



Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Dennis Hawkins, CMC
City Clerk

SUBJECT: The Public Record
May 9-12, 2011

DATE: May 13, 2011

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Email from Wayne Martin to Elected Bay Area Government Officials dated May 10, 2011 regarding Caltrain and Corporate Welfare.
- (b) Notification letter from San Jose Water Company to Mayor Reed and City Council dated May 10, 2011 regarding Cost of Capital (COC) Fillings.
- (c) Letter From David Wall to mayor and City Council dated may 2, 2011 regarding "The Ghetto Life: Update on the SCEP."
- (d) Letter from Martha O'Connell to Mike Graves, Chair of Mobilehome Advisory Commission (MAC) and All MAC Commissioners dated May 6, 2011 regarding Mobilehome Rent Control Ordinances and the MAC.
- (e) Letter from David Wall to Mayor Reed and City Council dated May 9, 2011 regarding "The Ghetto Life: Update on the SCEP."
- (f) Letter from a Senior Mobilehome Park in San Jose to Mayor Reed and Council dated May 12, 2011 regarding rate increases to water, garbage, storm sewer and sewer services.
- (g) Letter from David Wall to Mayor Reed and Council dated May 12, 2011 regarding "Yo Green Man! Are City Employees going to lose their 'ECO passes'?"
- (h) Letter from David Wall to Mayor Reed and Council May 12, 2011 regarding "Empire building at ESD: Duplicate Deputy Manager Positions created."
- (i) Letter from David Wall to Mayor Reed and Council May 12, 2011 regarding "29,000 storm drains and the money spent on the Watershed Protection Division (WPD) of ESD."


for
Dennis Hawkins, CMC
City Clerk

DH/td

Distribution: Mayor/Council
City Manager
Assistant City Manager
Assistant to City Manager
Council Liaison
Director of Planning
City Attorney
City Auditor

Director of Transportation
Public Information Officer
San José Mercury News
Library
Director of Public Works
Director of Finance

Elected Bay Area Government Officials
 San Francisco Bay Area

Subject: Caltrain and Corporate Welfare

After a recent Guest Opinion in a local Palo Alto newspaper by former Palo Alto City Council member Yoriko Kishimoto that gushed about how “Caltrain Go-Passes Help Stanford”, the Go-Pass program has been under investigation by myself. This communication is an update to a work-in-progress.

The Caltrain Go-Pass offers a corporate/educational/non-profit beneficiaries unlimited Caltrain transit for \$155 dollars a year per employee. For normal two-trips per day, five-day-a-week, fifty-weeks-a-year use, the current cost for platform-purchased tickets would be \$6,250 a year. Go-Passes reduce this cost to \$155 (costing 50 cents, or less, a ride). The difference between the Go-Pass cost, and the cost-of-service--over \$6,000 per person--must be picked up by the taxpayers, and other riders. Questions naturally arise, such as: how extensive this program is, who are the Go-Pass clients, what kind of revenue is generated by the program, how many people/companies are using Go-Passes, and what is the cost to the taxpayer?

A Request For Public Information to Caltrain resulted in the following spreadsheet, which has been updated with the estimated cost-to-the-taxpayer data:

2011 GO Pass Fare Revenue/Cost To Taxpayer				
	Company Name	Payment Description	Total	Emp-loyees
1	23andMe, Inc.	Initial Program Fee	\$10,850	55
1	A9.com, Inc.	Initial Program Fee	\$21,700	140
1	Adobe Systems Inc.	Initial Program Fee	\$428,730	2766
1	Box.net	Initial Program Fee	\$18,600	120
1	Capricorn Investment Group	Initial Program Fee	\$10,850	45
1	Cisco Media Solutions Group	Initial Program Fee	\$10,850	70
1	Composite Software	Initial Program Fee	\$10,850	67
1	Council on Aging Silicon Valley	Initial Program Fee	\$10,850	61
1	Coverity, Inc.	Initial Program Fee	\$13,950	90
	Coverity	Lost (1), New Hires (7)	\$1,152	7
1	David & Lucile Packard Foundation	Initial Program Fee	\$16,120	104
1	Equilar, Inc.	Initial Program Fee	\$11,935	77
	Equilar, Inc.	New Hires (4)	\$620	4
1	Evernote Corporation	Initial Program Fee	\$10,850	50
1	Facebook	Initial Program Fee	\$209,560	1,352

