1-866-849-8390 (toll free)
TTY 1-415-703-5282 or TTY 1-866-836-7825 (toll free)

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

A copy of PG&E's Pumped Storage Project application and exhibits are also available for review at the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102, Monday-Friday, 8 a.m.-noon.

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

RECEIVED
San Jose City Clerk

August 26, 2010

2010 AUG 26 P 4: 25

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

PUBLIC RECORD C

Re: The Chilling of Free Speech during Council Meeting turns "Transparent Government" Opaque.

...AND...

Creative Censorship at Office of the City Clerk's blamed on "errors made by trainees" is Unacceptable.

Dateline: San José City Hall, Tuesday afternoon's Council meeting Agenda (08.24.10).

There is at least one citizen in San José who can competently speak on every item on the agenda and in doing so, point out glaring acts of administrative incompetency's that have wasted millions of the taxpayer's dollars. I guess Mayor Reed had enough of this and decided to limit the citizen's redress of wasteful actions.

By limiting the citizen to just two (2) minutes total for the "Consent Calendar", when said Calendar had fourteen (14) items and multiple items listed below some of the fourteen (14) items makes it impossible to speak on all the items.

Even though the citizen did not want to speak on everything or even half of everything so listed on the "Consent Calendar", citizens should have the right to do so.

The bewildered citizen even asked why there was a change in policy, but his Honor was in no mood to answer any questions. Perhaps his "air cushion" on his chair went flat and his bony butt was bothering him.

Thus, "Free Speech in San José has been chilled". And citizens are now so warned to wear a "winter jacket" or at least a "sweater" when addressing Mayor Reed.

As to the "Creative Censorship" at the Office of the City Clerk.

For the last two (2) weeks, I have placed my letter and supporting documents to President Obama on the "Public Record" to illustrate how the San José City Council is "giving away millions of taxpayer dollars" for down payment loan assistance to "first time homebuyers" in luxury condominium projects who rightfully and otherwise could not afford to live there. Yet, the aforementioned documents were not posted on the internet until I complained the first time. The second time, only a "portion" of the aforementioned documents were posted on the internet and on the Public Record. The Webmaster for the Clerk's Office was not at fault. The new employee at the front desk also is without fault, for the documents were stapled by me using her "stapler" as she received them. So, did the documents get lost? I think not.

Thus, "Creative Censorship" was asserted in the aforementioned Council meeting and as I was leaving the podium, I was mocked with the excuse that the offense was due to a training mishap with new employees.

I am a man of mental clarity and acumen. Mistakes happen. I make them all the time. But for a mistake occurring with my letter and supporting documents to President Obama, two (2) weeks in a row and then "blaming the mistakes on new employees" chafes my hide. Further, what does it say about the management of a section of government whose specialty is document control to make mistakes and "blame new employees"? Who trains, supervises and is accountable for these "new employees"?

Respectfully submitted,

David S. Wall
08.26.10

Cc: City Attorney / City Auditor / City Manager

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

RECEIVED
San Jose City Clerk

August 26, 2010

2010 AUG 26 P 4: 28

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

PUBLIC RECORD d

Re: THE GHETTO LIFE: UPDATE ON THE SCEP

On Monday afternoon (8.23.10) After the attending the Committee for Economic Development meeting, 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 1501 hours and found four (4) stolen and abandoned shopping carts. *A 73% decrease as to the number of stolen and abandoned shopping carts from last week is hereby recorded.*

The "perennial garbage pile" (PGP) has been reduced to a "scattering remnant of its' formal glory" by person(s) unknown. Still true though is the garbage left immediately behind the Horning Street Railroad Crossing control box. So little effort is required to remove this fly festooned festering blight by those who spirit the PGP away, but the doctrine of; "it's not my job" is somehow dredged up from the shallows of the mind so inclined to embrace and who repeatedly reinforces their pedestrian lineage through inaction. But, the (1) 96-gallon, blue, "Allied Waste Services" garbage container (serial # 9895 292 1646), is still present and full of garbage. Another, illustration of the latter is put before you for your consideration.

