

Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

SUBJECT: The Public Record
February 13-19, 2009

DATE: February 20, 2009

ITEMS TRANSMITTED TO THE ADMINISTRATION

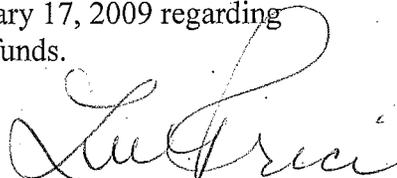
1. Letter from Babel Plumbing and Construction, Inc to City Clerk Lee Price dated January 12, 2009 regarding appeal for liquidation damages on Payroll for Santa Teresa Library project.

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Seven hundred forty five letters addressed to Mayor Reed and City Council received via email February 12-19, 2009 urging the Council take action to filter library computers.
(On file in the office of the City Clerk)
- (b) Postcard from Henri Vernacchia to Mayor Reed expressing concern that our local animal shelter may not be offering Trap-Neuter -Return as a program for outdoor cats.
- (c) Letter from Leslie Lee to Mayor Reed dated January 23, 2009 regarding animal abuse.
- (d) Letter from Jan Marijaq to Mayor Reed dated February 9, 2009 regarding parking citation.
- (e) Forty-six letters addressed to Mayor Reed and City Council dated February 10, 2009 urging continued funding for the Challenges and Choices Program.
(On file in the office of the City Clerk)
- (f) Letter from Veronique Mairesse to Mayor Reed concerned with the installation of a cell phone antenna in her residential area and the adverse health effects that can create.
- (g) Letter from Chairperson of the Library Commission Donna Lydon to Mayor Reed and City Council dated February 13, 2009 urging the Council to keep libraries open to serve the San Jose citizens.
- (h) Letter from President of Sherman Oaks Neighborhood Association Randi Kinman to Councilmember Oliverio dated January 12, 2009 requesting to maintain the Murray's bar site on Bascom Avenue in the City's inventory, for use as a future park site.
- (i) Letter from Annie Le to Mayor Reed dated February 12, 2009 urging the Mayor to support the idea of making San Jose, a ONE city.
- (j) Letter from David S. Wall to Mayor Reed and City Council dated February 18, 2009 regarding "The Ghetto life: Update on the SCEP".
- (k) Letter from David S. Wall to Mayor Reed and City Council dated February 18, 2009 regarding "Guadalupe Entitlement Program: Down by the river (Issue #1)".
- (l) Letter from David S. Wall to Councilmember Liccardo dated February 19, 2009 regarding "Does the City enforce garbage rules governing disposal and fee collection?".

Honorable Mayor and City Council Members
February 13, 2009
Subject: The Public Record February 6-12, 2009

- (m) Letter from David S. Wall to Mayor Reed and City Council dated February 19, 2009 regarding "Sunshine Reform Task Force: A haven for lobbyists and corporate special interests?"
- (n) Letter from David S. Wall to Mayor Reed and City Council dated February 19, 2009 regarding "(HNVF) should be modified into a Restricted Use Fund".
- (o) Email from Executive Director Patricia Gardner dated February 17, 2009 regarding HNVF funding and a proposal relating to shifting of HNVF funds.



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

Plumbing & Construction, Inc.

January 12, 2009

Subject: Appeal to City Clerk for Liquidation Damages on Payroll for Santa Teresa Library Project

To City Clerk;

With this letter, I would like to inform you that I had absolutely no intention of making such a mistake with our payrolls. I did not know that the URL (<http://www.dir.ca.gov/dlsr/2006-2/PWD/stc.xls>) to the web site we were provided; for determination of wages for the Mayfair Community Center was not the one to be used for other projects, as there was no ownership written on the DIR form and the date was overlooked. I honestly had no idea that I had to look for the "year" to be current. In fact, I just learned this by the help of Mr. Michael Crespan.

I was also told that the City of San Jose does not expect Robert Kaldani to pay himself restitution for the prevailing wage, but you are going to charge him for the liquidation damages anyway?

We understand that this is the law and its purpose. Isn't it obvious that one would not damage his name and his company's name to get penalized on purpose? We just want you to please understand my reason for the mistake, accept my apologies and know that if this mistake ever happens again, our company will be more than happy to accept the liquidation damages.

In addition, I would like to make a request for an appeal in person. There is a lot to be said and this situation deserves to be heard as Babel Plumbing & Construction, Inc. cannot afford such loss.

Sincerely,



Carmen Lucas

Cc: Robert Kaldani



Mrs. Henri Sue Vernacchia
1453 Callecita St.
San Jose CA 95125-4608



Dear Mayor Reed
San Jose

I am a resident of San Jose. I learned that tens of millions of cats are killed in shelters every year nationwide. I am concerned that our local animal shelter may not be offering Trap-Neuter-Return as a program for outdoor cats. The only way to reduce the number of cats in our community is to stop the breeding. Trap-Neuter-Return, the practice of neutering cats and returning them to their colonies, is the humane and affordable solution.

If you are contributing to the national tragedy affecting so many cats, I urge you to stop the killing. For more information on Trap-Neuter-Return, please visit www.alleycat.org.

Sincerely,

Name:
Address:

Henri Sue Vernacchia
1453 Callecita St San Jose CA

Do not write below this line

TO:
Mayor Chuck Reed
City Hall
200 C. Santa Clara St.
San Jose, CA 95113

PUBLIC RECORD b

Leslie Lee

PUBLIC RECORD c

Jan. 23, 2009

Office of Mayor Chuck Reed
200 East Santa Clara Street
San Jose, CA 95113

Dear Mayor Chuck Reed:
Re: Animal Abuse

There are no words horrible or cruel enough to describe what kind of abuse animals go through in San Jose, and I have witnessed these offenses toward domestic animals during this month. In order to put a stop to this problem, we need to take action immediately or domestic animals of all kinds will have to continue to suffer the torture by humans. We are not barbarians, and we shouldn't act so brutally against living creatures.

