

Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

SUBJECT: The Public Record
February 27 – March 5, 2009

DATE: March 6, 2009

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

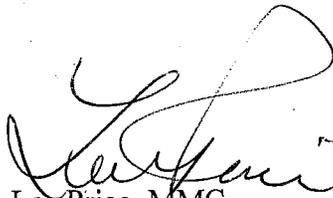
- (a) Memo from the San Jose Elections Commission to Mayor Reed and City Council dated March 3, 2009 providing a status update of City Council Referrals to the Elections Commission.
- (b) Letter from TMobile to Ms. Ann Hom, Consumer Protection and Safety Division dated February 12, 2009 regarding OCI Site Number SF04337/San Jose, CA.
- (c) Letter from TMobile to Ms. Ann Hom, Consumer Protection and Safety Division dated February 12, 2009 regarding OCI Site Number SF04339/San Jose, CA.
- (d) Letter from Constance Langford, Chair of the Senior Citizens Commission to Mayor Reed and City Council dated February 19, 2009 writing on behalf of the Commission in opposition to the proposed ordinance that would require retail establishments to charge consumers a fee for the use of plastic or paper bags.
- (e) Letter from Janet Torres to Mayor Reed and City Council dated February 20, 2009 writing in opposition to the library-filtering proposal.
- (f) Public Notification from Clean Harbors Environmental Services to City Clerk Lee Price dated February 23, 2009 regarding permit modification for Clean Harbors Environmental Services, Inc. Port of Redwood City Facility.
- (g) Letter from Owner of Diamond Press Printing Tara Dang to Mayor Reed dated February 25, 2009 requesting financial assistance.
- (h) Letter from Dr. Lawrence Ames to Mayor Reed and City Council dated March 2, 2009 regarding Willow Glen Spur Trail, Focus Group Summary: a "Minority Report".
- (i) Letter from Abbie E. "Liz" Warren to Salary Setting Commission, City Clerk Lee Price and Mayor Reed dated March 2, 2009 writing in protest of the idea that councilmember's receive any raise.
- (j) Letter from David S. Wall to Mayor Reed and City Council dated March 2, 2009 regarding "Request for investigation: Did a San Jose Fire Truck display political banner?"

Honorable Mayor and City Council Members

March 6, 2009

Subject: The Public Record February 27 – March 5, 2009

- (k) Letter from David S. Wall to Mayor Reed and City Council dated March 2, 2009 regarding "Public Intoxication Task Force should be disbanded..."
- (l) Letter from David S. Wall to Mayor Reed and City Council dated March 5, 2009 regarding "Resolution to "threaten and blackmail HCA" into submission?"
- (m) Letter from David S. Wall to Mayor Reed and City Council dated March 5, 2009 regarding "The Ghetto Life: Update on the SCEP".
- (n) Letter from David S. Wall to Mayor Reed and City Council dated March 5, 2009 regarding "Baseball and Municipal Code 4.95.010".



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



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL
COUNCIL APPOINTEES

FROM: San Jose Elections
Commission

SUBJECT: Status of City Council Referrals to the Elections Commission **DATE:** March 3, 2009

This memo shall serve as a status update on a variety of referrals from the City Council to the Elections Commission from the past two years. The referrals and status are as follows:

1. Public financing of municipal campaigns, referred by Council on or about March, 2006. **REFERRAL COMPLETE – Commission decided to make no recommendation about public financing.**
2. Limits on contributions to independent expenditure committees, referred by Council on October 10, 2006. **REFERRED TO SUBCOMMITTEE (DEFUNIAK/SMITH/CAO) – Appeal to 9th Circuit resulted in remand and order to District Court to dismiss COMPAC's case; time for COMPAC to appeal to United States Supreme Court will expire approximately 90 days from December 8, 2008.**
3. Reed Reform # 19 - referred by Council on January 9, 2007 (as recommended by Mayor Reed in his memo dated December 22, 2006): Plug loopholes in the campaign financing ordinance that make it possible to contribute unlimited amounts of money in the form of paid campaign workers. **REFERRAL COMPLETE – Council adopted Ordinance No. 28280 on March 25, 2008.**
4. Campaign Finance Reform Recommendations a – i from the Reed Transition Committee/Government Reform and Ethics Subcommittee dated January 8, 2007 - referred by Rules and Open Government Committee on January 24, 2007 (as recommended by Mayor Reed in his memo dated January 17, 2007, asking the Elections Commission for review and comment in order to help define the scale and scope of the election audit they will be conducting) and approved by Council on February 13, 2007:
 - a. If money is spent in San Jose the committee making the expenditure must file its report in San Jose with the City Clerk's office within 24 hours of making the expenditure. **REFERRAL COMPLETE – per memo from the CAO dated August 30, 2007, the current law already requires that**

reports be filed within 24 hours of making the expenditure during the last 16 days before the election.

