



# Memorandum

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

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

**SUBJECT:** The Public Record  
January 26-February 1, 2007

**DATE:** February 2, 2007

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## ITEMS TRANSMITTED TO THE ADMINISTRATION

## ITEMS FILED FOR THE PUBLIC RECORD

- (a) Letter from Sanjeev Bery San Jose Director of American Civil Liberties Union of Northern California (ACLU) to Mayor Reed and City Councilmembers dated January 24, 2007 regarding Public Records Act Request .
- (b) Meeting Notice from State Water Resources Control Board to City Clerk Lee priced received on January 26, 2007 regarding two public California Environmental Quality Act Scoping Meetings.
- (c) Letter from David S. Wall to Mayor Reed and City Council dated January 26, 2007 regarding the Environmental Services Department.
- (d) Letter from the Honorable Jim Beall to the Mayor and City Council dated January 26, 2007 regarding the Silicon Valley Rapid Transit Corridor Project.
- (e) Email received on January 28, 2007 to Mayor Reed regarding San Jose Grand Prix.
- (f) Letter from David S. Wall to Mayor Reed and City Council dated January 30, 2007 regarding Environmental Services Department: 2<sup>nd</sup> Installment.
- (g) Letter from David S. Wall to Bill Brill Chair of the Civil Service Commission dated January 30, 2007 regarding investigation request.

- (h) Letter from David S. Wall to Mayor Reed and City Council dated January 31, 2007 regarding Shark Byte Records-San Jose.



Lee Price, MMC  
City Clerk

LP/np

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  
Public Information Officer  
San José Mercury News  
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Public Record  
a



SAN JOSE OFFICE  
111 North Market Street  
Suite 940  
San Jose, CA 95113  
ph: 408.282.8970  
fax: 408.282.8975

San Jose Mayor Chuck Reed  
San Jose City Councilmembers  
City Manager Les White  
200 East Santa Clara Street  
San Jose, CA 95113

January 24, 2007

Re: Public Records Act Request

Dear Mayor, Councilmembers, and City Manager,

We are writing to request that the San Jose City Council add to its agenda a discussion of the San Jose Police Department's practices regarding public release of information on SJPD Taser usage. We seek your assistance in obtaining SJPD use of force and incident reports outlining how Tasers are being used. Without this information, it is difficult to review SJPD implementation of the new Taser rules announced in December of 2005. To date, the SJPD has not provided information we have requested under the California Public Records Act.

We are concerned because the SJPD has repeatedly denied public access to its use of force reports and incident reports. Without access to these reports, the public has no way to independently review the implementation of SJPD policies.

At a time when the City of San Jose is moving towards greater openness, the SJPD has not taken similar steps with regards to police reports.

***Background: The ACLU's Interest in Tasers and the San Jose Taser Regulations***

For the last two years, the ACLU has been concerned about the rising number of Taser-related deaths as law enforcement use of the weapon grows. While we do not call for a ban on Tasers, we are troubled by the lack of independent medical research on their effects. We have called for stronger regulations on Taser use, both here in San Jose and throughout the region.

DAPHNE DELANEY, DONNA BROSBY, ROBERT CASTRANO, LISA HONG, ROBERTA SPIECKERMAN, NANCY PEMBERTON, DOROTHY M. EHREICH, MAYA HARRIS, ALAN SCHLOSSER, ANN ERICK, MARGARET C. CROSBY, TAMARA LANGR, JULIA HARUMI MASS, JORY STEELE, NATASHA MINSKER, MARK SCHLOSBERG, CHELSEY BRYANT, ERIKA CLARK, FRANCISCO LOPEZ, VALERIE SMALL, NAVARRO, JAYEN MALHOTRA

AMERICAN CIVIL LIBERTIES UNION OF

In September 2005, we released a report documenting the lack of Taser regulations by local police departments, including the SJPD. The report called for local policies regulating Taser use. It also included a model policy based on best practices throughout Northern and Central California.

In November 2005, the San Jose Independent Police Auditor released her annual report and issued a recommendation calling for tighter Taser regulations by the SJPD. After debate and discussion before the San Jose City Council, SJPD Chief Rob Davis issued Training Bulletin No 004-05, "Taser Usage Update," on December 1, 2005. The training bulletin is binding departmental policy and includes a range of restrictions on SJPD Taser use. Those restrictions include limits on the use of Tasers on vulnerable populations (children, pregnant women, the elderly), the number of Taser shocks that should be administered, the duration of such shocks, and the use of Tasers on people who are handcuffed or otherwise restrained.

### *Implementation of New Taser Guidelines*

In 2006, the ACLU of Northern California requested SJPD records to review how the new Taser guidelines were being implemented. Our goal was to compare SJPD use of Tasers for the six months *before* and *after* the new Taser rules were announced.

