



# Memorandum

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

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

**SUBJECT:** The Public Record  
March 12-18, 2010

**DATE:** March 19, 2010

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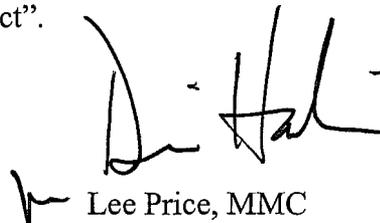
**ITEMS TRANSMITTED TO THE ADMINISTRATION**

**ITEMS FILED FOR THE PUBLIC RECORD**

- (a) Letter from Senior Citizens Commission Chair Frances Jones to Mayor Reed and the City Council dated March 9, 2010, urging a position of opposition against State Assembly Bill AB 761.
- (b) Letter from San José/Silicon Valley Chamber of Commerce Vice President, Public Policy & Communications, Pat Sausedo to Mayor Reed and the City Council dated March 9, 2010, regarding "Support for Economic Impact Study to Analyze the Potential Impacts of Carryout Bag Regulation on Small Businesses".
- (c) Letter from Russell Petruzelli representing The Friends of T.J. Martin & Jeffrey Fontana Parks to City of San José City Attorney, Mayor Reed and City Council dated March 15, 2010 urging the City Attorney to take immediate action to prevent PG&E from removing trees from T.J. Martin & Jeffrey Fontana Parks on March 22, 2010.
- (d) Email from Committee for Green Foothills Director Helen Chapman to Mayor Reed and the City Council received March 16, 2010, expressing a position of support for a Single-Use Carryout Bag ordinance.
- (e) Email from ACLU of Northern California Director Skyler Porras to Mayor Reed and the City Council received March 18, 2010, expressing concerns regarding the composition of the panel for the Independent Police Auditor position.
- (f) Letter from David S. Wall to Mayor Reed and City Council dated March 18, 2010 titled "The Ghetto Life: Update on the SCEP".

Honorable Mayor and City Council Members  
March 19, 2010  
Subject: The Public Record: March 12-18, 2010

- (g) Letter from David S. Wall to Mayor Reed and City Council dated March 18, 2010 titled "JPA: Joint Powers Agreement or Job Propagation Act".



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  
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San José Mercury News  
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# SENIOR CITIZENS COMMISSION

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

March 09, 2010

Mayor Chuck Reed  
Members of the San José City Council  
City Hall  
200 East Santa Clara Street  
San José, CA 95113

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San Jose City Clerk  
2010 MAR 12 A 9:49

Dear Honorable Mayor Reed and City Council:

The Senior Citizen's Commission has voted unanimously to recommend that the Mayor and City Council in the City of San Jose take a position to OPPOSE AB 761.

California's mobile home parks, comprise one of the few remaining sources of housing for seniors, disabled, and the working poor.

Residents in the parks own the home in which they reside, but they pay rent for the park space on which the home is physically located. In hundreds of California communities, the space rent is subject to local rent control ordinances. However, AB 761 would allow the owners of privately owned parks to raise to market-rate levels the space rent beneath a home on the sale of that home by the owner. This vacancy decontrol, as it is called, would occur, whether or not the community has a rent control ordinance.

The Senior citizen's Commission OPPOSES AB 761 for several reasons. The first are economic reasons:

The owner will have to disclose, as a condition of sale, to prospective purchasers that the ground rent is going to increase. This disclosure will make it harder for the senior, disabled, or low-income person to sell the home.

Increased rents reduce the affordability of this kind of housing, thus reducing the pool of affordable housing in the community. As stated above, mobile home parks comprise one of the last pools of affordable housing in most California communities.

Finally, the issue of rent de-control was placed on a statewide ballot in 2008 in the form of Proposition 98. Voters throughout the state rejected the measure by a wide margin.

California communities adopt rent control ordinances for a reason: because without rent control, its citizens can't afford rental housing. Rent control is one of the chief legislative tools used by local governments to make its housing stock affordable. AB 761 is an attempt to over-ride local government housing policies intended to preserve affordable housing.

For these reasons, the Senior Citizen's Commission has voted unanimously to recommend that the Mayor and City Council in the City of San Jose take a position to OPPOSE AB 761.

Sincerely,



Frances Jones,  
Chair, Senior Citizens Commission

/LB

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

March 9, 2010

PUBLIC RECORD <sup>b</sup>



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

RECEIVED  
San Jose City Clerk

2010 MAR 12 P 3: 16

CHAMBER OF  
COMMERCE

Re: Support for Economic Impact Study to Analyze  
the Potential Impacts of Carryout Bag Regulation  
on Small Businesses.