The "perennial growing debris field" (PGDF) along the railroad tracks is growing and leads to the encampments. With my cane I began to traverse the "tracks" noting the nuances of the jettisoned garbage, but as I hobbled, I realized that I would have to hobble back and realized, "not yet" was the better choice of the day.

The travel trailer, "*The Golden Falcon*" CA # JT 9621, has been found! It is located on the Northwest side of E. Mission Street @ North 11th Street. The "power of the Watch" is evident.

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

Toys "R" Us (1), CVS Pharmacy (1), "Unmarked (1), 99 Ranch Market (1) and (1) 96-gallon, blue, "Allied Waste Services" garbage container (Serial # 9895 292 1646) is still full of garbage, housing untold numbers of flies and other contagions.

*"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).

Public Safety Hazard on North Tenth Street has been abated as of this SCEP report.

As reported last week, illegally parked vehicles that habitually parked in front of; "T&A Supply, Inc., 1045 North Tenth Street", in the parking strip; create a "blind spot" placing motorists and pedestrians in jeopardy.

As of the date and time this SCEP report was taken, the aforementioned safety hazard to the public has been abated. **Special thanks and a "hefty good job" to Mayor Reed is hereby tendered.**

Respectfully submitted,

David S. Wall
08.26.10

Cc: City Attorney / City Auditor / City Manager

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

PUBLIC RECORD e

RECEIVED
San Jose City Clerk

2010 AUG 26 P 4: 29

August 26, 2010

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

Re: Police Chief Recruitment...Report #1: on Community Meetings held on (08.24.10) & (08.25.10).

Immigrants must assimilate into American culture, the whining and “molly coddling” must end.

Community Policing; Cops on: “bikes, foot patrol, longer tours of duty, multilingual” very popular.

Hispanic Community wants “special status”; no finger printing, no vehicle impounds, no “ICE” holds.

Vietnamese Community wants; more cultural /mental health training and a “mulligan” on “fireworks”.

Everybody wants more POLICE OFFICERS.

Communication is needed. Personal Responsibility by the Public is required.

The issue pertaining to the education of the public on Police procedures in law enforcement requires the Public to understand that “immediate and complete obedience with the orders of a duly authorized and sworn Police Officer is mandatory.” Those who decide to react otherwise face definitive consequences. Chief amongst them is being immediately placed into submission without regards to “cultural sensitivities”, pleasantries or the niceties associated with running a debate society. And that the non-compliant might get hurt. Many people do not understand this concept. It is the duty of Council to educate people of this process.

It must also be communicated by Council that if there is perceived “wrong doing” by the Police that there are a plethora of well established means for remedy. That there are established procedures and accountability for filing complaints and that the complaints against Police are taken seriously.

There were many excellent ideas to improve Police services from all aspects of the “community”. One recurring theme was “Police rotation”. Many comments were made that Police Officers assigned to a neighborhood should stay there longer. Some comments criticized that their neighborhoods were only used as “training grounds” for new cops and that they wanted “more seasoned officers”.

Community policing is still a big hit, but there are areas that could be explored. Should Police Officers be multilingual? Many commentators agree with this one aspect of “cultural sensitivity” and “cultural awareness” training of Police Officers.

The Chief is wanted to be more “hands on” and less “political”. Comments that the new Chief be made more accessible to Police Officers but, also be required to get “to know” the members of the community. To be able, when possible, to call citizens “by their name”. The Chief must be able to work with all the people; community based organizations, neighborhood association groups, neighborhood watch groups and immigrant groups even though the Hispanic immigrant groups want “special treatment” under the law.