This request was prompted, in part, by a significant Taser-related death. In January 2006, Jorge Luis Trujillo died following an altercation with the police in which he was shocked 20 times with a Taser. In June 2006, Santa Clara County Medical Examiner Dr. Christopher Happy indicated that the shocks contributed to his death. This was of particular concern to the ACLU, both because of the dangers of multiple Taser applications as well as the new SJPD Taser guidelines that limited multiple applications. We were concerned about how the new policy was being implemented and applied.<sup>1</sup>

On June 7, 2006, we filed a Public Records Act request seeking the following:

- All SJPD use of force and police reports documenting Taser use during the six months before the new December 1, 2005 Taser guidelines were issued.
- All SJPD use of force and police reports documenting Taser use during the six months after the new December 1, 2005 Taser guidelines were issued.

We were cognizant of the need for confidentiality and did not want to jeopardize any active cases. For these reasons, we explicitly excluded from our request information related to ongoing investigations. The purpose of this request was to conduct an

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<sup>1</sup> We do not take a position on whether or not the Taser use in this case was justified. We have not investigated the case or reviewed the underlying documents. We mention this case simply to highlight the impact that multiple applications of a Taser may have on an individual and our concerns regarding repeated Taser shocks.

evaluation of how Tasers were being used by SJPd and what impact, if any, the change in policy was having.

On June 21, 2006, the SJPd responded that it would not provide any of the underlying use of force or police reports. However, it did indicate that “the department is in the process of preparing a TASER Usage Study...The report will cover the May 1, 2005 through April 30, 2006 time period. A copy of the report will be provided to you upon its release, estimated for July 2006.”

On July 5, 2006, we followed up with an additional letter urging disclosure of the requested reports and emphasizing the need for openness and transparency to engender public trust. We also reiterated that we were not seeking any documents that could possibly jeopardize an ongoing investigation.

It has now been over six months since that letter was sent. We still have not received the use of force reports and incident reports that we requested.<sup>2</sup> During this time, we have had several conversations with SJPd Chief Rob Davis and others in the Department regarding this issue.

On this subject, the SJPd position is clear: The Department will not release use of force and incident reports on Taser usage and will at best release only the minimum information required by law in response to Public Records Act requests. By denying access to these reports, the SJPd is preventing the public from independently reviewing local police practices.

Indeed, this is not the first time that the SJPd has refused to release the actual police records documenting how Tasers are being used. In 2005, the Department provided us with a Taser usage report that contained statistical and summary information, sometimes in vague terms. In April 2005, we sent a request under the Public Records Act for the underlying documents – use of force reports and incident reports. These records would have allowed us to conduct a more comprehensive and in-depth analysis. The Department responded, indicating that it would not provide this requested information.

### *Need for Openness and Request for Council Action*

San Jose deserves greater transparency and openness from the SJPd. While the City has taken great steps towards additional openness through the creation of the Sunshine Reform Task Force, we should not have to wait for the crafting of additional legislation to receive basic public information. SJPd transparency is especially important, because law enforcement depends on community trust to conduct its mission.

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<sup>2</sup> We also did not receive a copy of the Taser Usage Study that the Department had estimated would be released in July 2006. SJPd Chief Rob Davis informed us in a conversation on Tuesday, January 23, that the Taser Usage Study has been delayed. According to Chief Davis, it will be incorporated into a larger study on use of force that may be released in late February of this year. While it is good that the SJPd is conducting such a study, it is not a substitute for the release of the underlying police reports we are seeking.

Basic police reports and use of force reports should be provided to the public. The public should not be required to rely solely on summary information provided by the Department. The Public Records Act exists so that members of the public can conduct their own evaluation of government policy and practice. The SJPD should not be made the gatekeeper of all information – particularly when the requested information will not jeopardize an ongoing investigation, reveal a confidential source, or disclose other private information. It is worth noting that several other major police departments -- including the Oakland Police Department and San Francisco Police Department -- release this type of information.

We therefore urge you to calendar this issue for hearing. We further ask that if the SJPD continues to withhold the requested information from us, that the San Jose City Council request it as a public body.

Thank you in advance for your assistance in this matter. Should you have any questions please call Sanjeev Bery at (408) 282-8970 x 302.