1	Genencor	Initial Program Fee	\$41,850	270
	Genencor	Lost (2)	\$310	0
1	Glu Mobile	Initial Program Fee	\$15,345	110
1	Humanity United	Initial Program Fee	\$10,850	30
1	IDEO	Initial Program Fee	\$47,585	307
1	Inflection	Initial Program Fee	\$10,850	45
1	Jive Software, Inc.	Initial Program Fee	\$10,850	61
1	KaloBios	Initial Program Fee	\$10,850	45
1	LPFCH	Initial Program Fee	\$10,850	61
1	Microsoft Corporation	Initial Program Fee	\$276,675	1,785
1	Motorola	Initial Program Fee	\$79,825	515
1	Mozilla	Initial Program Fee	\$38,750	250
1	Nektar Therapeutics	Initial Program Fee	\$24,180	156
1	Ning, Inc.	Initial Program Fee	\$13,950	90
1	Omidyar Network	Initial Program Fee	\$10,850	43
1	OnLive	Initial Program Fee	\$27,900	180
1	Pacific Data Images, LLC.	Initial Program Fee	\$68,665	443
1	Peninsula Open Space Trust	Initial Program Fee	\$10,850	29
1	Playdom, Inc./ Disney Interactive Media Group	Initial Program Fee	\$34,875	225
1	ReputationDefender Inc.	Initial Program Fee	\$13,175	85
1	Rinat Neuroscience/Pfizer	Initial Program Fee	\$19,685	127
1	Skoll Foundation	Initial Program Fee	\$10,850	36
1	SMCTD	Initial Program Fee	\$34,100	220
1	SRI International	Initial Program Fee	\$196,230	1266
1	Stanford University	Initial Program Fee	\$1,574,955	10,161
1	SurveyMonkey	Initial Program Fee	\$10,850	26
	SurveyMonkey	Lost (1)	\$155	0
1	Syniverse Technologies	Initial Program Fee	\$19,220	124
1	Trialpay, Inc.	Initial Program Fee	\$10,850	70
	Trialpay, Inc.	New Hires (3)	\$465	3
1	Ustream, Inc.	Initial Program Fee	\$10,850	50
1	Webroot	Initial Program Fee	\$17,515	113
1	YuMe, Inc.	Initial Program Fee	\$10,850	69
	YuMe, Inc.	Lost (1)	\$155	0
43	Totals		\$3,463,232	22,003

Source: Caltrain (Public Information Request)

Discussion

Hopefully, the numbers speak for themselves. Of the forty-three entities listed above, five companies/institutions (Stanford, Microsoft, Adobe, Facebook and SRI) are the major clients of the Caltrain Go-Passes, with Stanford being the dominant consumer of this service.

The cost of providing Caltrain transportation, on a per-ride basis, is still being researched. Capital budgets for the past five years have been provided by Caltrain, but inquiries to Caltrain as how it determines the Fare-box recovery percentages that it touts at 43% are still outstanding. The capital budgets have been in the \$30M range for the past couple of years, which means that the total-cost of service, based on operations and capital expenditures is about \$130M, not the \$90-odd million reported in the press. There is also a \$30M expenditure located in the CAFR (Comprehensive Annual Financial Report) that is labeled "other expenditures". (This may well be the Capital expenditures for the year, but the exact nature of this expenditure is still under investigation.) The per-ride cost of \$12.50, which Caltrain is currently charging on the platform is probably fairly close to total-cost-recovery for published (operating+capital) costs. However, the CAFR shows about \$1B in assets. It is unlikely that this money has ever been included in the cost-per-ride calculations, but that point is still conjecture at the moment.

The total number of passes/riders that this program has enrolled is over 22,000. Given that the Caltrain ridership is estimated at between 18,000 and 19,000 unique people a day, not every person with a Go-Pass is using the train every day. (The Go-Pass is a small sticker that is affixed to a person's company identity badge, so it's unlikely that the conductors are actually keeping count of the Go-Pass riders, as they check for tickets.) What is clear from these numbers, however, is that Caltrain has offered over 22,000 people full use of the system, 365 days a year, for less than \$3.5M—with the remainder of these full costs to transport these people falling heavily on the backs of the taxpayers. Based on the estimated full-cost of \$6,250/year/person cost-of-service, minus the revenue collected from the Go-Pass clients, the taxpayers are subsidizing the forty-three companies/University/Non-profits on this list about \$134M. On a per-decade basis, with inflation considered, this will come to about \$1.7B transferred from the taxpayers to basically five silicon valley giants, and a small number of lesser entities. Over a thirty-year basis, this wealth transfer from the taxpayers could easily run to \$5B.