I suggest that the fines for abusing a pet in San Jose should be dramatically increased. Also, there are many animal protection programs in the city that always need donations from the citizens in order to not go bankrupt. I've seen a countless number of commercials asking for donations from people, and there's a simple solution to the problem of broke animal protection programs.

If the owners of cats, dogs, etc. pay a license fee for owning a dog, and that's where the money for animal protection will come from. England uses this policy, so we can follow their example because there is less abuse taking place there. Also, the people who enjoy abusing these animals would not want to pay a fee for animals that they torture. People will learn to value these domestic animals more if they are required to pay a fee for them.

Thank you for listening to my views and solutions for this problem and I hope that you take them to mind.

Sincerely,


Leslie Lee

RECEIVED JAN 23 2009

9 February 2009

City of San Jose
P. O. Box 11023
San Jose, CA 95103-1023

Re: Citation 93022168

CC:

✓ Mayor Chuck Reed
Chief of Police Rob Davis

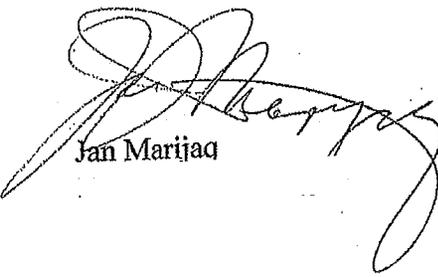
Dear Sir or Madam:

On October 17, 2008, I parked my Prius, license : at the meter with a yellow label
SFW203, on San Fernando Street at Almaden Avenue. The meter was faulty – I put in \$1.55 at
4:27 pm, and the meter showed 30 minutes.

At 4:42 pm, October 17, 2008, I called 408-534-2922, which the Parking Division had referred
to as the "Meter Shop" and reported the broken meter, leaving my phone number and requesting
a call-back. When I checked two weeks later, the meter was still broken and I had heard nothing
from the Meter Shop.

This citation is bogus, and I am sure you have had many complaints relating to this faulty meter.
Please notify me by return mail that this citation has been voided.

Sincerely,


Jan Marijac

TRANSMITTED VIA CERTIFIED MAIL

February 12, 2009

Mr. Chuck Reed
San Jose Mayor
200 East Santa Clara Street San Jose, CA 95113

RE: Site Number SF15006D – T-Mobile Cell Phone Antenna & Equipment Installation at
Pole Number 17V143 located at:

Dear Mr. Mayor,

T-Mobile is currently installing a cell phone antenna in our residential area. I would like to express to you my family's concerns about this project. We primarily worry about the adverse health effects from cell phone towers. Some studies, please see enclosed material, have indicated that exposure to radio frequency radiation represents a serious potential public health threat. The lamp post hosting this installation is only eleven feet away from our property. We are not against cell phone antenna, but the proximity of this type of equipment to residential areas worries us. In addition, we are not certain about the implications on real estate. We also do question the aesthetic of such installation in our neighborhood.

Therefore, Mr. Mayor, we would appreciate your support to relocate this wireless antenna to an open space away from our residential area. We are hopeful, Mr. Mayor, that you would be sensitive to our concerns and provide a positive feedback.

We are looking forward to your follow-up.

Thank you.

Best regards,



Veronique Mairesse

Attachment

Studies Show Adverse Health Effects From Cell Phone Towers

If you aren't sure that cell phone towers and masts are harmful the following study summaries should convince you. Below are listed six studies that have shown significant adverse health effects on people living near cell phone towers. According to Dr. Grahame Blackwell "these are the only studies known that specifically consider the effects of masts on people. All six studies show clear and significant ill-health effects. There are no known studies relating to health effects of masts that do not show such ill-health effects."
(6)

1. Santini et al. found significant health problems in people living within 300 meters of a cell phone base station or tower. The recommendation was made from the study that cell phone base stations should not be placed closer than 300 meters to populated areas. *Pathol Biol (Paris) 2002; 50: 369-373.*

2. A Netherlands Organization for Applied Scientific Research study entitled, "Effects of Global Communications System Radio-Frequency Fields On Well Being and Cognitive Function of Human Subjects With and Without Subjective Complaints" found significant effects on well being including headaches, muscle fatigue, pain, and dizziness from tower emissions well below the "safety" level.

3. Gerd, Enrique, Manuel, Ceferino and Claludio conducted a Spanish study called "The Microwave Syndrome" and found adverse health effects from those living near two cell phone base stations. The health effects included fatigue, a tendency toward depression, sleeping disorders, difficulty in concentration and cardiovascular problems.

4. From an Israeli study published in the *International Journal of Cancer Prevention*, Vol. 1, No. 2, April 2004, Wolf and Wolf reported a fourfold increase in the incidence of cancer in people living within 350 meters of a cell phone tower as compared to the Israeli general population. They also reported a tenfold increase specifically among women.

5. In the Naila Study from Germany, November 2004, five medical doctors collaborated to assess the risk to people living near a cell phone tower. The retrospective study was taken from patient case histories between 1994 and 2004 from those who had lived during the past ten years at a distance up to 400 meters from the tower site. The results showed that the proportion of newly developed cancer cases was significantly higher in those patients living within the 400-meter distance and that the patients became ill on average eight years earlier. In the years 1999 to 2004, after five years of operation of the transmitting tower, the relative risk of getting cancer had trebled for residents of the area in the proximity of the installation compared to the inhabitants of Naila outside the area.

6. An Austrian Study released in May 2005, showed that radiation from a cell phone tower at a distance of 80 meters causes significant changes of the electrical currents in the brains of test subjects. All test subjects indicated they felt unwell during the radiation and some reported being seriously ill. According to the scientists doing the study, this is the first worldwide proof of significant changes of the electrical currents in the brain, as

measured by EEG, by a cell phone base station at a distance of 80 meters. Subjects reported symptoms such as buzzing in the head, tinnitus, palpitations of the heart, lightheadedness, anxiety, shortness of breath, nervousness, agitation, headache, heat sensation and depression. According to scientists this is the first proof that electrical circuits in the brain are significantly affected by a cell phone tower. The distance in this study was a mere 80 meters.