Sincerely,



Sanjeev Bery  
San Jose Director  
ACLU of Northern California



Mark Schlosberg  
Police Practices Policy Director  
ACLU of Northern California



Linda S. Adams  
Secretary for  
Environmental Protection

# State Water Resources Control Board

## Executive Office

Tam M. Doduc, Board Chair  
1001 I Street • Sacramento, California 95814 • (916) 341-5615  
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100  
Fax (916) 341-5621 • <http://www.waterboards.ca.gov>



Arnold Schwarzenegger  
Governor

## REVISED: CHANGE OF MEETING DATE AND COMMENT PERIOD DEADLINE

### NOTICE OF TWO PUBLIC CALIFORNIA ENVIRONMENTAL QUALITY ACT SCOPING MEETINGS

Tuesday, February 20, 2007  
Coastal Hearing Room – Second Floor  
Joe Serna, Jr. Cal/EPA Headquarters Building  
1001 "I" Street, Sacramento, CA 95814

Beginning no earlier than 1:00 pm

1. **PROPOSED METHYLMERCURY OBJECTIVES FOR INLAND SURFACE WATERS, ENCLOSED BAYS, AND ESTUARIES IN CALIFORNIA**
2. **PROPOSED STATE POLICY FOR WATER QUALITY CONTROL, SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN RIVER DELTA AND TRIBUTARIES MERCURY DISCHARGE OFFSET POLICY**

**NOTICE IS HEREBY GIVEN** that the State Water Resources Control Board (State Water Board) staff will hold two California Environmental Quality Act (CEQA) scoping meetings to seek input on the scope and content of the environmental information that should be considered in:

1. Proposed methylmercury objectives for all inland surface waters, enclosed bays, and estuaries in California; and
2. A proposed State Policy for water quality control, San Francisco Bay, Sacramento-San Joaquin River Delta and tributaries mercury discharge offset policy (Bay-Delta mercury offset policy).

The purpose of the scoping meetings is to provide a forum for early public consultation on the development of both the proposed methylmercury objectives (fish tissue and/or water column) and proposed Bay-Delta mercury offset policy. These consultations will assist the State Water Board in determining the scope and content of the environmental information that the Responsible and Trustee Agencies, as well as other interested parties, may require.

*California Environmental Protection Agency*

Scoping is helpful to the State Water Board in identifying the range of actions, alternatives, mitigation measures, and significant environmental effects to be analyzed prior to the decision making process. Scoping has been found to be an effective way to bring together and resolve the concerns of affected federal, State, and local agencies, the proponent of the actions, and other interested persons including those who might not be in accord with the actions on environmental grounds.

A quorum of State Water Board members may be present at the scoping meetings. No action will be taken by the State Water Board at the scoping meetings.

### **DOCUMENT AVAILABILITY**

Individual informational scoping documents on both the proposed Bay-Delta mercury offset policy and the proposed methylmercury objectives may be obtained via the Internet on the State Water Board Web site at <http://www.waterboards.ca.gov>. You may also receive a paper copy of the proposed methylmercury objectives scoping document by writing Tom Kimball, Division of Water Quality, State Water Resources Control Board, 1001 I Street, Sacramento, CA 95814, or by contacting Mr. Kimball at (916) 323-9689, email: [tkimball@waterboards.ca.gov](mailto:tkimball@waterboards.ca.gov). You may also receive a paper copy of the proposed Bay-Delta mercury offset policy scoping document by writing Joanne Cox, Division of Water Quality, State Water Resources Control Board, 1001 I Street, Sacramento, CA 95814, or by contacting Ms. Cox at (916) 341-5552, email: [jcox@waterboards.ca.gov](mailto:jcox@waterboards.ca.gov).

### **SUBMISSION OF CEQA SCOPING COMMENTS**

The State Water Board will accept both written and oral suggestions on the scope and content of the information included in the scoping documents. Comments should be limited to identifying the range of actions, alternatives, mitigation measures, and potential significant environmental effects to be analyzed in-depth in the development of these CEQA projects. All submissions must be received on or before February 28, 2007. Written comments should be submitted to: Song Her, Clerk to the Board, Executive Office, State Water Resources Control Board, P.O. Box 100, Sacramento, CA 95812-0100. (Fax: 916-341-5620 or email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)). Please indicate the project you are commenting upon in the subject line, "Comment Letter – Bay-Delta Mercury Offset Policy" or "Comment Letter – Methylmercury Objectives." Electronic submission via email is preferred.

An audio broadcast of the meeting will be available via the Internet and can be accessed at: <http://www.calepa.ca.gov/broadcast/>.

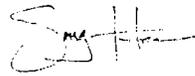
## **PARKING AND ACCESSIBILITY**

For directions and parking information, please refer to:  
[http://www.waterboards.ca.gov/centralvalley/contact\\_us/sacto\\_location.html](http://www.waterboards.ca.gov/centralvalley/contact_us/sacto_location.html). The facilities are accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Mr. Adrian Perez at (916) 341-5880 at least five working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

All visitors are required to sign in and receive a badge prior to attending any meeting in the building. The Visitor and Environmental Services Center is located just inside and to the left of the Cal/EPA Building's public entrance. Valid picture identification may be required due to the security level. Please allow up to 15 minutes for receiving clearance, and then proceed to the Coastal Hearing Room.