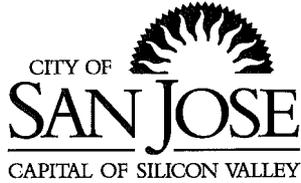
Some Vietnamese folks like to set off “firecrackers” during “Tet or the Chinese New Year”. Others likened those “firecrackers” to be more like “high explosives” with accompanying “gunfire”. Also, the new Chief must also support the Police Officers and be able to “say No” to the politicians.

Sounds like America is doing just fine to me.

Respectfully submitted,

David S. Wall
08.26.10

Cc: City Attorney / City Auditor / City Manager



CITY OF SAN JOSE HOUSING DEPARTMENT - NOTICE OF AVAILABILITY OF THE CAPER AND OTHER DOCUMENTS AND NOTICE OF PUBLIC HEARINGS

THIS NOTICE is to announce the availability on August 31, 2010 of the following documents:

- **Consolidated Annual Performance and Evaluation Report (CAPER) covering Fiscal Year 2009-2010:** The CAPER shows the City's progress in meeting the housing and community development goals outlined in the federally required Consolidated Plan, and covers the HOME Investment Partnership Program (HOME), the Emergency Shelter Grant (ESG) Program, the Community Development Block Grant (CDBG) Program, and the Housing Opportunities for People with AIDS (HOPWA) Program
- **Citizen Participation Plan (CPP):** The CPP describes the City of San Jose's efforts to encourage and engage citizens to participate in an advisory role, in the planning, implementation and assessment of the Consolidated Plan and its associated Performance Report for federally funded entitlement programs. This version is an update to the CPP approved in December 2006
- **Analysis of Impediments to Fair Housing Choice (AI):** The AI describes San Jose's fair housing needs and provides strategies to address those needs. The AI document was first distributed along with the Consolidated Plan 2010-2015 in May 2010, but is being redistributed at this time to take into consideration additional public comments.
- **Substantial Amendment to the FY2010-11 Consolidated Action Plan:** A substantial amendment is a significant change to a project as approved under the FY 2010-2011 Consolidated Action Plan. The City proposes an increase of \$228,767 in Code Enforcement activities funded through CDBG

The following is the anticipated schedule for the review and approval of the above mentioned documents:

Date	Action
August 31, 2010	Release of draft documents for public review City of San José Housing Department 200 East Santa Clara St., 12 th Floor San José, CA 95113 Tel No: 408-535-3860 http://www.sjhousing.org/report/conplan.html
August 31, 2009 - September 15, 2010	15-day public review and comment period for the CAPER, CPP, and AI
August 31, 2009 - September 29, 2010	30-day public review and comment period for the CDBG Substantial Amendment
September 9, 2010	Housing and Community Development Advisory Commission Public Hearing 200 East Santa Clara St., Wing-118 San José, CA 95113 5:45 PM
September 21, 2010	City Council Public Hearing and Final Action City Council Chambers, San José City Hall, 200 East Santa Clara St. San José, CA 95113 1:30 PM

The public is invited to attend any of the meetings listed above or provide written comments to the City of San José Housing Department, 200 E. Santa Clara Street, San José, CA 95113, Attn: Wayne Chen. Comments may also be submitted via e-mail to wayne.chen@sanjoseca.gov. If additional information is needed, please call Wayne Chen at (408) 975-4442, or for those with speech/hearing impediments, please call (408) 294-9337 (TTY). Persons needing special assistance under the Americans with Disabilities Act should call at least 48 hours prior to any of the meetings or hearings to ensure their needs can be reasonably accommodated.

PARA RESIDENTES QUE HABLAN ESPAÑOL: Si desea mayor información, favor de llamar a Alejandra Herrera al 408-975-4424.

Riêng đối với quý vị nói tiếng Việt.

Muốn biết thêm chi-tiết, xin vui lòng tiếp xúc với Therese Tran, Đ.T. 408-793-5349.

對只懂華語的聖荷西市居民：若有任何查詢，請聯絡李小姐975-4411或劉小姐 535-8242.

>>>>>>>PLEASE POST<<<<<<<<