- b. Re-initiate the contribution limits on independent expenditures (the City Attorney's office is currently appealing the court case that threw out the contribution limits). *[Note: this is somewhat duplicative of the referral from Council to the Elections Commission on October 10, 2006.] REFERRED TO SUBCOMMITTEE (DEFUNIAK/SMITH/CAO) – Appeal to 9th Circuit resulted in remand and order to District Court to dismiss COMPAC's case; time for COMPAC to appeal to United States Supreme Court will expire approximately 90 days from December 8, 2008.*
- c. Increase penalties for violations dramatically, possibly as much as the expenditure. **REFERRAL COMPLETE – Council adopted Ordinance No. 28213 on January 8, 2008.**
- d. Increase the budget and staff of the Elections Committee and allow the Elections Commission to use the District Attorney's office to investigate election complaints. **PENDING OUTCOME OF SRTF PHASE II RECOMMENDATIONS (APRIL 2009)**
- e. Penalize the consultant as well as the committee for failure to follow Independent Expenditure Laws. **REFERRAL COMPLETE - Same as 4.c above.**
- f. Disallow the coordination of candidate committees and party organizations in non-partisan races. **PENDING CAO LEGAL OPINION RE CONSTITUTIONALITY.**
- g. Require Independent Expenditure committees to disclose on written material a disclaimer that says "this piece was paid for by an independent committee with funds that were raised in amounts greater than the limits imposed on campaign committees." The same disclaimer would have to be read on all radio and television commercials. **REFERRAL COMPLETE - Council adopted Ordinance No. 28213 on January 8, 2008.**
- h. Prohibit consultants from working for a candidate committee and an Independent Expenditure Committee supporting the same candidate. **PENDING CAO FOR LEGAL OPINION RE CONSTITUTIONALITY.**
- i. The Transition Committee also recommends the city staff looks into the Instant Run Off System to see if this method could save money. **COMMISSION CONSIDERED AND TOOK NO ACTION IN APRIL 2008 BUT AGREED TO REVISIT THIS ISSUE IN ONE YEAR OR SOONER IF THERE IS FURTHER INTEREST OR NEW DEVELOPMENTS.**

5. Recommendations 5 and 6 by Mayor Reed (formerly Councilmember – District 4) in his memo dated September 29, 2006, concerning independent expenditure committees, which were referred to the Elections Commission on October 10, 2006:
- a. Review the City ordinance to determine any changes that need to be made, or any other steps that can be taken, such as education or auditing, to address the following problems which appeared in campaign reports filed in the last election:
 - i. Accepting campaign contributions prior to the campaign contribution start date. (Municipal Code Sections 12.06.290; 12.06.330)
 - ii. Failing to disclose names of contributors. (Government Code Section 85700, Municipal Code Section 12.06.910)
 - iii. Failing to disclose expenditures made by subvendors (Government Code Section 84303; FPPC Reg. 18431)
 - iv. Failing to disclose late expenditures in a timely manner. (Government Code Section 84204)
 - v. Reporting contributions in excess of the \$500 per person limit. (Municipal Code Section 12.06.540)

Initially Held Pending Results of the Election Audit of the 2006/07 Election Cycle; MGT OF AMERICA INC. REPORT IS COMPLETE; REFERRED TO SUBCOMMITTEE (SMITH/SHEPARD)

- b. Review the ordinance to determine if changes should be made to regulate political party expenditures to ensure full disclosure along the lines of the rules promulgated in San Diego. ***REFERRAL COMPLETE – Council adopted Ordinance No. 28213 on January 8, 2008. Clerk conducted outreach with campaign committees and monitored compliance during the 2008 election cycle.***
6. Discuss recommendations for implementation of a two business day notice requirement for lobbyists' campaign contributions and fundraising activities (Council Referral of September 13, 2006) ***COMMISSION REFERRED THIS TO THE MAYOR'S BIENNIAL REVIEW OF THE CITY'S CODE OF ETHICS, INCLUDING ORDINANCES RELATING TO ETHIC STANDARD (FALL OF 2009).***

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 SF04337/ San Jose, CA (A)

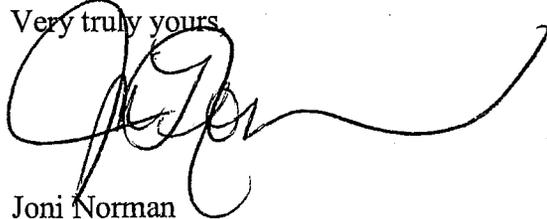
This is to provide the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California ("CPUC") that:

(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: SF04337 (COW)
Site Name: Santa Teresa Square
Site Address: 6061 Snell Avenue, San Jose, CA 95113
County: County of Santa Clara
Site Location: San Jose, CA 95113
Assessor's Parcel Number: 687-033-066/067/068/069/070/071
Latitude: 37° 14' 15.56" N
Longitude: -121° 49' 57.14" W

2. Project Description (applies to new sites only)

Number of Antennas to be installed: Three (3) antennas mounted on a temporary COW
Tower Design: Antennas mounted on a COW
Tower Appearance: Panel antennas mounted on a COW
Tower Height: 35'
A) Building: N/A
B) Structure: 35'
C) Top of Antenna Height: 37.5'

Lease Area: As shown on Exhibit B to License and Easement Agreement for Temporary Antenna Facilities

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: 9/9/05
Land Use Permit #: CP05-012 (Permit obtained by property owner\)

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*]:

RECEIVED
San Jose City Clerk

2009 FEB 24 P 4: 21

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 SF04339/ San Jose, CA (A)

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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: SF04339 (COW)
Site Name: Foothill Medical
Site Address: 2448 Story Road, San Jose, CA 95113
County: County of Santa Clara
Site Location: San Jose, CA 95113
Assessor's Parcel Number: 486-38-048
Latitude: 36° 55' 04.17" N
Longitude: -121° 32' 58.18" W

2. Project Description (applies to new sites only)

Number of Antennas to be installed: Three (3) antennas mounted on a temporary COW
Tower Design: Antennas mounted on a COW
Tower Appearance: Panel antennas mounted on a COW
Tower Height: 28'9"
A) Building: N/A
B) Structure: 28'9"
C) Top of Antenna Height: 31'4"
Lease Area: As shown on Exhibit C to Amendment to Communications Site Lease Agreement

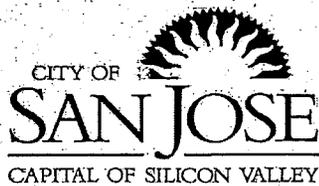
3. Business addresses of all Local Governmental Agencies

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: 3/26/07
Land Use Permit #: AD07-188

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];*

**SENIOR CITIZENS COMMISSION**

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

February 19, 2009

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

Dear Honorable Mayor Reed and City Council:

On behalf of the San José Senior Citizens Commission, we would like to express our opposition to the proposed ordinance that would require retail establishments to charge consumers a fee for the use of plastic or paper bags. Surely this cost could be absorbed through another source rather than passing it along to the citizens of the Santa Clara County who are already being affected by the downturn of the economy. Many retailers already offer "cloth bags" as a solution to this problem at a one time minimal cost to the consumer. Perhaps the City's Environmental Services Department or other environmental/recycling groups could take on the project of supplying lower cost alternative cloth bags, with their own logos or advertisements, to local retailers as an incentive against these fees.