January 26, 2007

Date



Song Her  
Clerk to the Board

Public Record  
C

David S. Wall  
455 North San Pedro Street  
San José, California 95110  
Phone (408) - 287 - 6838  
Facsimile (408) - 295 - 5999

RECEIVED  
San Jose City Clerk

January 26, 2007

2007 JAN 26 P 4: 01

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

**Re: Why senior administrators should lose their jobs.**

YOU REALLY do not need to be constantly informed of serious and ongoing problems with Environmental Services Department (ESD) and Human Resources (HR) on the same nagging issue. But, I really guess YOU do, because the Interim City Manager does not seem interested or capable to resolve the problem. The nagging problem concerns the hiring process for (3) SENIOR ENVIRONMENTAL INSPECTOR positions at ESD.

Enclosed are two copies of emails sent from Deputy Director Gibbs of Human Resources. Each is different in that an employee either is selected for further participation or rejected from participation in the hiring process.

FOR THE RECORD, these emails were sent to my home computer. The employees wanted to remain anonymous for they are mindful of retaliation. This means I cut the numerical descriptors off their emails as well as redacted their names and on the acceptance and rejection copies; the date time and place was also redacted. The text of the message was left intact.

One of the rejected employees has well over fifteen (15) years as an Environmental Inspector and a Masters Degree in Chemistry. Not to mention a lengthy, detailed response to the supplemental questionnaire. Another rejected employee has two degrees, one in Chemistry and one in Biology thirteen (13) years as an Environmental Inspector and four (4) years as a Laboratory Technician II in the Water Pollution Control Plant's laboratory.

One employee, who was selected to continue in the process, has no college chemistry background at all.

These were just three (3) examples chosen out of nineteen (19). It gets worse.

Only the Auditor could accurately account for the total loss of taxpayer dollars to date of this ongoing fiasco, bungled first by ESD senior administrators, then further bungled by those responsible at HR. Ultimately, the Interim City Manager has to, in theory, atone for this growing catastrophe. But, that is not entirely correct either.

Our honorable City Auditor will have to account for the cost of this unnecessary and avoidable catastrophe.

Our honorable City Attorney will have to litigate the unnecessary and avoidable catastrophe.

The taxpayers will pay for this unnecessary and avoidable catastrophe.

The senior administrators responsible will look sheepish (for just a short while) and YOU will gaze at one another during executive session while someone mutters a comforting, "don't worry, someone will cover this mess up."

Cc: City Attorney / City Auditor / Interim City Manager  
Civil Service Commissioners  
Foreperson-Santa Clara County Grand Jury

Respectfully submitted;

David S. Wall  
01.26.2007

**From:** Gibbs, Arlene

**Sent:** [REDACTED]

**To:** [REDACTED]

**Subject:** Sr. Environmental Inspector Recruitment

Human Resources has carefully reviewed your application and your responses to the supplemental questions for the position of Sr. Environmental Inspector. An evaluation of these materials enabled us to determine how your background, education and experience could be applied to the minimum qualifications and desirable qualifications for this position as expressed in the job announcement.

We regret to inform you that you will not be advancing to the interview process.

Those candidates advancing to an interview demonstrated a greater number of the following desirable qualifications in their application materials:

- Ability to lead field staff
- Ability and knowledge of the use of complex database systems
- Ability to understand complex regulations
- Ability to develop, coordinate and conduct staff training
- Ability to deal effectively with a variety of stakeholders

Although you possessed some of the desirable qualifications for this position, you were not selected to be interviewed for the following reason:

The description you provided of your job duties in the employment history and your responses to the majority of supplemental questions did not provide sufficient detail to evaluate your qualifications for this position.

Thank you for your interest in the position of Sr. Environmental Inspector. If you have

questions regarding this notice, please feel free to call me at 408 975-1439.

Sincerely,

**Arlene Gibbs, SPHR IPMA CP**

Deputy Director Human Resources

City of San Jose

200 East Santa Clara Street

San Jose, CA 95113-1905

408 535-1285 Voice

408 993-0139 Fax

arlene.gibbs@sanjoseca.gov

**From:** Gibbs, Arlene  
**Sent:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Sr. Environmental Inspector Interview

Congratulations. You are scheduled for an interview for the position of Sr. Environmental Inspector on the following date and time.

