



# Memorandum

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

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

**SUBJECT:** The Public Record  
June 1-7, 2007

**DATE:** June 8, 2007

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**ITEMS TRANSMITTED TO THE ADMINISTRATION**

**ITEMS FILED FOR THE PUBLIC RECORD**

- (a) Citizens' petition (455 signatures) entitled, "Please help save Down Town Hot Dogs", located at 35 South Second Street (on file in the City Clerk's Office)  
(Continued from June 1, 2007 Public Record)
- (b) Letter from TMobile to City Clerk Lee Price dated May 31, 2007, regarding OCI Site Number SF24667/San Jose, CA 95127
- (c) Letter from David S. Wall to Mayor Reed and City Council dated June 5, 2007 regarding Enforcement of Handicap Parking Ordinances
- (d) Letter from David S. Wall to Mayor Reed and City Council dated June 5, 2007 regarding Funding for the Independent Police Auditor
- (e) Letter from David S. Wall to Mayor Reed and City Council dated June 5, 2007 regarding Reed Reform #34 (Auditor staffing)



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  
Library

T-Mobile®

Public Record

(a)

RECEIVED  
San Jose City Clerk

2007 JUN -4 P 3: 21

May 31, 2007

City Clerk:  
Lee Price  
200 E. Santa Clara St.  
San Jose, CA 95113

**Re: OCI Site Number SF24667/ San Jose, CA.**

Dear Ms. Price,

General Order 159-A (GO-159-A) of the California Public Utilities Commission (CPUC) requires cellular carriers to send a notification letter of a utility's intent to construct a cellular facility to CPUC's Safety and Enforcement Division within 15 business days of receipt of all requisite local land use approvals. The notification letter shall state that such approvals have been received, or that no land use approvals are required.

As set forth in GO 159-A, copies of the notification letter are required to be served concurrently by mail on the local governmental agency. Where the affected local governmental agency is a city, service of the notification letter to the city shall consist of service of separate copies of the notification letter upon the City Manager, the City Planning Director and the City Clerk. In order to comply with these requirements, I have enclosed a copy of the notification letter for our project within your city limits.

If you have any questions or require additional information, please contact Rod De La Rosa at (925) 521-5948.

Sincerely,



Renee Davis  
Compliance Consultant  
Omnipoint Communications Inc.

Attachments

## ATTACHMENT A

### 1. Project Location:

Site Identification Number: SF 24667  
Site Name: Emmanuel Baptist Church  
Site Address: 467 N White Rd.  
County: Santa Clara  
Site Location: San Jose, 95127  
Assessor's Parcel Number: 592-15-021  
Latitude: NAD 83 37 22' 41"  
Longitude: NAD 83 121 50' 20"

### 2. Project Description:

Number of Antennas to be installed: 6  
Tower Design: Roof Top  
Tower Appearance: N/A  
Tower Height:  
A) Building Height 26' 6"  
B) Structure Height 10'  
C) Top of Antenna Height 36'6"  
*Lease Area:* **N/A**

### 3. Business addresses of all Governmental Agencies

**200 E. Santa Clara St.  
City Of San Jose**

### 4. Land Use Approval:

#### ***Building Permit***

No: 2007-011221-CI

Issued: 5/15/07

### 5. If Land Use approval was not required: Explain reason for exemption and attach documentation from the jurisdiction (i.e. copy of ordinance) that officially states exemption:



May 31, 2007

Safety & Enforcement Division  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

**RE: OCI Site Number SF24667/ San Jose, CA**

This is to provide the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California ("CPUC") that:

(a) The cellular company has obtained all requisite land use approval for the project described in Attachment A.

(b) That no land use approval is required because \_\_\_\_\_.

A copy of this notification is also being provided to the appropriate local governmental agency for its information. Should there be any questions regarding this project, or if you disagree with any of the information contained herein, please contact Rod De La Rosa at (925) 521-5948 of Omnipoint Communications, Inc. dba T-Mobile, USA corporate identification number U-3056-C.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Renee Davis'.