Conclusion

Given that Caltrain has been financed almost entirely by the public, and that it is more-likely-than-not servicing a very, very, small number of large companies/Stanford that are being subsidized by the public through various transfer schemes (sales tax, proposed gas tax, income tax, property tax) from many levels of government, the Go-Pass program must be offered up as a *prima facie* example of corporate welfare. The idea that most of the people in the 3.5M person service area (San Francisco to Southern Santa Clara County) should be taxed to provide well over \$100M of transportation (yearly) to perhaps some of the largest business/educational entities in the Service Area is most disturbing.

The belief that government was to make policy decisions that would benefit “all the people” does not seem to be borne out here in Northern California. It would seem that its function has morphed into a non-transparent, wealth redistribution mechanism, from the ordinary taxpayer to the largest, and wealthiest corporate entities, as well as Stanford, (which receives almost a \$5B property tax exemption already).

Something is most certainly wrong here. Isn't it time for an audit of Caltrain, with all of the internals of this operation made public? Elected officials, certainly someone of you can refer this matter to the Office of the State Auditor for review.

The public should not be paying to transport Stanford employees, or Microsoft employees, or Facebook employees. These are some of the wealthiest corporate, and educational, entities in the county. Why aren't they paying their own way?

Elected officials—The public can not continue to pay for the transportation cost of large organizations like Stanford, Microsoft, Adobe and Facebook. Whether this subsidy of large Silicon Valley organizations through Go-Passes was deliberate, or accidental, the financial impacts of this transportation service give-away need your immediate attention. Please refer this matter to your Caltrain, and MTC, board members. The Go-Pass program needs serious review, if not termination

Thank you for your attention to this matter.

Wayne Martin
Palo Alto, CA

PS—Please include this communication in the public record for your organization.

Notification of Cost of Capital (COC) Filing by San Jose Water Company

On May 2, 2011, San Jose Water Company (SJWC) filed Application A.11-05-002 with the California Public Utilities Commission (CPUC) requesting authority to increase its authorized COC for the period from January 1, 2012 through December 31, 2013. If approved by the CPUC, SJWC's revenues would increase by \$3,000,000 or 1.26% in 2012, estimated \$3,900,000 or 1.55% in 2013 and estimated \$4,100,000 or 1.54% in 2014.

Cost of Capital is a financial term defining how much a corporation is allowed in rates as a return on its invested capital. In this proceeding the CPUC will determine SJWC's reasonable costs of long-term debt and common stock that are part of the authorized Cost of Capital. The authorized COC will be applied to the capital investment authorized for SJWC.

The purpose of this notice is to inform customers of the filing of the Application and to provide instructions on how to provide input in the process.

Summary of Key Reasons for SJWC's Request

- SJWC believes approval of this request is necessary for it to attract capital to meet its obligations to serve its customers safely and efficiently.
- SJWC's proposal will assist it in maintaining an investment-grade rating, thereby reducing the overall financing costs and contribute to SJWC's ability to provide high quality, reliable water service at reasonable rates.
- SJWC's authorized COC determines the investment return for shareholders of SJWC.

SJWC's Request

With this Cost of Capital filing, SJWC is requesting an increase of \$0.0345 per CCF of water per month above estimated rates to become effective January 1, 2012. If SJWC's proposal is adopted, a typical residential metered customer with a 3/4" meter using 15 CCF of water per month would see a monthly water bill increase of \$0.76 or 1.29% from \$58.91 at currently estimated rates to \$59.67 in 2012, \$1.01 or 1.69% in 2013 and \$1.29 or 1.73% in 2014.

The rates shown on your monthly water bill may vary from the existing rates shown above due to surcredits or surcharges currently in effect in your area.

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. Other parties may also participate.

Evidentiary hearings may be held whereby parties of record will present their testimony and are subject to cross-examination before an Administrative Law Judge (ALJ). These evidentiary hearings are open to the public, but only those who are parties of record can present evidence or cross-examine witnesses during evidentiary hearings.

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 this application it may adopt all or part of the ALJ's proposed decision as written, amend or modify it, or deny the Application. The CPUC's final decision may be different from SJWC's proposal.

Additional Information

Additional information may be obtained by calling (408) 279-7900, or by visiting customer service at 110 West Taylor Street, San Jose, California 95110. The application is also posted on the company's website at www.sjwater.com.

