

Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

SUBJECT: The Public Record
April 17-23, 2009

DATE: April 24, 2009

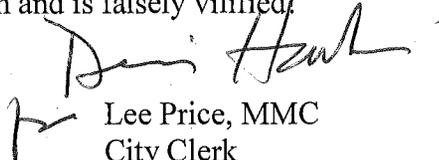
ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Letter from Constance Langford, Chair of the Senior Citizens Commission, to Mayor Reed and City Council dated April 8, 2009 requesting the Office On Aging be added to the City's "Frequently Called Numbers" handout.
- (b) Letter from Constance Langford, Chair of the Senior Citizens Commission, to Mayor Reed and City Council dated April 8, 2009 requesting City support of Assembly Bill HR5 and Senate Bill SR7, both entitled, "Relative to Same Sex Marriage."
- (c) Letter from Constance Langford, Chair of the Senior Citizens Commission, to Mayor Reed and City Council dated April 8, 2009 requesting City support of AB 342, "Aging: Elder Economic Security Standard Index."
- (d) Notification letter from Verizon Wireless to Consumer Protection and Safety Division dated April 15, 2009 for Capitol Monterey GTE Mobilnet of California Limited Partnership (U-3002-C), of San Jose, CA MSA.
- (e) Notification letter from the Department of Toxic Substances Control dated April 17, 2009 regarding final decision for Class 2 permit modification for Clean Harbors San Jose, LLC located at 2021 Berryessa Road, San Jose.
- (f) E-mail from Bill Hoa to the City Clerk dated April 22, 2009 regarding Fire Station 33 on Communications Hill in District 7.
- (g) Letter from David S. Wall to Mayor Reed and City Council dated April 22, 2009 regarding "Eliminate Office of the Independent Police Auditor."
- (h) Letter from David S. Wall to Mayor Reed and City Council dated April 23, 2009 regarding "The Ghetto Life: Update on the SCEP."

Honorable Mayor and City Council Members
April 24, 2009
Subject: The Public Record April 17-23, 2009

- (i) Letter from David S. Wall to Mayor Reed and City Council dated April 23, 2009 regarding "Mayor Reed has told the whole IPA truth and is falsely vilified!"



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



PUBLIC RECORD a

SENIOR CITIZENS COMMISSION

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

April 8, 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:

Recently a member of the Senior Commission while signing in at the receptionist's desk in the lobby at City Hall picked up a copy of the handout "Frequently Called Numbers" which is available for distribution to the public. Much to the dismay of the Senior Citizen's Commission we discovered that although a number of organizations are listed, including United Way which has deleted all funding for seniors in their current budget, there is no listing for the Office On Aging (OOA) which would facilitate a connection for anyone with a senior issue/request.

Therefore, the Senior Commission would like to recommend that the City of San Jose, the tenth largest city in the United States, revise the "Frequently Called Numbers" handout to include the telephone numbers for PRNS, the Office On Aging and further that the word "senior" be added in front of the listing for community centers, i.e. senior/community centers.

Thank you for your consideration of this request which could provide needy seniors in our community a way to find answers.

Yours truly,

Constance Langford,
Chair, Senior Citizens Commission

CL/jm

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

bcc: City Clerk
Khoa Nguyen
Meghan Revolinsky
Angel Rios
Diane Lindberg
Dan Wax
Correspondence Binder

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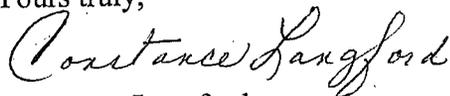
Dear Honorable Mayor Reed and City Council:

The Senior Citizen's Commission by a majority vote is writing to you today in support of the Human Rights Commission recommendation on January 15, 2009 for an amicus action by the Mayor and City Council. The Senior Citizen's Commission respectfully recommends that the Mayor and City Council support Civil Rights for all and the right of gay people to marry.

This could be accomplished by supporting the following legislative actions by the State Assembly and State Senate when they each voted on March 2, 2009 to pass Assembly Bill HR5 "Relative to Same Sex Marriage" and Senate Bill SR7 Enrolled "Relative To Same Sex Marriage." The Summary of these bills is as follows - Summary: ***Resolved that the Assembly/Senate opposes Proposition 8 because it is an improper revision, not an amendment, of the California Constitution and was not enacted according to the procedures required by Article XVIII of the California Constitution.***

We respectfully request your serious consideration of this recommendation.