Of course the Senior Citizens Commission's concern is always for the senior population of the community, especially those living on meager incomes. They will be the ones most affected by these extra charges. We appreciate any and all consideration in this matter.

Sincerely,

Constance Langford,
Chair, Senior Citizens Commission

/jm

cc: Pete Constant, Councilmember, Dist. 1
Debra Figone, City Manager
Albert Balagso, PRNS Director

February 20, 2009

Dear Mayor Reed and City Council members,

I am writing to express my opposition to the library Internet filtering proposal currently before the council. I value my personal freedoms and don't believe that the city should censor the information available to its library users. Internet filtering is an imprecise technology and can restrict access to constitutionally protected speech. The last thing the City of San Jose needs right now is the further expense of defending this unconstitutional proposal against almost certain legal challenges. Please do not allow San Jose to start a descent down the slippery slope of censorship.

Thank you,



Janet Torres
District 6 resident

RECEIVED
San Jose City Clerk
2009 MAR -4 P 3:59



Clean Harbors San Jose, LLC
1021 Berryessa Road
San Jose, California 95133
408.441.0962
www.cleanharbors.com

February 23, 2009

RECEIVED
San Jose City Clerk

2009 MAR -2 P 4:15

Public Notification

Permit Modification for

**Clean Harbors Environmental Services Inc.
Port of Redwood City Facility
695 Seaport Boulevard
Redwood City, CA 94063**

Clean Harbors Environmental Services Inc., Port of Redwood City Facility (Redwood City Facility) is a storage and transfer facility for bulk liquid waste which includes both hazardous and non-hazardous wastes.

In a letter dated July 10, 2008, Clean Harbors San Jose LLC (CHSJ) requested the Department of Toxic Substances Control (DTSC) a class 1 modification to the Standardized Hazardous Waste Facility Permit issued to the above facility. The requested modification is to correct and clarify minor information in the modified permit issued on April 23, 2008 for the above facility.

DTSC has reviewed the request and determined that the requested modification is a class 1 that does not need DTSC's prior approval. This permit modification has no material impact on the Standardized Hazardous Waste Facility Permit conditions and does not change the permitted hazardous waste streams, waste volumes and waste management practices.

You are receiving this notification because your name is on the mailing list being maintained by DTSC for Redwood City Facility. Because of the California hazardous waste regulations, Clean Harbors San Jose LLC is required to notify you when modifications are made to our Permit.

If you have questions about this notification or if you want to update, add a name or remove your name to our mailing list, please call or write to the following contact persons:

Facility Contact

Michael Marlowe
Clean harbors San Jose LLC
1021 Berryessa Road
San Jose, CA 95133
(408) 441-0962
E-mail
Marlowe.michael@cleanharbors

DTSC contact

Cherry Padilla
Department of Toxic Substances Control
700 Heinz Avenue
Berkeley, CA 94710
(510) 540-3957
E-mail
cpadilla@dtsc.ca.gov

RECEIVED
San Jose City Clerk

Date: 02/25/2009

Dear Mr. Mayor Chuck Reed,

2009 MAR -4 P 3:59

I am writing this letter to you to beg for your help. As a woman owner of Diamond Press & Printing located in San Jose, California, my employees and I are facing tough time as the economy worsens on its down turn. I am presently going through some financial difficulties and fear that I will not be able to keep my business afloat if you do not intervene with your power vested in you to help me and my employees. I am currently going through bankruptcy to re-organize my business and re-negotiate its debts. I want to try and negotiate a workable and an alternate payment plan with you, so that I don't have to default on your debt. I would like to suggest a strategy if it is acceptable.

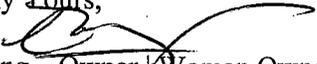
Here is the current situation. My current bank-East West Bank (the bank which assume both first and third mortgages) is about to foreclose my building and evicts us. If this happens then I am forced to shut down my business and lay off all our 20 plus employees. Most of these employees owned houses and are working very hard to try to keep their mortgages current and feeding their families at the same time. Not only that but the revenue earned by the government whether if it is the city sales tax, California State tax, State Unemployment Tax, and Federal tax will all be lost. We are up to date on our payments for all government income taxes. And as for the first and third mortgages we paid a total \$265,000 plus \$41,000 they took from our bank. As you can see, my business is doing very well in its attempt at re-organization. We can afford to pay our "rent", our equipment lease, our employees, our vendors, and government taxes without a problem. What we cannot afford is the lost of our building because our business is linked with it. Currently we cannot afford to "move" due to an eviction. The cost of moving and resettling in a new place is overwhelming for our business.

I have made many attempts to try to negotiate with my current bank but all have fallen to deaf ears. They see this as a benefit to them because they make profit! They plan to foreclose on the first loan which will legally kick out the second and third loans automatically. Since there are equities left over after combined first and third loans, the building will be sold at least \$3.2 Million (this is the current offer active in trust deed). Also, there is an appraisal for the building which valued it at \$4.5 Million plus. At this price, they will make profit out of the expense of our employees, revenues for our vendors, and revenues for our government.