You may also contact the CPUC's Public Advisor's Office with comments or questions at: 866/ 849.8390 (toll free) or (415) 703-2074. Their Email address is: public.advisor@cpuc.ca.gov and their mailing address is 505 Van Ness Avenue, San Francisco, CA 94102. All comments received will be circulated to the assigned ALJ, appropriate CPUC staff, and to the five Commissioners. If you are writing to the CPUC, please refer to Application A.11-05-002.

RECEIVED
San Jose City Clerk

2011 MAY 10 A 9:37

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

RECEIVED
San Jose City Clerk

May 2, 2011

2011 MAY 12 P 4: 34

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 (05.02.11) shortly before the "Transportation and Environment Committee" 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 1119 hours and found four (4) stolen and abandoned shopping carts. *A 50% decrease as to the number of stolen and abandoned shopping carts from last week is hereby recorded.*

The "perennial garbage pile" (PGP) is a scourge on District 3, the City, the State and the Nation. Why does not Councilmember Liccardo have the Union Pacific Railroad clean up their property? Behind the Horning Street railroad crossing control box is an area that continues to be a latrine, although of late, only darkened areas of the soil are present indicating a "wetted ground". No "sniff tests" were conducted. There were no pools or piles of human excrement.

The "perennial growing debris field" (PGDF) north of the Horning Street railroad crossing control box, the garbage and assorted debris field is appalling, but not as appalling as to the amount of taxpayer dollars spent on Public Art by the absolutely worthless Office of Cultural Affairs. Three (3) vagrants were sighted today. The City needs an effectively robust Vagrant Management Program (VMP).

"The Golden Falcon" [CA # JT 9621] *is still* the S.W. corner of E. Mission Street @ North 10th Street. A Bronze/Orange, late model Ford Fairlane, CA# 462 UWK associated with the aforementioned trailer was parked at the rear of the trailer. A late model, **Chevy Van 30 (a motor home)** [CA# 4TPK037] is parked on Horning Street @ North 10th Street.

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

"Unmarked" (1), Trader Joe's (1) [(full of garbage and contagion(s)), Target (1), and HAI Thanh (1).

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

*****special note***** the overall cleanliness of shopping carts picked up off the streets and returned to stores should be addressed by some governmental agency. Unsuspecting customers may use excrement coated shopping carts without their knowledge. Shopping carts picked up off the street are "filthy" and are potential reservoirs of microbial agents waiting to spread contagion(s).

Manuel's Chickens clucked in concerning the issue of **St. James Park**. Isabel, back from a whirlwind tour of South America where she visited friends and relatives in Peru, Guatemala, Chile, Argentina, Brazil and Honduras clucked, "Councilmember Liccardo should be ashamed of himself by allowing those social deviants of the human race control that park or any area in District 3. In South America, shiftless vagrants and other social deviant humans are swiftly and sternly removed from public parks. You will also note that we chickens also do not tolerate "drunks, drug addicts and prostitutes" in our parks." I replied, "I'm glad you're home Isabel."

Respectfully submitted,

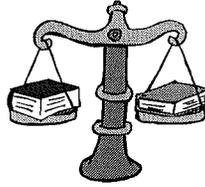
David S. Wall
05.02.11

Cc: City Attorney / City Auditor / City Manager

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San Jose City Clerk

2011 MAY -6 P 3: 28

Straight Talk - Not Chatter



H.O.M.E.

Homeowners Organized To Maintain Equity

May 6, 2011

TO: Mike Graves, Chair, MAC
All MAC Commissioners

FROM: Martha O'Connell, President

RE: Mobilehome Rent Control Ordinance and the MAC

HOME is proud to have led the struggle to stop the hare-brained idea to open up the Mobilehome Rent Control Ordinance to remove the non-mandatory 3% floor for annual rent increases. Such a move would jeopardize rent control for all Mobilehome Park residents in the entire City of San Jose and potentially open the City of San Jose up to a costly and years long lawsuit from the Park owners.

We wish to introduce into the record the statement of Mayor Chuck Reed as well as a letter written to me by Vice Mayor Nguyen (attached). Reed statement is as follows:

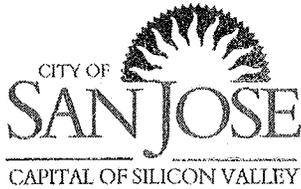
“Rules and Open Government Committee March 30, 20
Transcribed from the audio file.

Part 1. The Public Record, item F.

Reed: Well, I don't have any problem with that, having staff answer the question about the garbage carts, but referring everything in here to the staff and having them work on it is a bad idea. Because changing the rent control ordinance around mobilehome parks is something I'm totally opposed to, because we litigated this, the statute of limitations is run, and if we open it up we gotta start all over again, and there are people with many, many millions of dollars who would like to re-litigate it.”

