

Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

SUBJECT: The Public Record
February 20-26, 2009

DATE: February 27, 2009

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) One hundred ten letters addressed to Mayor Reed and City Council received via email February 20-26, 2009 urging the Council take action to filter library computers. (On file in the Office of the City Clerk)
- (b) Letter from TMobile to City Manager Debra Figone dated February 4, 2009 regarding OCI Site Number SF04963/San Jose, CA.
- (c) Letter from TMobile to Consumer Protection and Safety Division dated February 12, 2009 regarding OCI Site Number SF44515/San Jose, CA.
- (d) Letter from Executive Director David Lewis to Mayor Reed dated February 23, 2009 regarding County-wide single-use carryout bag fee.
- (e) Email from Robert Bailey to Mayor Reed recommending the establishment of an Emergency Services Commission.
- (f) Letter from David S. Wall to Mayor Reed and Council dated February 26, 2009 regarding the "Ghetto Life: Update on the SCEP".
- (g) Letter from David S. Wall to Mayor Reed and Council dated February 26, 2009 regarding "Correction of an error in my letter 02.19.2009 concerning the Sunshine Reform Task Force (SRTF)".

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

February 4, 2009

City Manager:
Debra Figone
200 East Santa Clara St.
San Jose, CA 95113

Re: OCI Site Number SF04963/ San Jose, CA

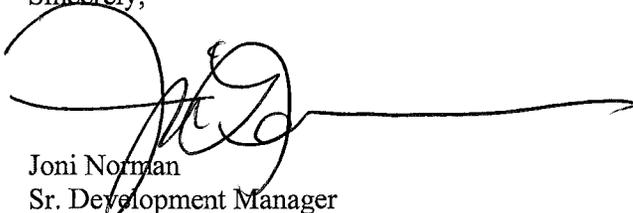
Dear Ms. Figone,

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 Joni Norman at (925) 521-5987.

Sincerely,



Joni Norman
Sr. Development Manager
Omnipoint Communications Inc.

Attachments

ATTACHMENT A

1. Project Location:

Site Identification Number: SF04963A
 Site Name: Crown Castle Monopole/Milpitas Sewage
 (BU #845190)
 Site Address: 1601 Dixon Landing Road,
 County: County of Santa Clara
 Site Location: Milpitas, CA 95035
 Assessor's Parcel Number: 015-47-001

Latitude: NAD 83 37-27--13.20
 Longitude: NAD 83 121-55-47.20

2. Project Description:

Number of Antennas to be installed: (1) new antenna and (2) new TMAs; (2) existing antennas to be removed and replaced.

Tower Design: Monopole
 Tower Appearance: Monopole
 Tower Height 77'-1"
 A) Building N/A
 B) Structure N/A
 C) Top of Antenna Height 58' Centerline AGL
 Lease Area: No change.

3. Business addresses of all Governmental Agencies

City of San Jose	City of San Jose	City of San Jose
City Planner: John Kim	City Clerk: Lee Price	City Manager: Debra Figone
200 East Santa Clara St., 2 nd . Flr.,	200 East Santa Clara St., 2 nd . Flr.,	200 East Santa Clara St., 2 nd . Flr.,
San Jose, CA 95113	San Jose, CA 95113	San Jose, CA 95113

4. Land Use Approval:

Planning Approval: AD08-492/PD93-039
 Issued: 4/18/2008
 Building Permit: B0712-073

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:*



February 4, 2009

Ms. Anna Hom
Consumer Protection and Safety Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Dear Ms. Hom:

This letter provides the Commission with notice pursuant to the provisions of General Order 159A issued by the Public Utilities Commission of the State of California (CPUC) that:

- (a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.
- (b) No land use approval is required because:

A copy of this notification letter is being sent to the local governmental agency identified below. Should the Commission or the local government agency have any questions regarding this project, or if anyone disagrees with the information contained herein, please contact Joni Norman of T-Mobile at (925)-521-5987 , or Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at (415) 703-2699.