If you can find ways to help our business and our employees in this situation such as introducing to us any source of government funding which may buy back first loan and third loan, then we can save our buildings so that I can in turn maintain our business and save jobs for our employees and pay revenue taxes for our city, state, and Federal government. In this economy, we need to work together and help each other with all the helps that we can get. Please help us out Mayor Chuck Reed.

I am hoping that you will take this attempt in bailing us out to heart. I have sacrificed a lot for my business and for my employees. Since three years in business, I have not earned personally taken a dime out of it. I am begging you for your help. Please feel free to have one of your representatives call me and so we can work out the final strategy.

Sincerely Yours,



Tara Dang - Owner Woman Owned Business
Diamond Press & Printing
900 Rock Ave, San Jose, CA 95131

RECEIVED
San Jose City Clerk

March 2, 2009

2009 MAR -4 P 3: 59

Honorable Mayor Reed and City Council
200 E. Santa Clara Street
San José, CA 95113

subject: Willow Glen Spur Trail, Focus Group Summary: a "Minority Report"

Dear Mayor Reed and Councilmembers,

You will receive soon a Summary and Recommendation memorandum from Albert Balagso, Director of Parks Recreation and Neighborhood Services (PRNS). The memo will report on the Focus Group that the City convened "to explore opportunities and challenges associated with development of a trail system from Los Gatos Creek to Coyote Creek". This trail, formally named "the Willow Glen Spur Trail" (after the old rail line it follows) and called "the Three Creeks Trail" by the community (honoring its regional scope in connecting the Los Gatos, Guadalupe, and Coyote Creek Trails), is prioritized in "the Greenprint", San José's strategic plan for parks. The PRNS memo will suggest forgoing half of the trail (from Guadalupe to Coyote) and settling for an on-street bike lane on Alma, in effect becoming "the Two Creeks and an Arterial Roadway Trail" instead. The memo will go on to say, "It should be noted that the Focus Group members did not reach consensus". As the Community Representative (and bike/trail advocate) at the table, I am writing to give a "minority report".

I recognize that trail building takes patience: I've already been involved with the Three Creeks Trail for nearly a decade now, and I also have experience with the Guadalupe, SF Bay, Los Gatos, and other trails. (I've been working 25 years now on the Los Gatos Creek, and there's still more to do!) I recognize that the City does not have all the funding now to acquire all the lands, build the trail, and landscape a parkway corridor, and I also recognize that some of the right-of-way is not now inviting. But I also recognize the need to grab an opportunity when it's presented: this is a once-in-a-lifetime chance for a trail that connects people, neighborhoods, and community together across the heart of San José – there just aren't any other corridors that can provide this degree of trail connectivity in the region. Some of the adjacent lands are underutilized now, but they will be developed over time and can be designed to enhance the trail and also benefit from it: we just need to plan for it. The trail can connect employment centers to transportation nodes and residential neighborhoods to neighborhood and regional parks, and it can provide recreational and health benefits for employees and community members alike. Thus I recommend that the City work now to acquire the easements and options-to-purchase now, while they're still available: preserve the entire right-of-way now from Willow Glen to Kelley Park, and then develop the trail to connect the three creek trail systems over time as the funding permits.

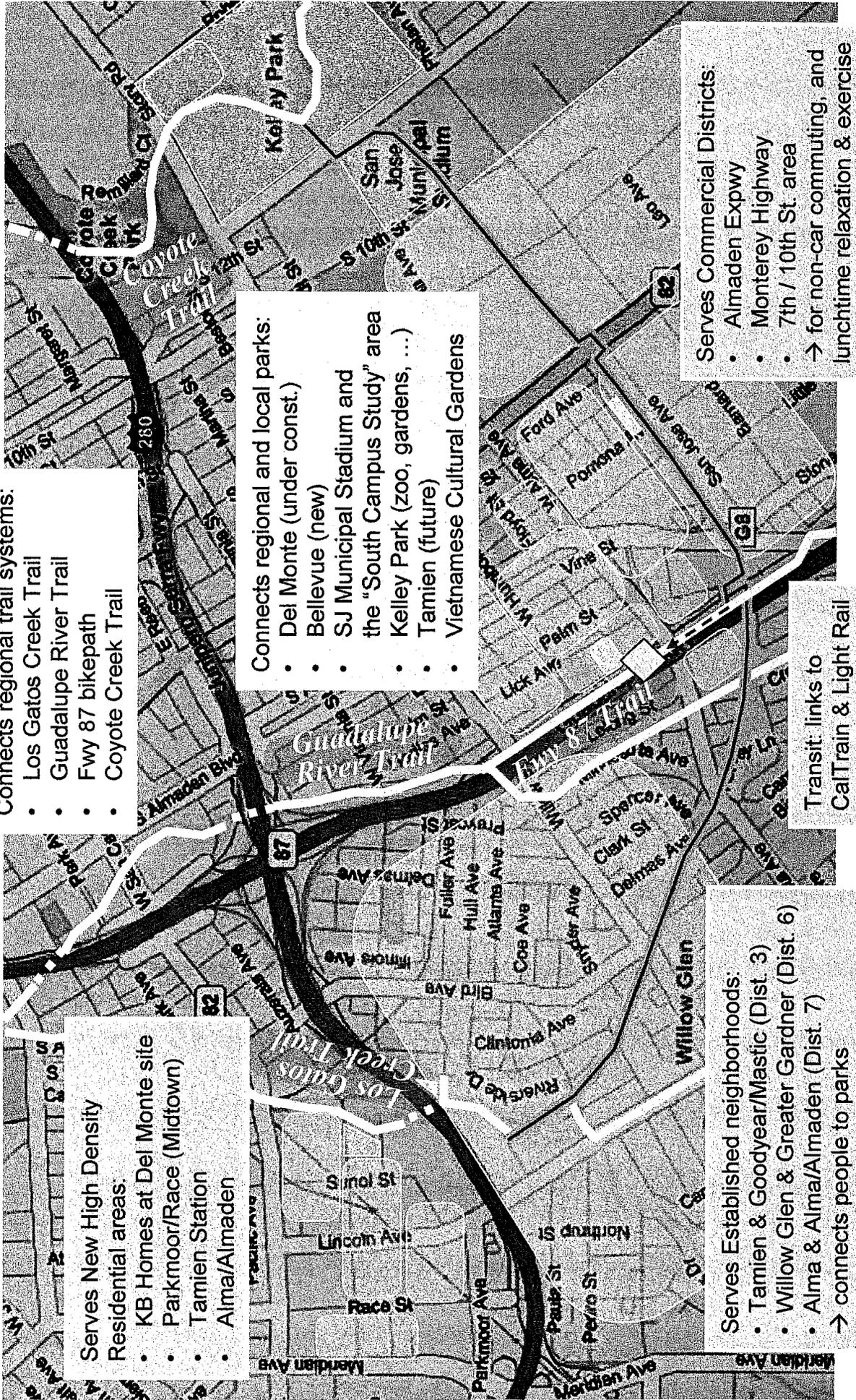
I would welcome an opportunity to give a more detailed presentation on the current right-of-way conditions and future trail possibilities, and/or to give an on-site tour of the corridor: please contact me at LAmes@aol.com or 408/742-1798 to arrange for a convenient time.