The Mobilehome Advisory Commission needs to step up to the plate and end this issue right here and now. The attempt by a misguided few to open up the Ordinance must be ended. To do otherwise is to waste the time and resources of City Staff, give a misleading impression to the public, and put the City of San Jose at risk for a major lawsuit from Park owners.

cc: Mayor and City Council, Senior Commission



Madison Nguyen
VICE MAYOR

March 2, 2011

Martha O'Connell
3300 Narvaez Avenue #31
San Jose, CA 95136

Re: Testimony at Mobilehome Advisory Commission

Dear Martha,

Thank you for your letter in regards to the testimony at the Mobilehome Advisory Commission meeting on February 24, 2011.

I understand your concerns and agree with your assessment that rent control policy is crucial in protecting many San Jose and mobilehome residents. **I want to assure you that I do not have any intention of opening up the rent control ordinance.**

The rent control ordinance is one of the few tools the City possesses to protect low-income tenants. I believe the rent control ordinance- especially in these difficult economic times - is vital to ensuring that everyone has equal rights and the ability to live in this City and make San Jose their home.

Once again, thank you for your letter. Please feel free to contact my office if you need further assistance.

Sincerely,

Madison Nguyen
Vice Mayor
City of San Jose

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

RECEIVED
 San Jose City Clerk

May 9, 2011

2011 MAY 12 P 4: 35

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 (05.09.11) 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 1133 hours and found twelve (12) stolen and abandoned shopping carts. *A 200% increase as to the number of stolen and abandoned shopping carts from last week is hereby recorded.*

The “perennial garbage pile” (PGP) has been minimized by person(s) unknown. This week the area behind the Horning Street railroad crossing control box does not appear to have been used as a latrine. There was “no evidence” of human related defecation, be it solids or liquids present. The area was “dry as a bone”; however there was garbage of various types and stages of decomposition.

The “perennial growing debris field” (PGDF) north of the Horning Street railroad crossing control box, the garbage and assorted debris field is appalling, but not as appalling as to the amount of taxpayer dollars spent on Public Art by the Mayor and City Council. Three (3) vagrants were sighted today. The City needs an effectively robust Vagrant Management Program (VMP).

“The Golden Falcon” [CA # JT 9621] *is still* the S.W. corner of E. Mission Street @ North 10th Street. A Bronze/Orange, late model Ford Fairlane, CA# 462 UWK associated with the aforementioned trailer was parked at the rear of the trailer. A late model, **Chevy Van 30 (a motor home)** [CA# 4TPK037] is now parked on North 11^h Street @ Horning Street. It moved a few yards.

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

“Unmarked” (3) [(one (1), full of garbage and contagion(s)), Trader Joe’s (3) [(one (1), full of garbage and contagion(s)), SaveMart (1), Mi Pueblo (1), FoodMaxx (1), Office Depot (1), Lion Supermarket (1), and HAI Thanh (1).

*“Unmarked stolen and abandoned shopping carts have been “purposefully altered” to shield true identity.
 special note the overall cleanliness of shopping carts picked up off the streets and returned to stores should be addressed by some governmental agency. Unsuspecting customers may use excrement coated shopping carts without their knowledge. Shopping carts picked up off the street are “filthy” and are potential reservoirs of microbial agents waiting to spread contagion(s).

Manuel’s Chickens are somewhat concerned. Some of their brood have been “hopping the fence” and getting into Martin’s yard across the tracks causing some mischief. What has caused alarm within the chicken community was that “someone” tied two cast iron skillet on Martin’s fence, each having a sign taped to the skillet that read, “keep out or else”. Mabel clucked, “This is a fowl threat to our community”. Ben crowed, “It was not any one from our cluckery, it was CM Liccardo and the Silicon Valley leadership Group dressed up as chickens rooting around Martin’s yard for worms and leaving their mess all around the place.” I replied at once, “Do you know what happens to a lying rooster?” Ben, his head hung down murmured, “All right it wasn’t CM Liccardo and the Silicon Valley leadership Group dressed up as chickens...it was the entire Office of the City Manager dressed up as chickens rooting around Martin’s yard for worms and leaving their mess all around the place.” Ben, is that a worm under your left wing?

Respectfully submitted,

David S. Wall
 05.12.11

Cc: City Attorney / City Auditor / City Manager

Those with space numbers PUBLIC RECORD f
 have the same address: 3300 Narvaez
 Ave S9

TO: Mayor and Council – Public Record - We live in a Senior Mobilehome Park in San Jose. We have to pay for our water, garbage, storm sewer and sewer service charges. These items are NOT included in our rent.