Two-time Nobel Prize nominee Dr. Gerald Hyland, a physicist, had this to say about cell phone towers. "Existing safety guidelines for cell phone towers are completely inadequate. Quite justifiably, the public remains skeptical of attempts by governments and industry to reassure them that all is well, particularly given the unethical way in which they often operate symbiotically so as to promote their own vested interests."

Dr. Bruce Hocking did a study in Sydney, Australia, of children living near TV and FM broadcast towers, which by the way, are very similar to cell phone towers. He found that these children had more than twice the rate of leukemia as children living more than seven miles away from these towers.

Results in yet another recent study (7) conducted on inhabitants living near or under a mobile phone base station antenna yielded the following prevalence of neuropsychiatric complaints: headache (23.5%), memory changes (28.2%), dizziness (18.8%), tremors (9.4%), depressive symptoms (21.7%), and sleep disturbances (23.5%). In this study the participants were given a neurobehavioral test battery measuring such things as problem solving, visuomotor speed, attention and memory. Symptoms of exposed inhabitants were significantly higher than control groups.

Furthermore, Europe's top environmental watchdog group, European Environment Agency (EEA), is calling for immediate action to reduce exposure to mobile phone masts. EEA suggests action to reduce exposure immediately to vulnerable groups such as children.

The development of brain tumors in staff members working in a building in Melbourne, Australia, prompted the closing of the top floors of the building. The Royal Melbourne Institute of Technology is housed in the building. Seven staff members were diagnosed with brain tumors and five of the seven worked on the top floor. A cell phone antenna is located on the roof of the building. (8)

The Orange phone company in England is being forced to remove its mast tower on a building in Bristol, England. The removal is a result of a five-year effort by residents and local authorities to have the mast removed. Cancer rates in the building, which has become known internationally as the "Tower of Doom," have soared to ten times the national average for the 110 residents living there. The two masts sitting on the roof, one owned by Orange and the other by Vodafone, were installed in 1994. Vodafone has refused to remove its mast. (9)

Cell Phone Towers Affect Animals

Animals aren't exempt from exposure the cell phone tower radiation either. One veterinary school in Hanover, Germany, reports that dairy cows kept in close proximity to a cell phone tower for two years had a reduction in milk production in addition to other health problems including abnormal behavior patterns. (10)

Firefighters Vote To Suspend Cell Tower Construction On Fire Stations

Concerned about the effect that masts have on the nation's firefighters, The International Association of Fire Fighters voted in 2004 to voice its opposition to cell phone towers and antennas being place on and around fire stations. They want proof first that there isn't a safety issue and have asked for a moratorium on further construction and placement of any more towers or antennas on or around firehouses until such a study can be conducted.

For more information see

"http://www.treehugger.com/Cell_Phone_Towers.php"

Please see below this link as well. It is very informative

<http://sunnyvale.ca.gov/NR/rdonlyres/3CB200E3-01AE-493B-BAAA-79F7CF12946C/0/20081119Hollenbeck.pdf>

Please contact:

Mr. Jayme Dickson
City of San Jose
Department of Public Works – Real Estate
200 E. Santa Clara Street, 5th Floor
San Jose, CA 95113
Direct Line: 408-535-8453

Mr. Rod De La Rosa
Sr. Manager External Affairs
T-Mobile USA Inc.
1855 Gateway Blvd., Suite 900
Concord, CA 94520

Mrs. Karen McPherson
T-Mobile USA Inc.
1855 Gateway Blvd., Suite 900
Concord, CA 94520
Direct Line: 925-200-6328



San José Public Library
SAN JOSE LIBRARY COMMISSION

February 13, 2009

Dear Mayor Reed and City Council Members:

Library use is up 10% as tough economic times spur use both in San José and nationwide. Laid off workers use computers and free Wi-Fi service to check for jobs and apply online. Staff is assisting customers who have never before used a computer.

Families find libraries help their budget as they borrow books, music and DVD's, and bring children in for programs. Afterschool programs are well attended system-wide. For example, our Vineland Branch regularly has over 100 middle school students after school. Staff uses the community room to provide a safe place for study and other afterschool activities.

We know the council must make difficult financial decisions this year, but would remind you that in past years' budget priority setting sessions, funding libraries has consistently been a top priority. **Keep library doors open to serve San José citizens** - our customers - during this economic downturn.

The good news is that we celebrated the opening of the Pearl Avenue, Willow Glen and Joyce Ellington branches last summer (all under or at budget). This year the East Carnegie branch will open. Current libraries in the construction or design phase are Educational Park, Calabazas, Bascom, Santa Teresa, and Seven Trees. Our system has grown from 17 to 19 libraries requiring additional dollars to staff and maintain buildings at these new branches.

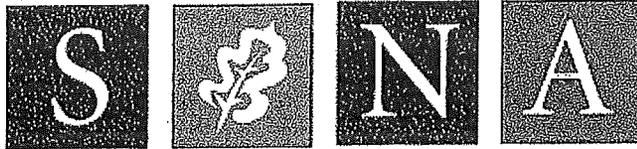
Innovative customer service models have made the San José Library system a nationwide model. Our library system operates at the highest level of efficiency, **servicing customers at half the cost per citizen** when compared to other local area libraries. San José libraries spend \$39 per capita and serve 2,660 residents per each FTE staff member. Compare that to Santa Clara libraries at \$78 per capita and 1,761 residents per FTE, and San Francisco libraries at \$89 per capita and 1,290 residents per FTE.

With 88% of the library's general fund budget dedicated to staffing, any significant cut in the budget will force a reduction in services and programs, especially those for children and young adults. A cutback of library hours and/or days of service would adversely affect all San José citizens, but especially our neediest users.