Thank you,



Dr. Lawrence Ames, Focus Group member

Opportunities: the 3-Creeks Trail



Connects regional trail systems:

- Los Gatos Creek Trail
- Guadalupe River Trail
- Fwy 87 bikepath
- Coyote Creek Trail

Connects regional and local parks:

- Del Monte (under const.)
- Bellevue (new)
- SJ Municipal Stadium and the "South Campus Study" area
- Kelley Park (zoo, gardens, ...)
- Tamien (future)
- Vietnamese Cultural Gardens

Serves Commercial Districts:

- Almaden Expwy
 - Monterey Highway
 - 7th / 10th St. area
- for non-car commuting, and lunchtime relaxation & exercise

Serves New High Density Residential areas:

- KB Homes at Del Monte site
- Parkmoor/Race (Midtown)
- Tamien Station
- Alma/Almaden

Serves Established neighborhoods:

- Tamien & Goodyear/Mastic (Dist. 3)
 - Willow Glen & Greater Gardner (Dist. 6)
 - Alma & Almaden (Dist. 7)
- connects people to parks

Transit: links to CalTrain & Light Rail

Willow Glen Spur / Three Creeks Trail Minority Report

The following report is my evaluation of the opportunity for the Three Creeks Trail, based upon my years of experience on parks and trails commissions, task forces, and committee, combined with multiple on-site inspections and my engineering background.

Dr. Lawrence Lowell Ames, member, Willow Glen Spur Trail Focus Group
March 2, 2009.

The "Willow Glen Spur Trail", as envisioned in the San José Park Department's 2000 strategic plan ("the Greenprint"), follows the right-of-way (ROW) of a spur rail line that was built across the valley floor early in the last century to serve the canneries in Willow Glen: hence the name. To emphasize that the trail is to connect the Los Gatos Creek Trail, the Guadalupe River Trail, and the Coyote Creek Trail, and also to point out that the trail serves a community much larger than just Willow Glen, many favor the name "the Three Creeks Trail."

The challenges for the Three-Creeks Trail fall into three categories: engineering, financial, and political.

Engineering:

The engineering challenges are noted on the accompanying chart (labeled "Challenges"): they need to be addressed, but they are not severe:

- River crossings: The trestle across the Los Gatos Creek carried freight trains for nearly a century, and the San José Parks Dept. has long had engineering plans for its adaption into bike/ped bridge. The train bridge over the Coyote appears newer, stronger, and even easier to adapt for trail use.
- A bridge is needed to cross the CalTrain and future High-Speed Train (HST) lines adjacent to Freeway-87. (The current plans for the HST appear to call for it to be at-grade in this vicinity.) While non-trivial, the bridge would be far shorter (and cheaper) than the bridge that Mountain View built for the Stevens Creek Trail that spans CalTrain, Light-rail, future HST, Central Expressway, and a local street; it also would be simpler than the bike/ped bridges that Sunnyvale and Cupertino are building now over Freeways 237, 101, and 280.
- The trail alignment does cross a number of roadways. Traffic signals ("mid-block crossings") would be needed for some of the busier ones (e.g., Alma, 10th St., and maybe 7th St.), much like the mid-block signals now used for Paseo de San Antonio at 3rd and 4th Streets downtown. Almaden Expwy. can be crossed at the intersection with old Almaden Rd. (the signal and crosswalks would need to be realigned), and the trail can jog southward a quarter block to cross Monterey Highway at the San José Ave. signal. The trail can cross quieter streets at mid-block crosswalks, just as the Los Gatos does now at Auzerais and the Guadalupe at St. John St.
- Several ROW parcels have already been sold. The Falcon Place development (south of Alma) is already constructed and includes the trail connection; the developer of the parcels at Coe and Broadway is amenable in accommodating the trail connection. The Stucco Supply Co. bought the parcels between Almaden Expwy. and Little Orchard St. and has paved them over as parking to enhance their operations: it appears it may be feasible to acquire a trail easement across the southern edge without significantly impacting their improved operating conditions.