95/36

We wish to protest the proposed increases in this time of economic difficulty when Social Security has had no increase in two years. Please do not raise our rates.

5-12-11

Also, please let those of us who wish to share a garbage cart with our neighbor to do so. This will cut our bill in half.

NAME (Print and sign) Space #

RECEIVED
 San Jose City Clerk
 2011 MAY 12 A 8:41

John Smith	John Smith	#31(sample line)
Dana L Blaylock	D L Blaylock	
Bill Osborn	Bill Osborn	
Hilda King	Hilda King	
Jude Shorn	Jude Shorn	
KEVIN RUMLEY	Kevin Rumley	
Ed Jacobson	Ed Jacobson	
Maryann Dumes	Maryann Dumes	
THORRENCE DEFRANTA	Thorrence DeFranta	
SEBASTIAN DELLAGATA	Sebastian Dellagata	
JACK DOLIN	Jack Dolin	

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NAME (Print and sign)

Space #

John Smith	#31(sample line)
Mildred Macou	Mildred MACON
Marion Macou	MARION MACON
Anthony Nickinello	ANTHONY NICKINELLO
Pauline Serrano	Pauline Serrano
Richard Kaufenberg	Richard Kaufenberg #3
Claire Steuer	Steuer
Norman Steuer	
Valda Evans	Valda Evans
Lois Jennings	Lois Jennings #
Anna Kobba	

TO: Mayor and Council – Public Record - We live in a Senior Mobilehome Park in San Jose. We have to pay for our water, garbage, storm sewer and sewer service charges. These items are NOT included in our rent.

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NAME (Print and sign)

Space #

John Smith	#31(sample line)
JAMES MASON James Mason	
Mary E. Weatherington	
Steve Weatherington	
CAROL Bowye Carol Bowyer	
ELENA RAMIREZ	
Karen Jackson KAREN JACKSON	
CANDY COLEMAN Candy Coleman	
MARILYN ROSE Marilyn Rose	
Patrick Braun Patrick	
Betty Mitchell	

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

RECEIVED
San Jose City Clerk

May 12, 2011

2011 MAY 12 P 4: 35

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

Re: Yo Green Man! Are City Employees going to lose their "ECO Passes"?

Mayor Reed and Council needs to step in and "Green Up" the Environment!

City Employees concerned budget cuts will force them to burn gas and pollute the air.

While sitting at "my desk" in the Wing or walking about the gloomy corridors of city hall, several employees have voiced their concerns that the "ECO Pass" benefit they receive is going to be taken away from them.

The "ECO Pass" benefit is a very popular benefit that reduces vehicle emissions, congestion and parking issues that have conferred many benefits to the environment.

What gives these valued employees reason to fear the loss of their "ECO Passes"?

Is this a ploy to have city employees "rent city vehicles" as proposed by one of CM Liccardo's harebrained ideas such as the "car sharing / rental proposal"?

Respectfully submitted,

David S. Wall
05.12.11

///
///
///

Cc: City Attorney / City Auditor / City Manager

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

PUBLIC RECORD h

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San Jose City Clerk

2011 MAY 12 P 4: 35

May 12, 2011

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

Re: Empire building at ESD: Duplicate Deputy Manager Positions created.

Duplicate Program Manager Positions created.

Duplicate excuses to justify the buffooneries of ESD created and surpassed.

The "Hiring of Friends" eliminates, "Equal Opportunity, Equity & Fairness" in the workplace.

Where is Mayor Reed on the aforementioned issues? Out writing a treatise on "Hypocrisy"?

Dateline...Environmental Services Department (ESD), The Land of NO accountability of any kind.

As the Sewer Service & Use Charge begins its steady track northward to fund the rebuild of the San José / Santa Clara Water Pollution Control Plant (WPCP), Mayor Reed and the San José City Council appear to be oblivious as to the number of "duplicate positions" in management at WPCP that have been recently created. It is obvious to this citizen that Mayor Reed, does not care what happens at WPCP as long as someone at ESD blows sunshine onto his solar panel butt.

Is Hypocrisy by Mayor Reed the order of the day? Yeah, baby.

With Mayor Reed's successful campaign to "demonize city employees" in the media considered "Mission Accomplished" the Office of the City Manager wasted no time in permitting the expansion of its own ranks by permitting ESD to run amok in the creation of newly minted, highly paid and benefited managers.