**DATE:** [REDACTED]  
**TIME:** [REDACTED]  
**PLACE:** [REDACTED]

The interview will last approximately 45 minutes. Please check in with the 10<sup>th</sup> Floor receptionist and wait in the lobby until you are called.

Please bring 4 copies of a detailed employment history, or resume, and 4 copies of a report that you have written or one in which you have been a principal contributor.

Your employment history, or resume, should include the start and end dates and job duties of each individual position you have held with the City of San Jose as well as any employment with a different organization.

The sample report can be a draft or finished document, or a major section of a larger document, for which you were the sole or principal contributor (if there were other contributors, please indicate who they were).

In addition, please bring the names of 2 or more business references (individuals who are not related to you and are familiar with your work history).

Parking is available in the employee parking garage across from City Hall. Validated parking is also available in the garage under City Hall (entrance off Sixth Street ) if you do not have access to the employee garage.

Please confirm your plans to attend the interview with an email response to me. If you have questions, please contact Sarah Nunes at 975-1458.

**Arlene Gibbs, SPHR IPMA CP**  
Deputy Director Human Resources

City of San Jose  
200 East Santa Clara Street  
San Jose, CA 95113-1905  
408 535-1285 Voice  
408 993-0139 Fax  
arlene.gibbs@sanjoseca.gov

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0024  
(916) 319-2024  
FAX (916) 319-2124

Assembly  
California Legislature

JIM BEALL JR.  
ASSEMBLYMEMBER, TWENTY-FOURTH DISTRICT

Public Record d  


January 26, 2007

Honorable Mayor and City Council  
San Jose City Hall  
200 E. Santa Clara  
San Jose, CA 95113

Mayor Chuck Reed and City Councilmembers,

Attached is a letter I forwarded to The Honorable Marian Bergeson, Chairperson of the California Transportation Commission. On February 1<sup>st</sup> the California Transportation Commission (CTC) will consider two allocation requests regarding the Silicon Valley Rapid Transit Corridor Project. I fully support the Silicon Valley Rapid Transit Corridor Project which consists of a 16-mile extension of the Bay Area Rapid Transit to San Jose. I have collected signatures from the local legislatures pledging the support for the funding for BART.

I look forward to working with you to bring Bart to San Jose. If you would like to speak to me regarding this matter, please contact me at (408) 282-8920.

Sincerely,

  
The Honorable Jim Beall

Cc: James R. Helmer, Director of Transportation



STATE CAPITOL  
 P.O. BOX 942849  
 SACRAMENTO, CA 94249-0024  
 (916) 319-2024  
 FAX (916) 319-2124

# Assembly California Legislature



**JIM BEALL JR.**  
 ASSEMBLY MEMBER, TWENTY-FOURTH DISTRICT

January 19, 2007

The Honorable Marian Bergeson  
 California Transportation Commission  
 1120 N Street (MS-52)  
 Sacramento, CA 95814

Dear Chairperson Bergeson:

It is our understanding that at its February 1, 2007, meeting, the California Transportation Commission (CTC) will be considering two Traffic Congestion Relief Program (TCRP) allocation requests from the Santa Clara Valley Transportation Authority for the Silicon Valley Rapid Transit Corridor Project. These allocation requests are as follows: (1) approximately \$151 million reimbursement for 35 percent design pursuant to a Letter of No Prejudice (LONP) that was previously executed between the Commission and the Valley Transportation Authority; and (2) approximately \$213.5 million for 65 percent design to be performed on the project over the next two calendar years. We support these allocation requests and respectfully ask the CTC to approve them on February 1, 2007.

As you and the other Commissioners know, the Silicon Valley Rapid Transit Corridor Project consists of a 16-mile extension of the Bay Area Rapid Transit (BART) regional heavy rail system to San Jose, the largest city in the Bay Area and the 10th largest in the country. This project is vital to the future of Silicon Valley. It will:

- Carry a significant number of passengers, with 2030 ridership currently projected at 111,500 average weekday boardings.
- Relieve severe traffic congestion along key travel corridors in the Bay Area, specifically I-880 and I-680.
- Accommodate future travel demand. Growth in corridor travel is anticipated to be 52 percent over the next 20 years.



California Transportation Commission  
TCRP Funding Request  
Page 2

- Generate a significant amount of economic activity in the region.
- Improve access to employment, education, medical, and retail centers.
- Enhance regional connectivity. The project represents the last link needed to complete the connection of all of the region's rail systems around San Francisco Bay.
- Tie together the region's three major metropolitan centers: San Jose, San Francisco and Oakland.
- Maximize public transit usage by provide efficient and convenient passenger connections to the existing BART system, the Altamont Commuter Express, Caltrain Commuter Rail, Capitol Corridor Intercity Rail, Amtrak, Valley Transportation Authority buses and light rail, and California's proposed high-speed rail system.