Financial:

The trail will cost money – all trails, parks, open-spaces, and recreational services cost money: the questions are whether this particular trail is worth the expense, and whether the funds can be found to build and maintain it.

To answer the first question: this trail is especially valuable because of the connectivity it provides, linking three of San José's most important regional trail systems (the Los Gatos, the Guadalupe, and the Coyote), and doing so in the densely populated valley floor. It also links to the bikeway already constructed along Freeway 87, and links both new and established residential communities to employment centers, and local and regional parks (Bellevue and Kelley) to the regional transportation hub at Tamien.

Regarding the availability of funding: the Santa Clara County Parks & Rec. Department has already committed \$2,000,000 (and may be willing to consider more), the Open Space Authority has committed \$1,000,000 twice, and the Santa Clara Valley Water District has given \$300,000 towards the creek crossings. Speaking on behalf of "Citizens for a Livable San José" (CalSJ), I briefed State Assemblymember Jim Beall last spring, after which he identified a number of other available regional, State, and Federal grants that could be applicable. (The presentation chart package is online at www.CalSJ.org/3CreeksTrail.htm.) The trail connects directly to the CalTrain/Light Rail regional transportation hub at Tamien, and would probably qualify for multi-modal funding from a number of sources. I see that the city of Palo Alto has requested nearly \$10 Million from the Metropolitan Transportation Commission (MTC's "T-2035") to fix up a bike lane on Page Mill Road, and yet San José didn't ask for a dime for the 3-Creeks Trail.

Maintenance costs can be reduced by design (e.g., landscaping with low-maintenance native plants), by high-quality construction, and by volunteers (e.g., the Adopt-a-Trail program). From my experience with the Los Gatos Creek Trail, I've noticed that the trail users appreciate the trail so much that they keep it clean themselves at all times, and so, while we in the neighborhood association adopted the trail, we find that little extra clean-up is needed.

Political:

- There is definite public support for the trail. Neighbors came out for an on-site rally in May of 2002, and they have been attending neighborhood association meetings and public forums in support of the trail ever since. Several groups of neighbors (e.g., Save Our Trails) have been formed in support to petition and work for the trail.
- The Council has been supportive: last year, I and CalSJ briefed Councilmembers Oliverio (D6) and Nguyen (D7), and since then I have worked with their staff on the Focus Group.
- Mayor Reed, I am very appreciative and supportive of your Green Vision for San José. I feel that the Three Creeks Trail exemplifies your Goal #10, which calls for an interconnected trail network, by linking three of the region's trail systems, and also by connecting communities, businesses, parks, and public transportation.
- The County Supervisors have been very supportive. I represented Supervisor Blanca Alvarado (D2) as Commissioner on the County Parks & Rec. Commission for two terms, where I relayed her strong support of the trail, especially in the less well-served areas along the eastern half of the trail.

- And, as noted above, at the briefing last spring, State Assemblymember Jim Beall was very supportive.
- It is the City Staff that actually implements the trail, negotiating with the landowners and signing contracts, and they need to be on board in order to accomplish this wonderful parkway and trail connection.

Alternatives:

Good engineering practices include the evaluation of alternatives. As such, a bike lane on Alma has been proposed as an alternative.

I am an “avid” cyclist, and would love to see bike lanes on Alma – and everywhere else in the valley as well! However, the stretch of Alma east of Almaden is a busy road five-lanes wide curb-to-curb, with no room for shoulders or bike-lanes. The Focus Group looked into having Alma restriped as four-lane (which would remove the two-way left-turn lane and the left-turn pockets at the signalized intersections) or as three-lane (keeping the left-turn lane but removing a through-lane in each direction): each had significant traffic impacts that would unacceptably degrade the traffic Level of Service (LoS). Additionally, the Greenprint update is counting on the Three Creeks Trail to provide the neighborhood-accessible parkland needed for the communities in the area, something that a bike lane along Alma wouldn’t do.

Vision:

One of the main hesitations of Staff seems to be that they don’t consider the eastern part of the trail to be “pretty”. Admittedly, that is true: it is now basically underutilized industrial land. Three points:

- While much of the trail is across land that is zoned industrial, there are residences nearby: there are condominium and townhomes just adjacent to the trail near Almaden, and a community of older single-family homes is just a quarter-block north of the trail at Little Orchard Street and Pomona Avenue.
- Regardless of the adjacent land use, the trail provides continuity, connecting the neighborhoods and the new townhouse complexes to Bellevue and Kelley Parks, and also connecting the parks to the CalTrain/Light Rail station.
- And trails can benefit industrial-zoned lands as well: employees can commute to and from work without using a car, and trails provide an opportunity for lunchtime recreation and exercise. The trail is not likely to be built immediately, so it is possible to address future construction plans so that the projects face, and embrace, the trail.

The opportunity and vision of the Three Creeks Trail is summarized in the second chart (“Opportunities”). The San José General Plan update (“Envision 2040”) is calling for increased housing density in the urban center while preserving a high quality of life. As I’ve said above, the Three Creeks Trail will provide for healthy recreation and non-polluting transportation for these new residents, along with residents who live in the establish neighborhoods. The trail will connect both these new and established residential communities to employment centers, local and regional parks, and to the regional CalTrain/Light Rail transportation hub.

The City needs to act now to preserve the entire corridor right-of-way between the Los Gatos, Guadalupe, and Coyote Creek Trails.