The scuttlebutt has the administration quietly admitting that the South Bay Water Recycling Program (a.k.a the Reclaimed Water Project) will never be "profitable, break even or ever recoup" the hundreds of millions of taxpayer dollars pumped into this albatross. The real truth is that the administration has flat run out of lies to keep Council from looking into this monument to stupidity and waste.

So, ESD administrators (who should be fired for a number of reasons) transferred the "Reclaimed Water Project from the Municipal Water back to WPCP operations. The vacant position (the money and benefits) from the recently retired administrator of the Reclaimed Water Project was divvied up then lots were then cast to see who had the brownest nose. Low and behold the result was the creation of multiple Deputy Director and Program Manager Positions. There was some quiet stammering as to the potential retirement savings later in FY2011 if and when the administrator of Municipal Water goes into retirement.

All of this reeks of hypocrisy and or incompetence by the Reed Administration for allowing this to happen. But, let charity and fairness rule the day. Did the Mayor and Council really know of the City Manager's spinning of a web so full of intrigue, waste and promulgating the administration of ESD's buffoonery? What about all the pay and benefit cuts to employees who are funded from FUND 513, was some of this money taken from employees used to create these brand spanking new managers?

However the Office of the City Manager slices and dices this one, it is past time to initiate and carry out a "sweeping regime change". The Office of the City Manager and ESD's entire command staff needs to be administratively and politically exterminated.

Cc: City Attorney / City Auditor / City Manager... *Respectfully submitted,*

David S. Wall
05.12.11

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RECEIVED
 San Jose City Clerk

May 12, 2011

2011 MAY 12 P 4: 36

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

Re: 29,000 storm drains and the money spent on the Watershed Protection Division (WPD) of ESD.

Let's count 'em; one (1) Deputy Director and five (5) Program Managers @ WPD.

How many of the 29,000 storm drains have been modified to date to keep trash from creeks?

How many of the 29,000 storm drains have been modified to date to keep trash from rivers?

What is the "plan to protect" the watershed from trash?

Is there a schedule of implementation for the protection of storm drains?

Or...is it just another case of "throwing money down a storm drain"?

I am "no fan" of the Watershed Protection Division of ESD. But, this is a result of experiencing one too many of their incompetently performed "dog and pony shows" during the Transportation and Environment Committee meetings.

To ESD's credit, they are often given accolades by some of the goofiest clowns of Council who comprise this committee in the first place. Therefore the argument that it is not ESD's fault to protect the storm drains from continuing to be a conduit of trash, debris, sediment and other pollutants to the various creeks and rivers is given a modicum of merit. But, I do not buy into this argument. Nor do I buy into CM Liccardo's or CM Campos's joint Memorandum.

At the Transportation and Environment Committee meeting (Monday, 05.02.11), CM Liccardo and CM Campos put forth a joint Memorandum entitled "STORM WATER MANAGEMENT" (dated 05.02.11). The aforementioned memorandum is enclosed for review.

Both CM Campos and CM Liccardo propose to use the "storm sewer fund" (which is more accurately known as the "Storm Sewer Operating Fund 446") and a copy of this is also put forth for review.

The convoluted logic put forth in the aforementioned Memorandum to use FUND 446 to fund for "No Parking" street signs is neither appropriate nor justified under the tenants of Proposition 218.

It is readily apparent to this citizen; CM Liccardo, who has a history of not understanding "restricted use funds", combined with CM Campos's inexperience is evidentiary that both Councilmembers need remedial training with reference to the "San José Budgeted Funds Guide". Perhaps some coaching from the City Attorney is also required of these Quixotic Councilmembers before they embark on a path of foolish gestures that amuse no one and thereby only serve to shield the non-performance of ESD's highly paid and benefited Watershed Protection Division managers, from detection and summary dismissal from city service.

A vigorous parking enforcement operation to remove vehicles leaking "hazardous fluids" onto the street was not considered or to prohibit on street parking was also not considered.

Elected officials should demonstrate due diligence and care as to; when, where and how restricted use funds are used, so that the Public's confidence in government is not eroded.