Very truly yours,

Joni Norman
Sr. Development Director
Attachment

cc: City of Millbrae
621 Magnolia Ave.
Millbrae, CA 94030

RECEIVED
San Jose City Clerk

2009 FEB 24 P 4: 20

T-Mobile

February 12, 2009

Ms Anna Hom
Consumer Protection and Safety Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

RE: OCI Site Number SF44515/ San Jose, CA (A)

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 local governmental agency identified below. Should the Commission or the local government agency have any questions regarding this project, or if anyone disagrees with the information contained herein, please contact Joni Norman of T-Mobile at (925) 521-5987 or Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at (415) 703-2699.

Very truly yours,



Joni Norman
Senior Development Director

cc: City of San Jose, Planning Manager (w/ Attachment)
City of San Jose, City Clerk (w/ Attachment)
City of San Jose, City Manager (w/ Attachment)

ATTACHMENT A

1. Project Location

Site Identification Number: SF44515

Site Name: San Jose Muffler

Site Address: 299 S. 24th Street, San Jose, CA 95113

County: County of Santa Clara

Site Location: San Jose, CA 95113

Assessor's Parcel Number: 467-36-015

Latitude: 37° 20' 31.41" N

Longitude: -121° 51' 48.06" W

2. Project Description (applies to new sites only)

Number of Antennas to be installed: Installing six (6) antennas

Tower Design: Antennas mounted on a new monopole that replaces existing monopole

Tower Appearance: Panel antennas mounted a new monopole that replaces existing monopole

Tower Height 52.5'

A) Building N/A

B) Structure 52.5'

C) Top of Antenna Height 52.5'

Lease Area: As shown on Exhibit C to Amendment to Communications Site Lease Agreement

3. Business addresses of all Local Governmental Agencies

City of San Jose	City of San Jose	City of San Jose
Planning Mgr: Laurel Prevetti	City Clerk: Lee Trice	City Manager: Debra Figone
200 East Santa Clara Street, Tower, 3 rd Floor	200 East Santa Clara Street	200 East Santa Clara Street
San Jose, CA 95113	San Jose, CA 95113	San Jose, CA 95113

4. Land Use Approvals

Date Zoning Approval Issued: 9/12/08

Land Use Permit #: SP08-014

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]:*

saveSFbay.org

February 23 2009

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

RE: County-wide single-use carryout bag fee

Dear Mayor Reed:

As the oldest and largest organization working to protect and restore San Francisco Bay, Save The Bay urges your full support of the current county-wide effort to establish a fee on single-use bags.

Save The Bay represents over 25,000 members and supporters in the Bay Area, with over 7,000 active participants in Santa Clara County alone. Save The Bay organizes and participates in shoreline clean-up efforts all year long. The school groups and volunteers that participate in our shoreline restoration programs see first hand the impact of trash on the Bay.

This year, Coastal Cleanup Day volunteers in the Bay Area picked up more than 250,000 pounds of trash from Bay beaches and shorelines in just one day. The statewide total for the day was just under one million pounds. In other words, Bay trash accounted for over 25% of the trash picked up in the entire state of California. Yet this only represents the trash left on shore. Many more tons of trash flow into our Bay and ocean. And most of that trash is plastic.

The average Californian uses an estimated 400 plastic bags per year for a total 19 billion plastic bags per year statewide. The production of these single-use petroleum-based bags consumes billions of gallons of oil. The average use time of a plastic bag is 12 minutes. After which, most are sent to the landfill. However, many plastic bags find their way to our creeks, Bay and ocean where they entangle, suffocate and kill seals, birds, sea turtles and other marine life.

Like any product, single-use bags are not free. The out-of-pocket cost is passed on from the retailer to the consumer through increased food prices. The cost to cities and neighborhoods is even greater. California taxpayers spend approximately \$25 million every year to collect and landfill plastic bags. Local agencies spend millions more cleaning up plastic bag litter from streets, storm drains, and waterways. Volunteers spend countless hours plucking dirty bags from neighborhood creeks.

Unfortunately, for this inherently disposable product, recycling is not a viable solution. California has pushed a statewide effort to recycle plastic bags for fifteen years. Yet the California Integrated Waste Management Board estimates that less than five percent of all single use plastic bags in the state are actually recycled. Recycling firms have reported extensive costs associated with attempts to recycle even this small portion of plastic bags.