Yours truly,



Constance Langford,
Chair, Senior Citizens Commission

CL/jm

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

bcc: City Clerk
Khoa Nguyen
Meghan Revolinsky
Angel Rios
Diane Lindberg
Dan Wax
Correspondence Binder



SENIOR CITIZENS COMMISSION

5730 Chambertin Drive
San Jose, California 95118
Tel: (408) 979-7915
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April 8, 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:

In a letter written to you in the month of January 2009 regarding the proposed issuance of fees by the PRNS Department, we attached for your information a copy of the Elder Economic Security Index that was developed to demonstrate that a high percentage of seniors in Santa Clara County are actually poverty stricken in terms of their income and the actual cost of living.

Assembly Member Beall with empathy for the dire straits of seniors in the state of California has introduced legislation to remedy this situation by authoring **AB 324 "Aging: Elder Economic Security Standard Index."**

This bill would require the department, beginning in 2010, to annually update the Elder Economic Security Standard Index (Elder Index) as defined, for each county. This bill would require the department to make prescribed calculations and analyses relating to elders living below the Elder Index's poverty threshold. This bill would also require the department to report Elder Index data to each service area included in the state plan.

The Senior Commission recommends that you support this legislation which would clearly benefit seniors throughout the state.

Yours truly,

Constance Langford,
Chair, Senior Citizens Commission

CL/jm

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

bcc: City Clerk
Khoa Nguyen
Meghan Revolinsky
Angel Rios
Diane Lindberg
Dan Wax
Correspondence Binder

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San Jose City Clerk

2009 APR 22 P 2:53

verizonwireless

1120 Sanctuary Pkwy
Suite 150
MC: GASA5REG
Alpharetta, GA 30009
(770) 797-1070

April 15, 2009

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

Re: Notification Letter for **Capitol Monterey** GTE Mobilnet of California Limited
Partnership (U-3002-C), of San Jose, CA MSA

This is to provide the Commission with notice according to the provisions of General Order No. 159.A of the Public Utilities Commission of the State of California ("CPUC") for the project described in Attachment A.

A copy of this notification letter is also being provided to the appropriate local government agency for its information. Should there be any questions regarding this project, or if you disagree with any of the information contained herein, please contact Chrissy L. Agricola of Verizon Wireless at (770) 797-1049.

Very truly yours,



Chrissy L. Agricola
Verizon Wireless
MTS Network Compliance

Notification Letter
GTE Mobilnet of California Limited Partnership (U-3002-C)
April 15, 2009
Page 2

Attachment A

CPUC CELL SITE REPORT GTE Mobilnet of California Limited Partnership (U-3002-C)

PROJECT LOCATION: Capitol Monterey – I/B

SITE NAME: Capitol Monterey
SITE ADDRESS: 120 Granite Rock Way (AKA 3616 Hillcap Avenue)
LOCATION: San Jose, CA 95136
COUNTY: Santa Clara
APN: 462-17-020 (Formerly 016)
COORDINATES: 37° 16' 48.79"/121° 50' 32.83" (NAD83)

1. PROJECT DESCRIPTION:

GTE Mobilnet of California Limited Partnership (U-3002-C) proposes the addition of one (1) 60kw diesel Bellytank Generator.

ANTENNAS: N/A
TOWER DESIGN: N/A
TOWER APPEARANCE: Pole
TOWER HEIGHT: 62'
BUILDING SIZE: N/A
OTHER: N/A

Notification Letter
GTE Mobilnet of California Limited Partnership (U-3002-C)
April 15, 2009
Page 3

3. BUSINESS ADDRESSES OF ALL LOCAL GOVERNMENT AGENCIES:

Cc: Joseph Horweldel
Director of Planning
San Jose Department of Planning, Building and Development
200 East Santa Clara Street
San Jose, CA 95113

Debra Figone
City Manager
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

Lee Price - City Clerk
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

4. LAND USE APPROVALS:

Type:	San Jose Planning Permit Adjustment
Issued:	05/20/08
Effective:	05/20/08
Agency:	City of San Jose Planning Department
Permit No.:	Permit Adjustment #AD08-65 Adjust. Original
Resolution No.:	N/A