Dear Mayor Reed:

Your continued leadership and vision on environmental issues has garnered national attention and has inspired many cities to follow San Jose's lead. The policies undertaken have often been complex, and as you know, the carryout bag issue is no exception.

The policy that was approved by the San Jose City Council in September 2009 that, in part, directed staff to complete an Environmental Impact Report (EIR) before an ordinance on carryout bag regulations could be brought forward for consideration. We support a full review of all available information so that the City can best understand what benefits and unintended consequences, if any, could result before a final policy is adopted. The EIR is a good start to achieve this goal, but we believe more information is needed.

In addition, there must be a way to measure the program's success through objective criteria. At the conclusion of an established timeframe a review of the objectives should be conducted with results published and reiterated to the City Council. Should the ordinance fail to meet the majority of its objectives, a phase out of the program should be initiated. Simply creating an ordinance without researched evidence to support it seems ill advised, but to implement without measurement of its objectives and impacts is irresponsible.

On February 10, 2010, after several months of deliberation, the City of San Jose's Small Business Development Commission approved a recommendation that the City Council commission a quantitative, scientifically valid economic impact study by third party economists who would analyze the potential carryout bag policies before an ordinance is considered. Such a study could, in part, provide a micro and macro economic analysis of how the various policy options could impact our small businesses, jobs, sales tax revenue, business retention rate, and could determine if San Jose small businesses could be placed at a competitive disadvantage to those in neighboring cities without regulation.

It is important that we work to protect our environment, and we believe it is equally important to consider the potential positive and negative impacts such a regulation would have on small businesses and consumers. We support this recommendation because this issue merits thorough study and deliberation, and we know that you and your colleagues share the desire to have the best possible policy adopted.

Thank you for considering our views.

Sincerely,

Pat Sausedo  
Vice President  
Public Policy & Communications

Cc: Members of the San Jose City Council  
San Jose City Clerk

The Friends of T.J. Martin & Jeffrey Fontana Parks  
Burchell Ave  
San Jose CA 95120-3810

San Jose City Clerk

2010 MAR 15 A 10: 44

March 15, 2010

Subject: PG&E removal of trees

To: City of San Jose Attorney  
cc: San Jose City Mayor Chuck Reed and City council

We ask the city attorney to take immediate action to prevent PG&E from removing trees in T.J. Martin and Jeffrey Fontana Parks on March 22nd, 2010.

We ask the city to honor its agreement with PG&E, dated June 09, 1987, to properly maintain the trees as stated in the public agreement between the city of San Jose and PG&E, titled "Agreement for T.J. Martin Park, City of San Jose".

Reference: Paragraph 4: "City shall, at its sole cost and expense, maintain the park and its improvements in a manner consistent with other city parks..." and Exhibit B, paragraph 15, "...In the event said trees or landscaping shall attain a height exceeding 15 feet, the city shall at its sole cost, risk and expense, trim said trees or landscaping to a height below 15 feet."

Our park trees are priceless and it would be horrible to see the trees lost due to short term budget constraints.

PG&E has artificially and arbitrarily claimed an emergency situation with the trees under the power lines. At the community meeting on March 10, PG&E confirmed that a delay to the March 22nd date will not jeopardize anyone's safety.

We ask the city to intervene on the community's behalf to cause PG&E to cease and desist in tree removal on March 22nd.

We ask the city to resume pruning the trees to thereby avoid further neglect of the city's contractual agreements with PG&E.

We feel the city has failed to live up to its contractual agreements which have jeopardized the quality of life and home values of the community. We are representative of over 1000 residents that are immediately impacted, not including hundreds of daily park visitors coming from outside regions. If PG&E proceeds as planned, the damage will be permanent and irrevocable, and therefore we ask for your immediate attention on this matter. It is not an option to allow PG&E to go forward with this action.

Since time is of the essence, we request you reply no later than close of business Tuesday via email to tj-martin-jeffrey-fontana-parks@googlegroups.com.