Cc: City Attorney / City Auditor / City Manager... *Respectfully submitted,*

David S. Wall
 05.12.11



Memorandum

TO: TRANSPORTATION &
ENVIRONMENT COMMITTEE

FROM: Councilmember Sam Liccardo
Councilmember Xavier
Campos

SUBJECT: STORM WATER MANAGEMENT **DATE:** May 2, 2011

APPROVE

5-2-11

RECOMMENDATION

Accept staff recommendation and the Storm Water Management Plan ("Plan"), with the following amendments:

1. Amend the plan to include among the "Implementation Tasks" listed in the Appendix and other relevant areas, "investigate the feasibility of utilizing stormwater fees to install appropriate 'no parking' signs to facilitate street sweeping in areas with high volumes of on-street parking," and "implement a sign-implementation plan to facilitate street sweeping."
2. Return to the Transportation and Environment Committee with an analysis of the feasibility and advisability of utilizing some portion of stormwater fees for the installation of "no parking" signs in neighborhoods heavily impacted by on-street parking, along with any reasonable alternatives.

BACKGROUND

We have recognized the causal connection between pollution flowing into our street storm drain inlets and the quality of the water in our creeks and Bay. For that reason, the City has undertaken to install 6,500 thermoplastic inlet markers near city storm drain inlets, to warn residents of the harms of dumping materials that will flow directly to our streams and creeks. To meet its Stormwater Permit requirements under the NDPES, the City will install approximately 4,500 more such markers, utilizing storm sewer fees.

Of course, street sweeping also serves to dramatically reduce the level of sediment, trash, and pollutants in our storm water system, by cleaning the on-street debris before it reaches the storm drain inlets. As the City's website notes, the residential street sweeping program provides some obvious, and some less apparent benefits:

The more obvious benefit is the collection and removal of paper, leaves, and other visible debris that collect in the gutters. In addition to being unsightly, this debris can block the catch basins and other storm water facilities, causing localized flooding during heavy rains. An equally important, but less

visible benefit is the removal of metal particles, and other hazardous waste products left by passing vehicles. Although they are virtually invisible, these particles can be extremely harmful to the fish and other wildlife, if they reach our creeks, our rivers, and eventually the bay. Street sweeping is an effective method of removing both the large and microscopic pollutants that collect on City streets.

Many neighborhoods with high rates of on-street parking, particularly on the East Side and Downtown, appear rarely swept, due the obstruction of street-sweeping equipment by on-street parked cars. One Spanish-speaking resident in the Washington Guadalupe neighborhood observed that President Obama must have cut funding for street sweeping, because her own Almaden Avenue hasn't been cleaned since his election in 2008. It is not lost on many of these residents that they live in lower-income neighborhoods, since on-street parking predominates in communities with substantial multifamily housing stock. Several residents have suggested that City Hall has deemed their neighborhoods less worthy of cleaning.

For several years, the Department of Transportation operated a program to install "no parking" signs for appropriate street-sweeping days on miles of neighborhood streets every year. Budget cuts have eliminated that program, however, leaving many neighborhoods without relief. We need to find a way to resume that program, and storm sewer fees provide a logical source of funding for it.

The employment of storm sewer fees for the installation of street sweeping/no parking signs will not have any impact on the General Fund. Of course, this approach will raise obvious questions under Proposition 218. In light of the rigorous demands of the NDPES permit, and given the long-recognized nexus between street sweeping and water quality, we should have little difficulty addressing these concerns.

We have raised this issue several times at prior Committee and Council meetings, most generally in some form of the question, "why not?" Absent a clear answer to that question, we should move forward.

Storm Sewer Operating Fund**Fund 446****PURPOSE OF THE FUND:**

The Storm Sewer Operating Fund is used to account for revenues collected from owners of properties that benefit from the storm drainage system. Funds may be used for the maintenance and operation of the storm drainage system. Expenditures are focused on non-point source pollution reduction, along with maintenance and operation of the storm drainage system.

AUTHORITY OF THE FUND:

San José Municipal Code sections 15.16.1300 through 15.16.1530. Revenue and expenditure estimates are budgeted via Council funding sources resolution and appropriation ordinance, respectively.

SOURCE OF FUNDS:

- Fees paid by residents and businesses to the City for services and facilities furnished by the City in connection with its storm drainage system to or for each premises which is benefited directly or indirectly
- Interest earnings
- Joint participation revenues

FUND RESTRICTIONS:

All moneys, including interest earnings may only be used for the construction, reconstruction, and maintenance of the storm drainage system.

Fee increases for City residents and changes to the usage of fee revenue in the Storm Sewer Operating Fund are subject to Proposition 218 requirements.

LEAD RESPONSIBILITY:

Environmental Services Department

FINANCIAL INFORMATION AND LOCATION:**Comprehensive Annual Financial Report (CAFR) Designation:**

Government Fund-Special Revenue

Budget Location:

Adopted Operating Budget

Funding Sources Resolution and Appropriation Ordinance Location:

Section 3.06