We feel strongly that, "Libraries will get you through times of no money better than money will get you through times of no libraries." (attributed to Anne Herbert, New Good Earth Catalog). Thank you for your continued strong support of San José's libraries.

Sincerely,

San José Library Commission
Donna Lydon, Chair



Sherman Oaks Neighborhood Association

February 12, 2009

Pierluigi Oliverio, District 6 Councilmember
200 East Santa Clara Street, 18th Floor
San Jose, CA 95113

Councilmember Oliverio,

At our January general meeting, SONA residents discussed the disposition of the Murray's bar site on Bascom Avenue. Our membership voted to request that the City of San Jose remove this property from any list of excess inventory to be sold. We support the Burbank/Del Monte Neighborhood Advisory Committee's (B/DM NAC) position and would ask that the land be maintained in the city's inventory for use as a future park site.

We realize that the property has defects when looking at it for a potential park site, but we consider those defects minimal as the site directly across the street is under construction for a community center and library. Neighbors have always been advised that the Bascom Community Center and Library will be provided with safe access across Bascom Avenue. This would mean that the Murray's bar site would benefit from pedestrian enhancements in this area. Pedestrian access to the neighborhood behind the site can be easily opened.

There are no properties owned by the City in the area that can be used as open space. Creating a park, whether it be with play equipment or a community garden, will provide open space for communities on both sides of Bascom Avenue that have been long neglected while acting as an incentive for future mixed use development that the City is planning in the future.

There rarely is an opportunity to hold onto a piece of land for future use or to use as a land bank. Based on the existing and future development in this area, this is the least expensive way to obtain land for community use in the long run. Our city's goals for higher density development walk able communities and parks within walking distance of all residents can be met by using this site. We can mitigate deficiencies in existing neighborhoods at the same time.

We do not believe that acquisition funding for this site is outside our current ability, even in these hard economic times. The B/DM NAC has funds available for land acquisition, the site is near creek trails and could qualify for county funds, outside resources such as Trust for Public Land can be approached and Redevelopment Agency funds can be shifted short term to allow us to transfer this property to the Parks, Recreation and Neighborhood Services Department. We are not asking for immediate development; we simply want the land in our land bank.

Our neighborhood is expected to absorb much of the high density housing of the future. We have never opposed redevelopment of our area, but do expect that the services (including park land) be provided. Selling this land will remove forever any chance of obtaining a parcel that can service the existing residents, much less the proposed new residents. Holding onto this parcel for public use is in the City's best interest for long term economic survival.

Randi Kinman, President
Sherman Oaks Neighborhood Association

cc: Mayor Reed and Councilmembers

Annie Le
0000 7

Mayor Chuck Reed
San José City Hall
200 East Santa Clara St.
San José, CA 95113

Dear Mayor Reed:

I am a student attending Andrew P. Hill High School and for my English class, my teacher, Mrs. Parker has assigned to us, a service learning project, in which, we choose a social issue to address and an organization to work with. Upon carrying out this assignment, we have chosen to face extreme poverty and cooperate with the ONE campaign (one.org).

The ONE campaign is a grassroots campaign and advocacy organization backed by more than 2 million people from around the world and every walk of life, who are committed to the fight against extreme poverty and preventable disease, particularly in Africa. To help raise awareness, the ONE campaign has adopted a proclamation known as the ONE Declaration, which states:

"WE BELIEVE that in the best American tradition of helping others help themselves, now is the time to join with other countries in a historic pact for compassion and justice to help the poorest people of the world overcome AIDS and extreme poverty. WE RECOGNIZE that a pact including such measures as fair trade, debt relief, fighting corruption and directing additional resources for basic needs - education, health, clean water, food, and care for orphans - would transform the futures and hopes of an entire generation in the poorest countries, at a cost equal to just one percent more of the US budget. WE COMMIT ourselves - one person, one voice, one vote at a time - to make a better, safer world for all."

By signing this, people alert their leaders of this issue, through the use of giving their voices.

Club T.W.O. (Teens Working as One) founded by my English class works with the ONE campaign utilizing the same methods. We raise awareness through presentations to our community, writing a newsletter, and weekly tabling events at our school during lunch every Tuesday.

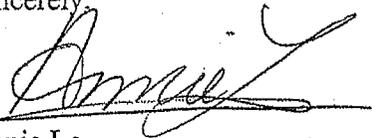
As seniors moving on to college, our goal is to make San José a ONE city by the time that we graduate in June 2009. This means that San José becomes a part of the ONE campaign, supporting it, and working along its side.

As a member of Club T.W.O., I am proud to be a part of making extreme poverty history, I am proud of the success my class achieved together through our hard work, and I am glad that my

that my teacher, Mrs. Parker, has provide me with the chance to give my voice and make a difference.

In writing this letter, I hope that you, Mayor Reed, will help us reach our goal and support our idea of making San José, a ONE city. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Annie Le", written over a horizontal line.

Annie Le

David S. Wall
Post Office Box 7621
San José, California 95150
Phone / Facsimile (408) - 295 - 5999

PUBLIC RECORD J

RECEIVED
San Jose City Clerk

February 18, 2009

2009 FEB 18 P 1:29

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, (02.16.09) approximately 1137 hours, I ventured over to North Tenth Street @ Horning Street to "take the pulse" of the SCEP (Shopping Cart Entitlement Program). I arrived on station and found nine (9) stolen and abandoned shopping carts. *A 25% decrease of theft of shopping carts from last Tuesday is hereby recorded. Severe inclement weather has recently been experienced.*

The garbage at this locale consists of: a single bed mattress and the "usual" residual garbage characteristic of a failed municipal administration "all over the place".

The breakdown of ownership of the stolen and abandoned shopping carts is as follows:
Unmarked (2)*, Toys "R" Us (1), 99 Ranch Market (1), Fry's Electronics (1), Trader Joe's (1), Mi Pueblo (1), Longs Drugs (1), and Ross (1).