RECEIVED
San Jose City Clerk

March 2, 2009

TO: Council Salary Setting Commission
City Clerk Lee Price
The Honorable Chuck Reed, Mayor

2009 MAR -4 P 3:48

FROM: Abbie E. "Liz" Warren MD Ret



I write to protest the idea that councilmembers should receive any raise above their already outrageous salaries. At a time when people are losing jobs right and left, losing homes to foreclosure, staggering under the weight of what may well grow into a full-blown depression, the current salaries of \$90,000 a year are equivalent to a king's ransom for many people.

The council is already eagerly throwing away large sums of money on the San Pedro Square project at the behest of a developer who seems to have the equivalent of "most favored nation" status. And they are anxious to bring another sports team (or teams!) to San Jose at taxpayers' expense. They have wasted money on downtown racing sports already. Ask Oakland what Al Davis did to them after they socked taxpayers for millions of dollars for a coliseum, when the old one wasn't "good enough" for him and he left town..

In 1981 or so, the city decided to "revitalize the downtown." I was told by someone who remembers that they ended up with a lot of boutiques that failed, and one night in the middle of the night there were moving vans all up and down the street as the business owners decamped in the middle of the night because they couldn't pay their rents. Now, the downtown has a lot of closed stores. So McEnery wants to build another fancy failure? I submit that large projects of this kind should be put up to the voters to decide.

The council is already thinking of laying on the poorest of the poor the burden of a tax/fee on plastic and paper shopping bags. Disabled people who have to have their groceries delivered have no choice in the matter of bags. I suggest that council salaries be cut rather than increased. Ask any of us who fall below the Elder Economic Index Standard for San Jose what \$90,000 would mean to us. If each councilmember received \$20,000 less, that would allow significant food subsidies for the poor who can't afford food. For many seniors, the hot lunches they receive at the senior centers are their only hot food, and their only chance to socialize. They do not have the luxury of charging lunches at expensive restaurants off to 'council business.'

The council is already spending our money at an unconscionable rate. They should not be allowed to spend more on themselves as well.

j

David S. Wall

RECEIVED
San Jose City Clerk

March 2, 2009

2009 MAR -2 P 4: 02

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

Re: Request for Investigation: Did a San José Fire Truck display political banner?

This request for an investigation into the alleged involvement of the San José Fire Department in the Recall vote of Councilmember Nguyen is appropriate.

On Sunday (03.01.2009) while watching the 5:00 p.m. News on Channel 5, there was a story concerning the **Recall vote of Councilmember Nguyen**. The news broadcast contained video interviews and a video presentation involving a "Fire Department Truck" concerning the upcoming **Recall vote of Councilmember Nguyen**.

*What was disturbing to me was the display of a large political banner on what appeared to be a San José Fire Department, "Fire Truck" that advertised "NO ON RECALL". There were other words printed on the banner but the video clip was aired too quickly to view *in toto* the contents advertised therein.*

I DO NOT KNOW if the "Fire Truck" was a San José Fire Department vehicle or a "Fire Truck" from another jurisdiction.

If it is TRUE that a San José Fire Department, "Fire Truck" was used for political purposes in the Recall Vote of Councilmember Nguyen and if the personnel and "Fire Truck" were "ON DUTY" at the time of the video taping, a controversy will exist requiring appropriate remedies.

The aforementioned issue should be investigated.

Respectfully submitted,

David S. Wall
03.02.09

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Cc: City Attorney / Auditor / City Manager / Fire Chief

RECEIVED
San Jose City Clerk

2009 MAR -2 P 4: 02

David S. Wall**March 2, 2009**

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

**Re: Public Intoxication Task Force should be disbanded,

 Malcontents were disrespectful to City Manager and the process,

 Malcontents threaten City Manager unless 4600 Police Reports are tendered,

 City Manager conducts fair, impartial meeting. Good Job!**

At the Thursday night (02.26.2009) Public Intoxication Task Force Meeting the malcontent element of the Public Intoxication Task Force (those that despise and distrust the Police for any reason) were disrespectful to the City Manager by threatening to cease participation if they (Public Intoxication Task Force Members as a whole) were not afforded forty six hundred (4600) Police reports for being drunk in public (Penal Code section 647(f)).

The atmosphere was hot. The malcontents representing mob rule on one side of the table and those representing civilization and decency on the other. In the middle, the City Manager, who, in my opinion, conducted herself with; honor, objectivity, and fairness to a point if she were to bend over any further to appease the dictates of the unruly mob her spine would surely snap.

The City Manager offered two hundred (200) Police reports, selected at random by an acceptable statistical model designed for such a scientific and objective representation was constantly harangued by the malcontent contingent.

The District Attorney produced one hundred and five (105) Police reports, from various police jurisdictions concerning arrests for Penal Code section 647(f). History will be the judge if this was a wise and prudent maneuver to appease the mob and quell the thirst for "blood". Or did this unilateral activity by the D.A. only fuel the fires for more and more and more Police reports?

The City Manager at first said that two hundred (200) Police reports would cost the City too much money. At least two (2) Police officers had to be dedicated to this process instead of "taking a bite out of crime" (my words as to the bite part), but this did not sway the mob.

But get this, elements of the malcontents, almost as a whole, made statements to the effect that if they were not appeased with all forty six hundred (4600) Police reports for being drunk in public, that the "Task Force" would cease, be required to be reconstituted at some later date and that "they would be back" as if these arrogant morons were entitled to a fee simple absolute as applied to reappointment.

Dump this Public Intoxication Task Force into the trash.

Respectfully submitted,

Cc: City Attorney / Auditor / City Manager

David S. Wall
03.02.09

David S. Wall

PUBLIC RECORD 1

p5

RECEIVED
San Jose City Clerk

2009 MAR -5 P 4:19

March 5, 2009

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

Re: Resolution to "threaten and blackmail HCA" into submission?