Renee Davis  
Compliance Consultant

c: City of San Jose

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

Public Record  
(b) RECEIVED  
San Jose City Clerk

2007 JUN -5 A 10: 20

**June 5, 2007**

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

**Re: Enforce Handicap Parking Ordinances**

Of late I have been confronted with a problem having the Handicap Parking Ordinance enforced.

There appears to be a point of confusion amongst our San José Police Officers on how the ordinance is to be enforced.

According to the Police, who have been told by a higher authority, a "Handicap Parking space" must have a "sign" erected as well as the painted "wheel-chair" designation on the parking surface. No sign means NO enforcement. This is wrong.

Please fix this problem promptly. Handicap people, including myself suffer enough. People who take our parking spaces because there is no posted sign are truly scum. Those politicians who support them are worse.

Please clarify and give directions to our Police Department.

Respectfully submitted,

David S. Wall 06.05.2007

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///  
///

**Cc: City Attorney / City Auditor / City Manager**  
**Chief of Police / San José Police Officers Association**

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

Public Record  
(C)

RECEIVED  
San Jose City Clerk

2007 JUN -5 A 10:19

June 5, 2007

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

**Re: Cut off funding for Independent Police Auditor**

Reported in "The Valley" section of the San José Mercury News (Friday, June 1, 2007) "Stun guns under fire again" depicted the Police Auditor unnecessarily (and self-servingly) fanning the emotional flames that the San José Police Department, the District Attorney and the Coroner require her oversight into the use of "stun guns" on the criminal element.

The San José Mercury News also quoted outside sources in their article that such an expansion of her duties was appropriate. This is simply Bull-Sh\$.

The Independent Police Auditor was created (if memory serves me correctly) as a mindless knee-jerk reaction to the Rodney King fiasco by the Hammer administration.

The Independent Police Auditor has never been needed and has never been "independent". **The position of Independent Police Auditor is an example of "political patronage"**. Always a woman attorney always appointed and not an elected position, the Independent Police Auditor has never served the interests of the public. **The Independent Police Auditor serves only the special interest groups and their attorney's who line up to sue the City every time a dutiful San José Police Officer is confronted with a dangerous situation and is justified in using the deadly force WE CITIZENS give them the authority to use.** There are multiple layers of investigative bodies already supported by the citizens to perform "oversight and investigative functions" of the Police Department.

Year after year, he Independent Police Auditor cries foul, "the Police are unnecessarily beating or shooting the poor innocent member of the criminal element" and she is anointed as savior. Aided by failing politicians seeking fame and credibility and a newspaper gasping for an increase in circulation, **the real victims of The Independent Police Auditor are the citizens of San José who have to fund this side-show and put up with her self-aggrandizing crap.**

If the position of Independent Police Auditor is truly needed, the position should be voluntary and elected. After all, if the Citizens of San José are forced to pay for manure to be heaped upon them by the useless, self serving Independent Police Auditor, the manure is cheaper at the local home improvement center.

**CUT OFF FUNDING FOR: The "so-called" Independent Police Auditor.**

Respectfully submitted,

David S. Wall

Cc: City Attorney / City Auditor / City Manager  
Chief of Police / San José Police Officers Association

06.05.2007

David S. Wall  
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San José, California 95110  
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(d) RECEIVED  
San Jose City Clerk

2007 JUN -5 A 10: 20

June 5, 2007

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

Re: Reform # 34

Despite the ongoing and unfortunate controversy within the Office of the Auditor, the business of the City of San José continues.

**Reform #34, the expansion of the Auditor's staff and responsibilities must not be influenced by the controversy of the day.**

What steps have you taken to expand the City Auditor's staff?

Respectfully submitted,

David S. Wall 06.05.2007

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Cc: City Attorney / City Auditor / City Manager