Over the next two years, the Valley Transportation Authority is proposing to use a combination of local and TCRP revenues to advance significant project development work on the Silicon Valley Rapid Transit Corridor Project, including 65 percent design and federal environmental clearance. This work will culminate in a Record of Decision for the project from the Federal Transit Administration in late 2008.

In November, 2000, the voters of Santa Clara County, by 70 percent majority, approved a half-cent local transportation sales tax for 30 years, which would provide more than \$3 billion for the Silicon Valley Rapid Transit Corridor Project. Six years later, polls indicate that this project is still strongly supported by the residents of Santa Clara County.

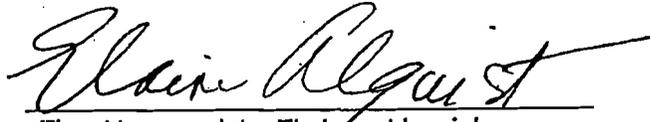
When the Traffic Congestion Relief Act of 2000 was enacted, Santa Clara County's Senate and Assembly delegation worked diligently to ensure that the Silicon Valley Rapid Transit Corridor Project would be included in the program, given that the project is such a high priority for our area. The Valley Transportation Authority has now completed 35 percent design and is ready to be reimbursed with TCRP funds for this phase of work under the terms of the LONP. The Authority also is in a position to be able to spend \$213 million of its remaining statutory allotment of TCRP funds for 65 percent design, which would be cash-flowed over the second half of the current fiscal year, FY 2008 and the first half of FY 2009. Therefore, we respectfully ask that the Commission approved the Valley Transportation Authority's two allocation requests for this important project.

California Transportation Commission  
TCRP Funding Request  
Page 3

Thank you for your consideration.

Sincerely,

  
The Honorable Jim Beall, Jr.

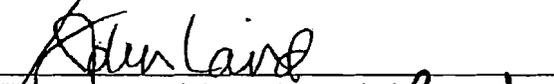
  
The Honorable Elaine Alquist

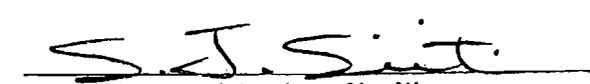
  
The Honorable Anna Caballero

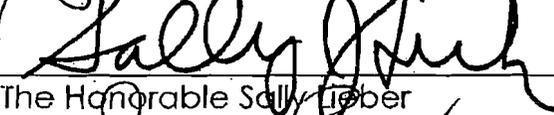
  
The Honorable Ellen Corbett

  
The Honorable Joe Coto

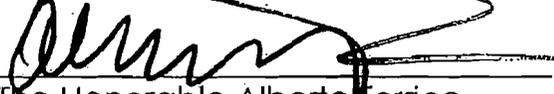
  
The Honorable Able Maldonado

  
The Honorable John Laird

  
The Honorable Joe Simitian

  
The Honorable Sally Lieber

  
The Honorable Ira Ruskin

  
The Honorable Alberto Torrico

cc: CTC Commissioners  
John Barna, Executive Director, CTC  
Will Kempton, Director, Caltrans

**Pimentel, Nora**

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**From:** Price, Lee  
**Sent:** Monday, January 29, 2007 10:14 AM  
**To:** Pimentel, Nora  
**Subject:** FW: San Jose Grand Prix

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└  
Untitled Attachment

Public Record

-----Original Message-----

From: Agendadesk  
To: Price, Lee  
Sent: 1/29/2007 8:10 AM  
Subject: FW: San Jose Grand Prix

Forwarding this FYI.

Thanks.

-----  
Suzanne L Gordon, Legislative Secretary  
Agenda Desk | City of San José | Office of the City Clerk 200 East Santa Clara Street -  
Wing, 2nd Floor | San José, CA 95113  
408.535.1255 work | 408.535.1267 alt | 408.292.6207 fax [agendadesk@sanjoseca.gov](mailto:agendadesk@sanjoseca.gov)  
[suzanne.gordon@sanjoseca.gov](mailto:suzanne.gordon@sanjoseca.gov)

-----Original Message-----

From: Cheryl [<mailto:zappa@athenet.net>]  
Sent: Sunday, January 28, 2007 11:03 AM  
To: [mayoremail@sanjoseca.gov](mailto:mayoremail@sanjoseca.gov)  
Cc: [AgendaDesk@sanjoseca.gov](mailto:AgendaDesk@sanjoseca.gov)  
Subject: San Jose Grand Prix

Dear San Jose,

Please stop the bickering and get behind your Grand Prix. Other cities are asking for races and promote their events with enthusiasm because they know what it does for their bottom line. All the negative press just fuels the naysayers and gives you a bad reputation. Realize there are entities that would like your race to fail because they see it as competition.