Signed,



Russell Petruzzelli, 5843 Burchell Ave, San Jose CA 95120 (group moderator)

All of the following people specifically asked to be included on this letter:

Kim Petruzzelli, San Jose CA 95120  
Keyvan Eliasieh, San Jose, CA 95120  
Alex Eliasieh, San Jose, CA 95120  
Vida Eliasieh, San Jose, CA 95120  
Richard & Joy Stevens, San Jose, CA 95120  
Margie & Bob Heldt, San Jose, CA. 95120  
Stacey and Michael Winters, CA 95120  
Vince and Carole Piazzisi, San Jose, CA 95120  
Ellisia Piazzisi, San jose, CA 95120  
Rod Carpenter, San Jose, CA 95120, San Jose, CA 95120  
Ron and Debra Jensen, ve, San Jose, CA 95120  
Jeff Taylor, Kim Taylor, Audrey Taylor, San Jose, CA 95120  
Marieta Allen, San Jose, CA 95120  
Robert Martin, Dr. San Jose, CA 95120  
Carmen and David Gwartney, Drive, San Jose, CA 95120  
Ron and Linda Wilson, San Jose, CA 95120  
Cynthia Schmidt, Ave, San Jose, CA 95120  
Carolyn Schmidt, Ave, San Jose, CA 95120  
Eric Schmidt, San Jose, CA 95120  
Phil and Rachael Starke, San Jose, CA 95120  
Don Patterson, CA 95120  
Lee & Janna Pauser, San Jose, CA 95120  
Don and SHeryl Brissenden, San Jose, CA 95120  
Gary and Sandy Lichau, San Jose, CA, 95120  
Alex and Tatyana Dobrovolsky, eet, San Jose, CA 95120  
Jack and Kay Fox, San Jose, Ca 95120  
Jack and Genevieve Boyer, San Jose, CA 95120-3825  
Rick and Arlene Twarowski, San Jose, CA 65120  
Pat and Brian Schubert, San Jose, CA 95120  
Denise and Dan Johnson, San Jose, CA 95120  
John and Catharina Gill, San Jose, CA 95120  
John Lackner, San Jose CA 95120  
Nancy and Larry McCracken, 1491 San Jose, CA 95120  
Chuck and Gail Haywood, rcle, San Jose, CA 95120  
Joe and Nina Ganeff, San Jose, CA 95120  
Richard and Latisha Cho, San Jose, CA 95120  
Bronson M. Berghorn, San Jose, CA 95120

Shirley A. Berghorn, \_\_\_\_\_, San Jose, CA 95120  
 Dennis & Sylvia Harp, \_\_\_\_\_, San Jose, CA 95120  
 Morton and Marilyn Leiter; \_\_\_\_\_, San Jose, CA 95120  
 denise Osterback, Dave Osteback. \_\_\_\_\_, San Jose, CA 95120  
 Sharon and Chuck Longwello, Villas of Almaden, \_\_\_\_\_, San Jose, CA 95120  
 Kati Miller and Michael Shea, \_\_\_\_\_, San Jose, CA 95120  
 Wayne Opp, Linda Opp, \_\_\_\_\_, San Jose, CA 95120  
 Theresa and Ryan, Elise Wellman, \_\_\_\_\_, San Jose, CA 95120  
 Judie and Terry Bennett \_\_\_\_\_, San Jose, CA 95120  
 Patricia Burrow \_\_\_\_\_, San Jose, CA 95120  
 Lana Bryan \_\_\_\_\_, San Jose CA 95120  
 Dennis and Linda Abad, \_\_\_\_\_, San Jose, CA 95120  
 Mike and Nancy Kalashian. \_\_\_\_\_, San Jose, CA 95120  
 Yvonne S. Gomez \_\_\_\_\_, San Jose CA 95120  
 Arthur W. Gilmore, Dreda A. Gilmore \_\_\_\_\_, San Jose, CA. 95120  
 Suzanne Wheaton & Paul Williams, \_\_\_\_\_, San Jose 95120  
 Karen Grondzik, \_\_\_\_\_, San Jose, CA 95120  
 Elizabeth Lindsay \_\_\_\_\_, San Jose, CA 95120  
 Cynthia Hinz, \_\_\_\_\_, San Jose, CA 95120  
 Robert & Sylvia Stoudt, \_\_\_\_\_, San Jose, CA 95120  
 Anthony and Shari Ferro, \_\_\_\_\_, San Jose, CA 95120  
 The Connollys, \_\_\_\_\_, San Jose, CA 95120  
 Eileen Vesely, \_\_\_\_\_, San Jose, CA 95120  
 Gail Hospidor, \_\_\_\_\_, San Jose, CA 95120  
 Gaya and Praneetha Vukkadala, \_\_\_\_\_, San Jose, CA 95120  
 Brian and Dawn Steffler, \_\_\_\_\_, San Jose, CA 95120  
 Chuck and Billie Shinn, \_\_\_\_\_, San Jose, CA 95120  
 David James, Yvonne Kendall-James, \_\_\_\_\_, San Jose, CA 95120  
 Alexander R. Crabb, Lois A. Crabb, \_\_\_\_\_, San Jose, CA 95120  
 Bud and Bev Gandler \_\_\_\_\_, San Jose, CA 95120  
 Rosy and Gordon Bowring \_\_\_\_\_, San Jose CA 95120  
 Bill and Gayle Snyder, \_\_\_\_\_, San Jose, CA 95120  
 Paul and Leslie Dornell, \_\_\_\_\_, San Jose, CA 95120  
 Greg and Meghan Swyt, \_\_\_\_\_, San Jose, CA 95120  
 Ron and Paula Guevara, \_\_\_\_\_, San Jose, CA 95210  
 Richard Clark, Stacy Whiteman \_\_\_\_\_, San Jose, CA 95120  
 Alex Whiteman, Daniel Whiteman \_\_\_\_\_, San Jose, CA 95120  
 Kathleen Kawakami \_\_\_\_\_, San Jose CA 95120  
 Carmen and Charlie Justus, \_\_\_\_\_, San Jose, CA 95120  
 Rob Moore \_\_\_\_\_, San Jose, CA 95120  
 Roberta Moore \_\_\_\_\_, San Jose, CA 95120  
 Audrey Moore, \_\_\_\_\_, San Jose, CA 95120  
 Mike and Sherri Cozzens, \_\_\_\_\_, San Jose 95120  
 Monica Stoffal \_\_\_\_\_, San Jose, CA 95120  
 Lisa and Jon Wiseman, \_\_\_\_\_, San Jose, CA 95120  
 Mark Macsurak, \_\_\_\_\_, Ca 95120  
 Kristine Kelly, \_\_\_\_\_, CA 95120