There were two (2) stolen and abandoned shopping carts that had been "modified" by a person(s) unknown. They appeared to be Safeway and World Market shopping carts in which the sides and fronts were "sawed off" making them into "flatbeds". This is a new development that increases the "lift capacity" of the criminal element. It allows flexibility in moving larger, heavier items either stolen or scavenged.

Further investigation from last week indicates the alleged culprits live on the railroad tracks by Bayshore Highway under a bridge. I will consider investigating this area.

special note the overall cleanliness of Shopping carts in stores should be addressed by some government agency. Unsuspecting customers may use excrement coated shopping carts without knowledge.

Welfare Check of the New Shanty Town Resident(s) undertaken.

A "welfare check" to establish the status of any and all occupant(s) of the New Shanty Town along the railroad tracks proceeding Northbound on the railroad tracks from North Tenth Street @ Horning Street; was initiated and carried out. It's "a long walk" to Hector's hooch. Well over One hundred (100) yards.

There were three (3) "quasi" interviews this week.

Hector and Pedro were "lit up like Christmas trees", so drunk off their butts they could barely stand. So, they were not inclined to offer coherent conversation. Not to worry, being drunk in public is no longer enforced in District 3. The other gent declined to give his name and was too enthused for his turn at the "jug" to carry on a conversation. He did ask for a cigarette. His request for accommodation was refused. He didn't seem to mind the rejection and quickly took a long "swig" from the jug.

The "jug" was a forty (40) ounce bottle of "King Cobra, A Premium Malt Liquor", so the label states on a similar bottle that was empty and left discarded (with others) next to Hector's hooch.

All is well and peaceful in the Ghetto today.

Respectfully submitted,

Cc: City Attorney / Auditor / City Manager / Chief of Police
Director PBCE

David S. Wall
02.18.09

David S. Wall
Post Office Box 7621
San José, California 95150
Phone / Facsimile (408) - 295 - 5999

PUBLIC RECORD K

RECEIVED
San Jose City Clerk

February 18, 2009

2009 FEB 18 P 1:29

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

Re: Guadalupe River Entitlement Program (GREP): "Down by the River" (Issue #1)

The GREP; a popular program, sponsored in part by the *San José City Council* and in part by *Santa Clara Valley Water District (SCVWD)* permits anyone that is not wanted immediately by the Police, an entitlement to; camp, pollute, steal and commit other criminal offenses against society with virtual immunity.

After church, (Sunday, 02.15.2009 approximately 1223 hours) I ventured down to the Guadalupe River with the express intent to advise and warn the trespassing criminal element and some nice people of the dangers associated with high winds and flash floods.

The weather was exceptionally inclement. Moderate to heavy sustained cold rains with intermittent gusts of wind was the order of the day. Without the appropriate foul weather gear conditions were miserable. However, once under the canopy of the trees along the river bank, it was not so bad.

It would not be advised to traverse the well worn paths. Stay on the vegetation next to the well worn paths so as not to slip and fall, possibly falling into the "drink".

It is hard to gage the velocity of the water but it was fast enough to carry anyone away to the next world. This would include San José Firefighters who have been called upon to perform "rescues" using their rubber boat in the recent past. I saw a log, approximately eight (8) feet long, with a suitcase snagged on it. The log was traveling at such a high speed that if this log were to have hit a Firefighter in a rubber boat, the result would be "curtains". This area should be "off limits" to trespassers and "squatters".

A brief walk through Northbound from Coleman Avenue on the East bank of the Guadalupe River was initiated and carried out. A total of five (5) residents were warned of impending doom from heavy rains and winds. Fallen branches that could have inflicted serious bodily harm and general mayhem to the body were evidenced. According to testimony from most of the residents, neither the SCVWD nor the San José City Council, issued any warning of impending doom resulting from the severe winter rain storm.

The others refused comment and were in "no mood" for conversation of any sort.

All encampments that were visited this date utilize five gallon plastic buckets as toilets. The contents of the toilets (raw sewage) are routinely discharged directly into the Guadalupe River. The evidence of two "bucket toilets" on their sides with a "light brown mud" oozing down the embankment into the river was as disgusting as to the amount of trash and garbage that is characteristic of this area.

Do not confuse this truthful account as a scatological treatise of this area. The pollution is real, ongoing.

As I happened upon one encampment, I noticed a man urinating next to a tent. He was startled and said, "I'm just taking a piss". I asked him if the tent to which his urine was striking was his. He replied, "No, my tent is over there". He missed the point and "the bucket". There were three tents in close proximity. I warned him of the weather dangers. I gave similar weather warnings to others nearby.

On the positive side, wild Almond trees were in bloom and other vegetation associated with personal homes of a time long passed is present to the trained eye.

Photographs were taken. I'll report back soon.

Respectfully submitted,

Cc: City Attorney / Auditor / City Manager
SCVWD Board Members

David S. Wall
02.18.09

David S. Wall
Post Office Box 7621
San José, California 95150
Phone / Facsimile (408) - 295 - 5999

RECEIVED
San Jose City Clerk

2009 FEB 19 P 2:53

February 19, 2009

HAND DELIVERED TO COUNCILMEMBER LICCARDO'S OFFICE

Mr. Sam Liccardo, Esq.
Councilmember District 3
City of San José
200 East Santa Clara Street
San José, California 95113-1905

Re: Does the City enforce garbage rules governing disposal and fee collection?

The problem:

Property owner(s) or tenant(s), (however these person(s) are defined) pay for the minimum garbage service charged by the City of San José (City) when in reality, more garbage is generated at the property and hauled away to other locales for disposal.

Possible remedy in the form of questions:

This would entail four (4) issues at the time of this writing;

Purposeful Evasion- Does the responsible (or irresponsible) person(s) violate either (or both) Municipal or State Codes by removing garbage for transport and disposal in other locales to *evade* paying for an increased garbage service?