The IRL has been trying to sandbag the SJGP since it started. Now they are persuing a race in Palm Springs. Here's the article from the Desert Sun-

No need for speed just yet in consideration of Grand Prix

Racing in Palm Springs? Maybe, but not without planning

YOUR VOICE

Have something to say about it? Join the conversation in Talk of the Day

The Desert Sun  
January 26, 2007

If Palm Springs City Council strikes a deal to produce an Indianapolis 500-style racing event - during the typically slow, post-Labor Day tourist season in September - it could be a boon for hoteliers, restaurateurs and merchants in Palm Springs and across the valley.

But it must be done right.

The council soon will consider a proposal by the owners of the Indianapolis 500 and the Indy Racing League to produce the "Palm Springs Grand Prix" - a four-day event that could bring 135,000 people to the valley and would be internationally broadcast on ABC and ESPN. The Grand Prix would take place in September 2008.

Big business

About 1,500 people, those who travel with the race circuit, including pit crews, drivers, mechanics and officials, would be in town even longer. That means more hotel nights, more meals at area restaurants and more business for local stores and services.

Palm Springs is no stranger to street racing. The event would be similar to the Vintage Auto Racing Association races that took place in the city in the 1990s with marginal financial success for the promoters.

The difference would be a longer track: Vintage cars competed on a 1.2 mile course, while Indy cars motored through a 2.4 mile track.

And the Indy cars - and yes, these are the same cars that race around the track every May in Indianapolis - will go at much higher speeds, as much as 200 mph in straightaways. The vintage cars, on the other hand, traveled a comparatively slow 100 mph.

While we won't jump the gun and wave a green flag at the idea, we believe the event has the potential to be a landmark event for Palm Springs and the entire valley. It must be produced properly, of course, with community input and with the safety of residents, fans, tourists and drivers at the forefront of organizers' plans.

As far as safety is concerned, the track will be self-contained. The perimeter would be constructed with three-foot concrete racing barriers.

On top of the barriers would be a 12-foot, chain-link fence that would catch any debris, said John Raymond, the city's director of community and economic development.

In the past, some of the vintage car races were held in the area of Section 14 - around Indian allottee land near the Convention Center, said Rob Parkins, general manager for the Palm Springs Aerial Tramway.

Parkins served as Palm Springs city manager when then-Mayor Sonny Bono first proposed the idea for the races.

Parkins said the only logistical problem he remembered during those days was the difficulty in getting permits from some allottees allowing the cars to travel in the vicinity of their land.

The decision of where to locate the event is one of the most important decisions the council and organizers will have to make.

As City Manager David Ready has acknowledged: "We have to do it in a way that the city doesn't shut down." We couldn't agree more.

Move cautiously

City officials are not yet certain what it will cost to host the event.

Obviously, we will want to make certain appropriate financial safeguards are instituted. If the City Council gives a go-ahead to negotiating with the group, the city will have 145 days to come up with the logistics. For example, more than two miles of city streets would need to be repaired - meaning no potholes - to allow the cars to reach up to 200 mph. Council will consider the event again at its Feb. 7 meeting. We urge them to keep moving forward, but under a caution flag to make sure this potentially lucrative event is fully studied.

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I think this would be a GREAT event for Palm Springs. Think about how many people would come to the Coachella Valley to view this race... Racing has become a very big crowd pleaser. As for the local businesses...the out of towners will have to SPEND MONEY...Hotels, Resturants, Shops, and MORE....will benifit! It is time for Palm Springs to step out of the Village mentallity..as set forth by Frank Bogart and friends. I love Palm Springs and I want it to do better everyday....So I support this and I encourage you to voice that sediment to the City Council...  
David

Posted by: DavidYakima on Sat Jan 27, 2007 10:03 pm

This is easily a win-win situation for our city. I say bring them!  
Who wouldn't want the top level of American open wheel racing showcasing our city?

Posted by: MarkC on Fri Jan 26, 2007 11:51 am

<<...>>

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RECEIVED  
San Jose City Clerk

2007 JAN 30 P 4: 31

**January 30, 2007**

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

**Re: Why senior administrators should lose their jobs: 2<sup>nd</sup> Installment.**

The ongoing issue over the hiring of (3) SENIOR ENVIRONMENTAL INSPECTORS at the Environmental Services Department (ESD) illustrates the necessity to expedite implementation of REFORM # 34 for ten (10) reasons.