Anthony LaMarca \_\_\_\_\_ San Jose, CA 95120  
Amanda LaMarca \_\_\_\_\_ San Jose, CA 95120  
Jason LaMarca \_\_\_\_\_ San Jose, CA 95120  
Jean and Mike LaMarca, \_\_\_\_\_ Wy San Jose, CA 95120  
John & Sandy Cannizzaro  
The Shah family

**From:** Helen Chapman [mailto:[hchapman@cgf.org](mailto:hchapman@cgf.org)]  
**Sent:** Tuesday, March 16, 2010 9:09 PM  
**To:** The Office of Mayor Chuck Reed; Weerakoon, Ru; Judy Steinberg; Constant, Pete; Pyle, Nancy; Nguyen, Madison  
**Cc:** Price, Lee; Cynthia D'Agosta; Margaret MacNiven  
**Subject:** Economic Impact of Reduction of Single-Use Carryout Bags

PUBLIC RECORD   d  

Dear Mayor Reed and members of the Rules Committee,

On behalf of Committee for Green Foothills (CGF) of which I am a member of the Board, I would like to reiterate the position of CGF on the proposed Single-Use Bag Carryout Bag Fee Ordinance for San Jose.

The committee for Green Foothills supports the proposed Bag Fee Ordinance to reduce the pollution of our environment from plastic and paper bags.

We already know that single-use bags negatively impact San Jose. San Jose recyclers spend approximately \$1 million per year on work stoppages caused by plastic bags jamming equipment at recycling centers. Businesses adjust prices to account for the costs of providing single-use bags, which costs are then passed along to consumers. And San Jose will also spend another \$4 million over the next five years to comply with new, stricter trash discharge requirements mandated by the State.

The city is already addressing the potential administrative and operational costs of an ordinance in their analysis, and an economic consultant is part of the team to assist with the economic analysis.

Staff have been working with stakeholders for over two years to ensure that all potential impacts of a bag ordinance are addressed. There have been many opportunities for concerns to be raised by all sectors of the community, and staff are well equipped to address questions surrounding the ordinance as the process moves forward.

Please do not delay on moving this important ordinance forward.