Criminal Fraud: at what point do the aforementioned parties to the illegal conduct commit *criminal fraud* against the City by *purposeful evasion of not paying* for the required garbage service to be in compliance with Code(s)?

Misrepresentation: at what point does the City initiate a cause of action when the aforementioned parties, make material misrepresentation(s) to City officials who are trying to reasonably calculate the required garbage service?

Deterrence and Punishment: How does the City determine collection methodologies predicated on the aforementioned misconduct in such a way to deter and punish?

Perhaps a "liquidated damage clause" should be applied to the next garbage bills with appropriate "outreach".

Respectfully submitted,

David S. Wall
02.19.09

Cc: City Attorney / City Manager
Director ESD / Director PBCE

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San Jose City Clerk

2009 FEB 19 P 2:53

February 19, 2009

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

Re: SUNSHINE REFORM TASK FORCE: A haven for lobbyists and corporate special interests?

Yesterday, at the Wednesday (02.18.2009) Open Government and Rules Committee Meeting (RULES) I reached my tolerance level of lobbyists and special interest corporate entities testifying that they represent the "community" with regards to their express "wish list" to gain access to San José Police Department Records and to expand data generation beyond the scope of reasonableness and budgetary reality.

I would like to voice my disgust on how the San José Mercury News was allowed to have any access whatsoever to participate as members of the Sunshine Reform Task Force (SRTF).

I would like to voice my disgust as to how at least two (2) San José Mercury News employees were chosen at all to participate as members of the SRTF.

I would like to voice my disgust as to the role of at least one (1) paid lobbyist was allowed to have any access whatsoever to participate as a member of the (SRTF).

All three aforementioned (Members SRTF) gave testimony that they represented the "community". What "community" are they referring to?

In Re San José Mercury News; this is a *special interest corporate entity* that is in the sole business of selling newspapers, period. It is a *conflict of interest* to have the San José Mercury News on any Task Force within the City government.

In Re "paid lobbyist"; this is a special interest party in the employ of a third party. It is a *conflict of interest* to have "paid lobbyists" on any Task Force within the City government.

As to the testimony tendered by an American Civil Liberties Union (ACLU) attorney, one I do not know as of this writing if this person is a SRTF Member, but to what "community" does this person refer to as representing, the community of convicted criminals and other malcontents? I really do not know.

All I do know is that my testimony was that of the sole; non-paid lobbyist, corporate entity, or ACLU attorney, citizen, who rose to question how "special interests" like the aforementioned, were allowed to participate on the SRTF in the first place.

I have initiated inquires into the practices of the SRTF.

I believe the SRTF process is a sham on the taxpayers. Paid lobbyists and special interest corporate entities formulating City of San José public policy? Not on my watch.

Respectfully submitted,

David S. Wall
02.19.09

Cc: City Attorney / Auditor / City Manager

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February 19, 2009

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

Re: (HNVF) should be modified into a RESTRICTED USE FUND

The Open Government and Rules Committee Meeting, Wednesday (02.19.09) is still better than anything on television. The drama, the abject stupidity, the usurpation of power, the tolerance of the inane are all present and are routinely hoisted upon the gallery. Even the boorish antics of Councilmember Oliverio are tolerated, unfortunately.

Last week at "Rules", Councilmember Oliverio's side show, to wit he pandered to a staged and controlled crowd of school officials, moms and pops under the alleged guise of funding cuts to the "Crossing guard" program. And the only salvation of the "Crossing guard" program was to cut the **Healthy Neighborhood Venture Fund (HNVF)** to pay for it.

This week at Rules, the dullard of District 6 repeated his falderal mantra concerning HNVF as the salvation of the Crossing Guard program. This time, Councilmember Oliverio received just deserved chastisement for alleged involvement in emotional gamesmanship for misleading the aggrieved concerning the only way to save the Crossing Guard Program was to raid HNVF. Councilmember Oliverio demurred, that he had no such dealings in the matter.

In my opinion, Oliverio's last two visits to Rules are a string of contretemps, the result of using the avatar of sophistry for political gain.

HNVF should be modified into a "restricted use fund". Too many good deeds come from this fund benefiting the public as a whole, in one way or another, than to allow it to be frittered away or worse-to be commingled in the general fund. HNVF should be protected.

The Crossing Guard Program", likewise, should have its own **"restricted use fund"** constructed from various *existing fund sources* yet to be determined by Council. But, this is too advanced for Councilmember Oliverio. Otherwise he would have put forth the aforementioned proposition himself in another attempt of *dues ex machina* at Rules.

So far, Mayor Reed, Council Members; Kalra, Liccardo and Pyle should get the "Lion's share" of public commendation for a job well done on behalf of safety in the cross walks. Especially Councilmember Pyle's dogged stance to maintain funding for the Crossing Guard Program.

As to Councilmember Oliverio, my advice; the next time you come to Rules to speak on HNVF, consider wearing a long flowing robe and a conical hat with moons and stars on it. In one hand wave a wand with a star attached at the tip back and forth while casting pixy dust from the other hand upon the assemblage. This will at least counter your boorish behavior and might convince others your position is the correct one. Not.

Respectfully submitted,

Cc: City Attorney / Auditor / City Manager

David S. Wall
02.19.09

From: Patricia Gardner [mailto:patriciag@svcn.org]
Sent: Tuesday, February 17, 2009 3:08 PM
Subject: SVCN Letter to Rules Committee related to HNVF

The City of San Jose Rules Committee will hear an agenda item tomorrow related to HNVF funding and a proposal related to shifting of HNVF funds.

SVCN recommends: The Rules Committee place Councilmember Oliverio and Constant's memo regarding a serious public safety concern into the budget process. We believe this memo is outside the budget process and planning the City is already conducting to evaluate cut targets and planning. We also request any other issues or decisions impacting HNVF funding be returned to the HNVF Committee which will ensure that all the facts, information, past full council actions, timing for funding and strategic planning will be considered.