SAVE THE BAY

Single-use paper bags are not a sustainable solution either. Most do not contain recycled content, but are made directly from trees, and they carry their own production costs in resources and carbon emissions for a short-lived product.

Members of the public, along with Governor Schwarzenegger and state regulatory agencies, are increasingly aware and insistent that the problem of plastic trash in the marine environment requires prompt and aggressive solutions. In just the last six months:

- Save The Bay's annual Bay Trash Hot Spots announcement gathered over 70 stories in local and national media outlets.
- The Regional Water Board recently approved listing 24 tributaries and two regions of the San Francisco Bay as impaired by trash under the Clean Water Act.
- The latest draft of the forthcoming Municipal Regional Storm Water Permit provides incentives for cities that adopt fees or bans on plastic bags (including retroactive incentives for leaders in these efforts).
- The Governor's Ocean Protection Council approved an aggressive marine debris reduction strategy that recommends for a fee on all single-use bags as the best strategy to reduce plastic bag consumption in California.

The bag fee ordinance effort in Santa Clara County has been an exceptional example of stakeholder outreach. Local retailers have helped craft this ordinance and now are largely unopposed. In fact, a switch to reusable bags will save retailers thousands of dollars every year.

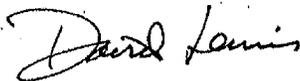
Among their many misleading claims, plastic bag industry lobby groups would have you believe that plastic bags constitute a small portion of litter. They point to statistics that evaluate the amount of plastic bags in trash by *weight*, rather than quantity, persistence, community impact, or threat to wildlife. In these important categories, plastic bags reveal themselves as a primary source of harmful litter, as anyone who participates in coastal cleanups can attest.

This proposed county-wide ordinance provides the best solution by encouraging consumers to bring their own re-useable bags, or help defray the costs if they do not. A fee on single-use bags that consumers see itemized on their bill is a proven way to get people to switch to re-usable bags. In Ireland, a 33 cent fee on plastic bags reduced their use by almost 90 percent.

We think the cities of Santa Clara County are ideal leaders in the Bay Area for this type of innovative pollution prevention leadership. Santa Clara County residents are some of the most environmentally savvy in the country. The time has come for action to stop this plague of trash which is choking our Bay.

We look forward to working with you toward implementing this important step for the health of the Bay.

Sincerely,



David Lewis
Executive Director

From: Robert Bailey
Sent: 25 February, 2009 13:51
To: 'rosie.perez@sanjoseca.gov'
Subject: Boards & Commissions

For the Mayor:

Dear Mr. Mayor,

I have served the city for 16+ years in an advisory position, as a Rent Commissioner, then a Human Rights Commissioner, now on the Rental Advisory Commission again. I believe my years of service to the City gives me leave to make the following recommendation:

I believe the City Council should establish a new commission specifically chartered to monitor the operations of the Police and Fire Departments. This would be a citizen's advisory commission, similar to the Human Rights Commission, but specifically tasked with the monitoring and oversight of the San Jose emergency services departments. Several years of bad press, Tasers, drunks, 'no confidence', tiffs with the IPA, and the like have tended to erode the standing and respect due the SJPD & SJFD. I am not suggesting this commission should have any regulatory powers such as a 'Police Commission' in other cities, but would serve to specifically advise the City Council on matters pertaining only to the PD & FD. I realize the HRC does this to some extent, but the HRC's charter is much broader and tends to get diluted by individual agendas and many, many other matters.

This 'Emergency Services Commission' (ESC) could be 7-9 citizens of San Jose and would provide both a sounding board for SJ citizens, and be policy advisors to the Council, PD, & FD. The citizenry would finally feel the Council is listening, and the PD & FD would have an avenue of input not now available to them, even with the HRC. The ESC (?) could also work with the IPA in some capacity, as the HRC has in the past.

I believe this is an issue whose time has come and I urge you to consider this recommendation in the spirit in which it has been given. Should this be felt to be worth fleshing out, please feel free to contact me if I can assist further.