Best regards,

Helen Chapman  
Director, Committee for Green Foothills

Helen Chapman

San Jose CA 95126-2519

"Never doubt that a small group of thoughtful citizens can change the world. Indeed, it is the only thing that has."  
- Margaret Mead

3/17/2010



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

PUBLIC RECORD   f  

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2010 MAR 18 P 4: 17

March 18, 2010

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

**Re: THE GHETTO LIFE: UPDATE ON THE SCEP**

On Monday, (03.15.10), I ventured over to North Tenth Street @ Horning Street to "take the pulse" of the **SCEP** (Shopping Cart Entitlement Program). I arrived on station at approximately 1146 hours and found fourteen (14) stolen and abandoned shopping carts. *A 17% increase as to the number of stolen and abandoned shopping carts from last week is hereby recorded.*

The perennial garbage pile (herein PGP) has mysteriously been reduced in size. Does this mean the "rats" have eaten it down from its size last week? Or, has the City of San José picked up only a portion of it (as usual) and left a residual so the rats will not starve through the week? It is always a certainty that the City of San José does not pick up all of the garbage.

Now that Councilmember Liccardo is in full campaign mode; the PGP, stolen and abandoned shopping might receive some well overdue corrective remedy. There is talk in Slum District 3 that a campaign stop at, North Tenth Street @ Horning Street, is scheduled.

It appears that Councilmember Liccardo wants a "photo opportunity" with the rat contingent of Slum District 3 in reference to the "Inclusionary Housing Policy" which he championed earlier last year.

The "**Inclusionary Housing Policy**" is popular with the rat community (as well as the communist party) and Councilmember Liccardo is wasting no time to solidify the "rat" base of support. The Downtown Business Association so far has not commented on this issue.

Meanwhile...back in Slum District 3...discussion of including the partition of Slum District 3 into two distinct "sub-slums" is gaining momentum as a ballot imitative for both the June and November ballot. Councilmember Liccardo is favoring a "sudden death" approach to the voting, hoping that most of the voters are too traumatized by the rats to get out and in vote. The rats have threatened to eat the voters.

Councilmember Kalra, a strident opponent to any rat influence in the City of San José is quietly awaiting the decision of the voters of Slum District 3 whether or not to offer District 2's governing over this out of control province. Of course this is contingent on the voters of Slum District 3 not being eaten by the rats; prior or subsequent to, the first ballot in June. There is always a caveat when it is not wanted...or needed.

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

Mi Pueblo (3), "Unmarked" (2), PW Supermarket (2), WalMart (1), 99 Ranch market (1), Costco (1), Zanottos (1), Safeway (1), Mercado Suviana (1), and Savers (1).

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

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

*Respectfully submitted,*

*David S. Wall*  
03.18.10

Cc: City Attorney / City Auditor / City Manager

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

PUBLIC RECORD *g*

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2010 MAR 18 P 4: 16

March 18, 2010

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

**Re: JPA: Joint Powers Agreement or "Job Propagation Act"**

**Highly paid (but soon to be laid off) San José and County Administrators scramble for jobs.**

**Taxation without Representation...get your "Tea Bags"!**

**Silicon Valley Regional Operability Authority (SVRIA) is structurally flawed.**

**The Santa Clara Valley Habitat Plan (SCVHP): Full Employment Act for Lawyers.**

The San José Council is poised to hoist; two (2) Joint Powers Agreements (JPA) upon the unsuspecting and uninformed public. Both issues will have significant cost implications that should require prior VOTER approval.

The first is the **Santa Clara Valley Habit Plan (SCVHP)** which has so many material flaws that it will serve as the "full employment act" for any and all attorneys who want to make a quick buck...even a slow buck, there will be plenty of "causes of actions" to go around.

The second is the **Silicon Valley Regional Operability Authority (SVRIA)**, another financial boondoggle marketed to provide "neutral oversight" over emergency communications on a regional basis. San José Taxpayers loose "big time" in this "neutrality".

Both the (SCVHP) and the (SVRIA) *will not*, let me repeat; *will not be approved* by the VOTERS. The VOTERS will only get to pay for these burgeoning entities as they grow in employees year after year. JPA's: "Taxpayers get no say, just get to pay"!

Both the (SCVHP) and the (SVRIA) could provide a haven for; City of San José, Santa Clara Valley Water District, Santa Clara County (proper) and "lesser municipalities" highly paid job opportunities for soon to be "laid off administrators".

**The infrastructure requirements for these entities such as; operations, maintenance, management staff, retirements and benefits *are not* even mentioned in these reports. Why?**

The mechanism for representation for the (SVRIA) alone is scandalous. San José Taxpayers will be subsidizing this program with only two (2) representatives on a nine (9) member JPA Board of Directors. Santa Clara County (proper) and others "rape and pillage"!

I strongly recommend placing both JPA issues on the June and November Ballots.

*Respectfully submitted,*

*David S. Wall*  
03.18.10

Cc: City Attorney / City Auditor / City Manager