SVCN on behalf of our 200 member agencies would like to present some information related to how the HNVF system benefits our community. HNVF funds go towards a myriad of services in our community. These HNVF services are provided throughout the city and all council districts. A nonprofit partnership creates a multiplier effect where the City is receiving additional revenue for their initial investment. SVCN has attached a list of the services provided with HNVF funds that amount to over \$13 million in services to the City of San Jose.



Patricia Gardner
Executive Director
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408 260-3915

SVCN
Sobrato Center for Nonprofits-San Jose
1400 Parkmoor Suite 130
San Jose CA 95126

SVCN Magnifies the influence and contribution of health and human service nonprofits in Santa Clara County.

If you do not want to receive email from SVCN please use REMOVE in the Subject line

Agency	Project Name
 ASIAN AMERICANS FOR COMMUNITY INVOLVEMENT OF SANTA CLARA COUNTY, INC.	Senior Wellness improves the health and wellbeing of Asian seniors through case management, nutritious lunches, ESL/Citizenship classes, and health and computer technology education
AFRICAN AMERICAN COMMUNITY SERVICE AGENCY	Beyond School Hours Program after-school program for at-risk elementary school, middle school and high school students,
 ALUM ROCK COUNSELING CENTER, INC	Turning Point Mentoring Program (TPM) assistance to youth in to overcome their personal and academic barriers
BAY AREA LEGAL AID	Senior Legal Advocacy Project legal services to low-income seniors.
BIG BROTHERS BIG SISTERS OF THE BAY AREA	San Jose School-Based Mentoring Project services to elementary students through one-to-one mentoring.
 BILL WILSON CENTER	<p>Project Safe Place: improves academic success and better prepare them for higher education and/or careers.</p> <p>School-Based Critical Incident Stress Management Service grief support for educators so they will be better prepared to support students and families after a critical incident has occurred</p>
BILLY DEFRANK LGBT COMMUNITY CENTER	LGBT Senior Services Program providing: nutrition and meal program, etc
BOYS & GIRLS CLUBS OF SILICON VALLEY	<p>Youth Technology Program instruction for low-income youth at three locations in San José</p> <p>SMART Moves peer support in areas of nutrition, fitness, and building resiliency for alcohol, tobacco, and other drugs.</p>
BREATHE CALIFORNIA OF THE BAY AREA	Fostering Tobacco Free preventing the initial and continued use of tobacco products. Communities
 Catholic Charities of Santa Clara County CHARITIES OF SAN JOSE	Support To At-Risk Seniors (STARS) Foster Grandparents, Friendly Visitors, and Long-Term Care Ombudsman services
CHILDREN'S MUSICAL THEATER SAN JOSE	Older Caregivers Respite and Support Services improves the health of older family caregivers
CITY YEAR, INC.	Healthy Stages promote an anti-tobacco message among children, teenagers, parents, and teachers.
 COMMUNITY PARTNERS FOR YOUTH, INC.	<p>City Year After School Homework and Enrichment Program after school tutoring and mentoring services and enrichment programs to elementary and middle school students</p> <p>Step-Up to Brighter Futures Program for at-risk youth</p> <p>Alcanzar Program that builds specific life-skills coaching, reinforcing participants to remain in school, graduate from high school, pursue higher education and aiding them in the realization of their potential.</p>

 <p>CROSS CULTURAL COMMUNITY SERVICES CENTER (CCSC)</p>	<p>Truancy Intervention Project (TIP) Specialized truancy case management services to at-risk youth ages 12-18 and their families.</p> <p>Juniors For Success (JFS) homework assistance and academic tutoring.</p>
<p>DEPARTMENT OF PARKS, RECREATION & NEIGHBORHOOD SERVICES</p>	<p>Addressing the Gaps in Aging Services</p>
<p>DIABETES SOCIETY OF SANTA CLARA VALLEY</p>	<p>Outreach and Education for Seniors with Diabetes screenings and health education classes for low-income, and under or uninsured.</p>
 <p>EHC LifeBuilders)</p>	<p>Markham Terrace Supportive Housing Program for Seniors for homeless seniors</p>
 <p>ESTRELLA FAMILY SERVICES</p>	<p>Weight, Worry, and Waffles Wellness Program health-related learning activities that help our students</p>
<p>ETHIOPIAN COMMUNITY SERVICES, INC.</p>	<p>After School Youth Program homework lab, counseling activity, and computer training to youth</p> <p>Senior Services translation/interpretation, information/referral and counseling services to low and moderate income older adults</p>
 <p>FRESH LIFELINES OF YOUTH, INC. ("F.L.Y.")</p>	<p>Legal Eagle at-risk teens, helps them graduate from high school with a career or vocational plan</p> <p>Law For Your Life assists middle school children to be prepared and understand</p>
 <p>FRIENDS OUTSIDE IN SANTA CLARA COUNTY</p>	<p>Tutoring and Educational Advocacy Program tutoring services for adjudicated youth with learning disabilities.</p>
<p>GENERATIONS COMMUNITY WELLNESS CENTERS</p>	<p>Spring Chickens</p>
<p>GOODWILL INDUSTRIES OF SANTA CLARA COUNTY</p>	<p>School-to-Career Program disabled youth for the work force of Silicon Valley and to reduce the risk of their dependence on public support.</p>
<p>GREATER SAN JOSE AFTER-SCHOOL ALL-STARS</p>	<p>League/After School Program Middle School Sports promote healthy lifestyles and life skills through after school programming.</p>
<p>HOUSING AUTHORITY OF THE COUNTY OF SANTA CLARA</p>	<p>SMARTS - Summer Youth Program readiness to succeed academically</p>
 <p>Let's make Silicon Valley the healthiest region in America. THE HEALTH TRUST</p>	<p>Meals on Wheels</p>