Best regards,

RECEIVED
San Jose City Clerk

2009 FEB 26 P 4: 36

David S. Wall

February 26, 2009

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, (02.23.09) approximately 1043 hours and m1545 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 five (5) stolen and abandoned shopping carts on my first trip and seven (7) more stolen and abandoned shopping carts on my second trip. *A 133% increase of theft of shopping carts from last Monday is hereby recorded.*

Two trips were made because as I exited the area in the morning; I proceeded northbound on North Tenth Street passing a recycler noting "several" stolen and abandoned shopping carts being "corralled" by an employee of said establishment. I returned later to see if an employee of the recycler had moved the stolen and abandoned shopping carts to North Tenth Street @ Horning Street. I was not surprised that the stolen and abandoned shopping carts had joined their "brothers and sisters" upon my second visit. I had also just purchased a burrito from an excellent market on the corner of North Sixth Street at Julian Street and a short trip to the stolen and abandoned shopping cart "dumping" ground was on my way home.

The garbage at this locale consists of: a pillow and the "usual" residual garbage characteristic of Ghetto District 3 "all over the place" on my first trip. However, on my second trip, some of the garbage (and the pillow) had been removed. The ground had what appeared to be "tracks" left by a rake. I do not know if the Carmelite Nuns had returned to clean up the garbage or if were those wily Dominican Friars.

The breakdown of ownership of the stolen and abandoned shopping carts is as follows;

Toys "R" Us (2), Green Earth Foods (1), WalMart (1), FoodMaxx (1), Costco (1), Mi Pueblo (1), Big Lots (1), Dal Thanh (1), Target (1), Ralph's (1), and Unmarked (1).
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, but nixed.

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 not** carried out. An approaching train was reason enough not to traverse the tracks.

I received a "Thank-You" from tree (3) Guadalupe River Residents

Robert, Lynn and Sammy-(Not Councilmember Liccardo) had just finished "cashing in their ill-gotten recyclables" and thanked me for giving out "weather and flash flood warnings" the other Sunday. They had heard that I was down on the banks of the Guadalupe River doing such from one of their friends whose camp was too close to the river and his camp was washed away. I asked if anyone had drowned or if they saw any rotting corpses. All said everyone was "O.K." and that they did not see any "dead people".

I asked them if any Member of the San José City Council or any Member of the Santa Clara Valley Water District had given out *warnings of any kind* on the banks of the Guadalupe River prior to or during the period of heavy rains. They said, "No". I asked them if they needed anything, but they replied they did not. We all wished each other well and that was that. Life is good in the Ghetto hood.

*Respectfully submitted,***Cc: City Attorney / Auditor / City Manager / Chief of Police
Director PBCE**David S. Wall
02.26.09

David S. Wall

PUBLIC RECORD 9

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San Jose City Clerk

2009 FEB 26 P 4: 36

February 26, 2009

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

Re: Correction of an ERROR in my letter 02.19.2009 concerning the Sunshine Reform Task Force (SRTF).

Yesterday, at the Wednesday (02.25.2009) Open Government and Rules Committee Meeting (RULES) I tendered an apology for an error contained in item "m" on the Public Record. The error was the following statement contained within the four corners of item "m".

The ERROR:

"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."

THERE IS ONLY ONE (1) San José Mercury News employee on the Sunshine Reform Task Force (SRTF).

The "other" individual I erroneously mistook for being a San José Mercury News employee is listed as representing the "Silicon Valley Leadership Group". This person's name is published as the "Executive Editor& CEO" of the *Metro, Silicon Valley's Weekly Newspaper* which causes further alarm and concern to me that the SRTF does not represent the "public".

The fact that the "Executive Editor& CEO" of the *Metro, Silicon Valley's Weekly Newspaper* was not mentioned is problematic when trying to explain to the Public that the SRTF is a legitimate concern devoid of lobbyists and special interest corporate entities.

I will make further inquiries.

Respectfully submitted,

David S. Wall
02.26.09

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Cc: City Attorney / Auditor / City Manager