I do not get it.

Should not the City of San José have gotten a "written agreement or entered into contract with Hospital Corporation of America (HCA) concerning the San José Medical Center *before* it was closed, *before* the Environmental Impact Report was done for demolition and redevelopment and not after the fact?

What could compel HCA to enter into a written instrument to cost them money in this economy, a *limp wrist resolution* by the San José City Council to force concessions from HCA at this late date?

It appears those responsible for addressing the healthcare needs of the Downtown were out doing something else and not paying attention to the economy. No surprise here.

After all, the Mayor and Council Members have excellent healthcare benefits and the proposed *limp wrist resolution* is tantamount to dispensing aspirin to relieve the chronic pain.

Good luck getting HCA to even giving YOUR *limp wrist resolution* even a splint or at best, any serious consideration.

(YOU could tell the aggrieved that Downtown baseball will heal them.)

Respectfully submitted,

David S. Wall
03.05.09

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Cc: City Attorney / Auditor / City Manager

David S. Wall

PUBLIC RECORD m

RECEIVED
Jose City Clerk

March 5, 2009

2009 MAR -5 P 4: 22

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

Re: THE GHETTO LIFE: UPDATE ON THE SCEP

On Monday, (03.02.09) approximately 1643 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 fifteen (15) stolen and abandoned shopping carts *A 25% increase of theft of shopping carts from last Monday is hereby recorded.*

The garbage at this locale was minimal. Garbage along the railroad tracks is increasing, again.

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

Unmarked (3), Safeway (3), Lion Supermarket (1), Trader Joe's (1), dd's Discount (1), World Market (1), Big Lots (1), Dal Thanh (1), Dollar Tree (1), Pets Mart (1) and Save Mart (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.

A "welfare check" to establish the status of any and all occupant(s) of the New Shanty Town along the railroad tracks proceeding Northbound, approximately one hundred and twenty (120) yards on the railroad tracks from North Tenth Street @ Horning Street; *was* carried out.

There were four (4) interviews this week.

Next to "Hector's" hooch, which is currently "flattened" to the ground, were four (4) men in the process of getting drunk. Actually, all of them were already quite intoxicated. Now how could I tell that Pedro and three (3) men of outstanding benefit of our community (who opted to remain nameless) were already prime candidates for Penal Code 647(f) without administering a blood alcohol test? Simple, one unnamed, "inebriated" gent put a cigarette to his mouth and lighted a match. In doing so an event of instantaneous combustion occurred. Two other gentlemen sitting across from him also exploded into flames. Three drunks so liquored up that they instantly caught fire. They began jabbering away and dancing around trying to put each other out while Pedro, rolling around on the ground just laughed.

Now of course, the aforementioned conflagration did not happen. But, these guys were drunk enough for it to happen, blood alcohol test or not. And I am surprised that it did not happen.

I asked Pedro, "Where is Hector?" He did not know. I asked why Hector's hooch was "flattened" and he said he did not know why but, it had been that way for a couple of weeks. Hector's hooch consisted of seven (7) wooden "pallets" amongst other materials. Significant garbage at this locale was observed.

I asked if I could be of assistance to anyone. No one asked me of anything, so I left.

By the way, Two (2) of Manuel's chickens were loose at the time on the railroad tracks.

Respectfully submitted,

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

*David S. Wall
03.05.09*

David S. WallRECEIVED
San Jose City Clerk

March 5, 2009

2009 MAR -5 P 4: 22

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

Re: Baseball and Municipal Code 4.95.010

The City of San José has a budget deficit so large they are laying-off employees, cutting services, threatening to cut more services and now they want to spend more money that they do not have, to put a baseball stadium downtown using property they purchased using borrowed money for the expressed purpose of providing housing. In addition, the remaining property owners may just "balk" at having to sell their properties to consummate the downtown deal thus, invoking the specter of "imminent domain".

The "Mavens of March": Campos, Pyle and the "newbie" Herrera have joined Reed and Liccardo to pursue the Oakland Athletic Baseball team. This quixotic dream, in this economy, is a cry for help.

The "legal decision" that you can "fool or misrepresent" the taxpayers in the use of Redevelopment Agency land purchases for housing when in all reality YOU had no intention whatsoever to use the aforementioned real property purchases for anything but a "downtown baseball stadium" will be a hard sell. Personally, this mess is a mockery of the truth, the embodiment of skullduggery run amok and a debauchery of the spirit and intent of Municipal Code section 4.95.010.

It seems that every administration since Hammer administration and measure "G" is justified to build a baseball stadium with money that they do not have, are likely to pay off within a generation and can guarantee if they do build such a stadium, that the owner of the sports team will not "black-mail" the public in perpetuity for additional perks and or more cash.

If YOU are Hell bound to go after a stadium, I gave public testimony during "Measure G" that the only viable spot in the City for a sports stadium is the County Fairgrounds.

At the County Fairgrounds, a one hundred thousand (100,000) plus stadium could be built. Short of adding in a connecting rail line or two, most of the infrastructure is already there.

YOU could be in the position to work with the County for a change and then rip off the Giants and the 49ers from San Francisco leaving "any twosome for Newsome" looking goofier than ever.

YOUR position, concerning Municipal Code section 4.95.010 and the use of Redevelopment Agency land purchases for housing, when in all reality YOU had no intention whatsoever to use the aforementioned real property purchases for anything but a "downtown baseball stadium", will be interesting to see if can be used to further hoodwink the public who are; losing their jobs, their homes and their patience with over paid and benefited politicians who cater to special interests.

YOU have NO MONEY for Downtown baseball.

Respectfully submitted,

Cc: City Attorney / Auditor / City Manager

David S. Wall
03.05.09