1. Corruption in the hiring process by Senior Administrators at ESD.
2. Lack of oversight by Human Resources and Employee Relations.
3. Lack of control from the Office of the City Manager.
4. Involvement of Civil Service Commission.
5. Involvement of City Attorney.
6. Eventual involvement of City Auditor.
7. Possible involvement of the San José Police Department.
8. Possible involvement of the Santa Clara County Grand Jury.
9. Possible involvement of the San José Mercury News.
10. Possible involvement of other outside agencies.

All ten reasons could have been avoided however; ESD has had a chronic problem since the creation of this department in the area of personnel matters. In other words, administrators at ESD do not follow policy or procedural guidelines and somehow are not held accountable.

YOU must realize that decisions by ESD senior administrators; concerning the hiring of employees, may have effects that last for decades, long after YOU have turned into political dust.

Why should the taxpayers continually absorb the costs flowing from of this type of sub-standard administrative behavior?

This matter should have never happened. But at ESD, it occurs frequently. Why?

This is why senior administrators; "At Will" employees who are highly compensated, should lose their jobs but, somehow this does not happen. Why?

Respectfully submitted;

**Cc: City Attorney / City Auditor / Interim City Manager**  
**Civil Service Commissioners**  
**Foreperson-Santa Clara County Grand Jury**

*David S. Wall*  
01.30.2007

Public Record 9

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San Jose City Clerk

2007 JAN 30 P 4: 30

January 30, 2007

Mr. Bill Brill  
Chairman  
Civil Service Commission  
200 East Santa Clara Street  
San José, California 95113-1905

**Re: Investigation Request SENIOR ENVIRONMENTAL INSPECTORS ESD.**

Chairman Brill and Honorable Commissioners;

Even though I will not be with you this Thursday the administration may attempt to rush you into a decision NOT to investigate and for good reason. They want to sweep this mess under the rug so as to not be held accountable for not obeying the rules.

I've tried to provide you with definitions of law pertinent to this case, but I have run out of time. But, the Attorney assigned to the Commission can fill in the other laws; violations of contract, tort and criminal.

As to the definitions I have provided, I just provided you with definitions. Cases cited in those definitions are probably not useful as applied to the matter before you. The definitions themselves are on point.

From my perspective, the criminal laws broken by senior administrators, at ESD in this matter, is easily pictured by the following illustration. Take the Penal Code of the State of California, rip out all the pages. Then throw the pages in the air. Those pages that fall to the ground contain the laws that senior administrators at ESD broke. Those pages that stayed aloft contained laws they would have broken if they could have found a way to do so.

Remember, when you deal with senior administrators with our great City, try to understand why they make so much trouble for you and employees. I figure they are just frustrated, for no one else would hire them.

Respectfully submitted;

David S. Wall 01.30.2007

///  
///  
///

**Cc: City Attorney / City Auditor / Interim City Manager**

Public Records

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San Jose City Clerk

2007 JAN 31 A 10:41

**January 31, 2007**

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

**Re: SHARK BYTE RECORDS – San José**

On January 5, 2007 I wrote to YOU; “Revenue Source for Arts programs via profits from a Recording Studio.”

Reported in today’s San José Mercury News (1/31/2007) “The Valley”, front page an article entitled; “TEEN HEAVEN: MUSIC HAVEN – Youth center opens own recording studio”. You should read the article and afterwards, I sincerely hope that YOU realize the shame should heap on yourselves for being out done by a group of sixteen-year olds from Los Gatos.

These sixteen-year old kids from Los Gatos somehow received a \$23,000 grant from a non-profit Valley foundation. They were able to get assistance from Capitol Records in Los Angeles and the retailer Guitar Center.-All reported in the San José Mercury News article.

Now, what do the taxpayers and their kids of San José get to look forward for their “ARTS” future?

Duhhhh...let me think for just a minute or two... Oh, that’s right, the \$4 million dollar ARTS STABILIZATION FUND for the San José Repertory Theatre and American Musical Theatre to congenitally urinate away into nothingness.

Meanwhile, tonight in Los Gatos; at the “Venue” (the name of the teen center) during 6:30 to 7:30 p.m. at 4 New York Avenue, the next generation of recording engineers, electrical engineers, and musicians will be able to produce a product for cash, provide activities and educational incentives will make its’ public debut.

Meanwhile, in San José- the useless arrogant hype of; “The Capitol of Silicon Valley” misses another golden opportunity. But, it is still not too late.

Create a “State of the Art” recording studio of our own. Call it SHARK BYTE RECORDS. This will put San José on the map and musicians of all types will come.

P.S. Use the old City logo of the sheaf of wheat from now on. Dump the Sun and “The Capital of Silicon Valley” crap.

**Cc: City Attorney / City Auditor / Interim City Manager**

Respectfully submitted;

*David S. Wall*  
01.31.2007