 <p>INDIAN HEALTH CENTER OF SANTA CLARA VALLEY</p>	<p>San Jose Native Youth Empowerment Program</p> <p>Coordinating Care for our American Indian Elders Program</p>
 <p>INTERNATIONAL CHILDREN ASSISTANCE NETWORK (ICAN)</p>	<p>Happy 5 Project (Nuoi Day Tre Vui Manh) Helping their children and youth succeed in school and provide opportunities for them to become confident, caring, and contributing adults.</p>
 <p>JEWISH FAMILY SERVICES OF SILICON VALLEY</p>	<p>To Life! A Wellness Program For Seniors assists low-income seniors in maintaining good health and independence</p>
<p>JUNIOR ACHIEVEMENT OF SILICON VALLEY AND MONTEREY BAY, INC.</p>	<p>Workforce, Readiness and Economic Education Program teaches students the skills and knowledge to plan and achieve higher education and career goals</p>
 <p>LIVE OAK ADULT DAY SERVICES</p>	<p>Senior Adult Day Care/Respite adult day care services for frail elderly and dependent, at-risk seniors</p>
 <p>MEXICAN AMERICAN COMMUNITY SERVICES AGENCY, INC.</p>	<p>MACSA Adult Day Health Care provides scholarships to low income, physically and/or mentally impaired seniors who are uninsured or have a Medi-Cal share of cost</p> <p>MACSA Adult Day Health Caregiver Support and Respite Project support services and respite from the day-to-day stress of caring for someone with Dementia or Alzheimer's.</p>
<p>MT. PLEASANT ELEMENTARY SCHOOL DISTRICT</p>	<p>F.A.M.E. (Family Advocate Model of Empowerment)</p>
<p>NATIVITY SCHOOLS OF SAN JOSE</p>	<p>Our Lady of Grace Nativity Middle School for Girls Sacred Heart Nativity School for Boys education to at-risk students in 6th to 8th grades who are in danger of dropping out of school and risking a lifetime of poor outcomes.</p>
<p>NEXT DOOR SOLUTIONS TO DOMESTIC VIOLENCE</p>	<p>Mature Alternatives To Violent Environments Now) domestic violence services to victims 50 years of age and older.</p>
<p>O'NEILL SEA ODYSSEY</p>	<p>San Jose Community Oceanography Program hands-on educational experience for elementary school children</p>
<p>OUTREACH & ESCORT, INC.</p>	<p>Senior Transportation Program subsidized transportation services to San José seniors for basic needs trips</p>
<p>PATHWAY SOCIETY, INC.</p>	<p>Pathway to Family Wellness breaking patterns of child abuse, violence, and substance abuse.</p>
<p>RESOURCE AREA FOR TEACHERS</p>	<p>RAFT Project provides hands-on math, science, and technology education for San José students and to better serve the teachers and students of San José.</p>
<p>RESPIRE, RESEARCH FOR ALZHEIMER'S DISEASE</p>	<p>Rosa Elena Childcare Center intergenerational child daycare program</p> <p>Alzheimer's Activity Center provides care to seniors with Alzheimer's and dementia</p>

ROHI ALTERNATIVE COMMUNITY OUTREACH, INC	THRIVE Institute For Learning an after school program that will assist youth in mastering 3rd-6th grade California math and language arts standards
 <p>SACRED HEART COMMUNITY SERVICE</p>	Turn the Tide Youth Education Program academic support to school-aged youth,
SAN JOSE CONSERVATION CORPS & CHARTER SCHOOL	YouthBuild provides the unemployed and undereducated youth
SAN JOSE DAY NURSERY	Kindergarten Readiness Program child care,, for infants through pre-kindergarten children.
 <p>SAN JOSE GRAIL FAMILY SERVICES</p>	Ready, Set, Read! Family Literacy Project early literacy skills of children ages 0-6 years living in the Mayfair community of East San José Family Empowerment Program developmental skills of young children to be ready to enter Kindergarten and succeed academically.
SAN JOSE JAZZ SOCIETY	Keep The Music Alive develops program between jazz music, jazz musicians, and tobacco that illustrate the harmful effects of smoking,
SAN JOSE PUBLIC LIBRARY	Books for Little Hands
 <p>SAN JOSE/SILICON VALLEY NAACP</p>	Youth Leadership Academy prepares youth to complete thirty hours of community service and to present an anti-tobacco presentation
SANTA CLARA VALLEY BLIND CENTER, INC.	Seniors Living With Vision Loss assists seniors who are blind or becoming blind to adjust positively to their vision loss t
SCHOOL HEALTH CLINICS OF SANTA CLARA COUNTY	Washington Neighborhood Health Clinic primary medical care to low-income children
  <p>SELF-HELP FOR THE ELDERLY with POSSO and Yu Ai Kai</p>	Minority Senior Wellness Project a senior day care program
SENIOR ADULTS LEGAL ASSISTANCE (SALA)	Legal Assistance to San Jose Elders Expansion Project provides free legal services that support San Jose residents age 60 or older
SHERMAN OAKS COMMUNITY CHARTER SCHOOL, CAMPBELL UNION SCHOOL DISTRICT	Kinder Readiness Project
SJB CHILD DEVELOPMENT CENTER	Health Education and Prevention anti-tobacco messaging for pre-school and school-age children.
STUDENT RACING PARTNERS, INC.	Model Car Program



THE UNITY CARE GROUP

Foster and Middle School Youth Leadership Program provides leadership education to middle school youth who are low-income and at-risk or living in foster care.

THIRD STREET COMMUNITY CENTER

Inspiring Young Minds and Families help at-risk youth be successful in education

TOOTH MOBILE

Dental Care for Children of San Jose comprehensive, accessible dental care to uninsured and uninsurable children of San José.

VIETNAMESE VOLUNTARY FOUNDATION (VIVO)

PHU DONG Youth Project helping their children and youth succeed in school

YMCA OF SANTA CLARA VALLEY

Project Cornerstone School Partnerships helping their children and youth succeed in school

YMCA Afterschool at Lietz and Farnham Elementary Schools literacy, Homework Assistance, and Academic Tutoring,