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

APR 20 10 3:57
Maziar Movassaghi
Acting Director
700 Heinz Avenue
Berkeley, California 94710-2721

PUBLIC RECORD e



Arnold Schwarzenegger
Governor

April 17, 2009

To Whom It May Concern:

NOTICE OF FINAL DECISION FOR CLASS 2 PERMIT MODIFICATION FOR CLEAN HARBORS SAN JOSE, LLC

In accordance with the requirements of California Code of Regulations (CCR), title 22, section 66271.14, the Department of Toxic Substances Control (DTSC) is issuing this Notice of Final Decision for Class 2 Permit Modification (Notice) to the following facility:

Clean Harbors San Jose, LLC
1021 Berryessa Road
San Jose, California 95133
Santa Clara County
EPA ID No. CAD 059494310

Clean Harbors San Jose, LLC (Clean Harbors) is a large permitted hazardous waste treatment, and transfer facility which stores and treats more than 1,000 tons of hazardous waste during any one month. Clean Harbors operations include consolidation, reclamation and volume reduction of industrial and household hazardous waste. The treatment processes permitted at the facility include: phase separation (organic solvents, water and oil), fuel blending (organic solvents and wastes with fuel value), neutralization of acidic and basic wastes (pH adjustment), aqueous metal precipitation, solvent distillation, biological treatment (metabolic breakdown by bacteria), thermal stripping, evaporation, filtration, air stripping, oxidation/reduction, carbon absorption, and solidification. DTSC issued a RCRA-equivalent Hazardous Waste Facility Permit (Permit) to Clean Harbors on December 31, 2002. The Permit has an effective date of February 10, 2003 and expiration date of February 9, 2013. The facility has been operating at this site since 1974 under previous owner, Solvent Services Incorporated. A major remodeling and retrofitting of the facility was completed in 1994.

Clean Harbors submitted a Class 2 Permit Modification request on August 29, 2008 to install two (2) new 15,000-gallon tanks and associated piping systems. The new tanks will be used to consolidate and treat (by gravimetric separation) waste from multiple generators prior to shipment to offsite recycling facilities. DTSC reviewed the request and made a determination that the addition of two (2) new tanks will increase the facility's storage tank capacity by 12.5%. This qualifies as Class 2 Permit Modification.

Notice of Final Decision
Class 2 Permit Modification
Clean Harbors San Jose, LLC
Page 2 of 2

Clean Harbors published a public notice in the San Jose Mercury News on September 5, 2008 and held a public meeting from 6:00 to 7:00 o'clock in the afternoon on October 16, 2008 at 1030 Commercial Street, Suite 107 in San Jose, California. No one attended the public meeting. A public notice was also sent out to the facility mailing list on September 5, 2008 for a 45-day public comment period. The comment period started on September 5, 2008 and ended on November 27, 2008. DTSC received no comments at the end of the public comment period.

DTSC has prepared a Notice of Exemption for this project to comply with the California Environmental Quality Act. DTSC is hereby approving the Class 2 Permit Modification and will be preparing a modified permit. Since there were no public comments received, the Class 2 Permit Modification becomes effective immediately on April 17, 2009.

A copy of the complete administrative record for this permit decision is available for review at the following locations:

File Room
Department of Toxic Substances Control
700 Heinz Avenue
Berkeley, CA 94710-2737
(510) 540-3800

Dr. Martin Luther King, Jr. Library
Reference Desk
150 E. San Fernando Street
San Jose, CA 95112
(408) 808-2000

Please bring this Notice to the attention of all persons whom you know would be interested in this matter. If you have any questions, please contact Ms. Cherry Padilla at (510) 540-3967.

From: Bill Hoa
Sent: Wednesday, April 22, 2009 1:03 PM
To: City Clerk
Subject: Fire Station 33 on Communications Hill in District 7 of San Jose

Dear City Clerk:

This is in reference to a proposal to close Fire Station #33, on top of Communications Hill. I live in the Communications Hill community in District 7 of San Jose. I recognize that budget deficits are never easy for a city to address, especially for a large city such as San Jose.

However I must express my concern in regards to the City's decision to consider closing Fire Station 33 in District 7.

This fire station, its equipment, and its fire trucks were paid for by KB Homes, so essentially it was really paid for by me and my fellow neighbors who bought our homes from KB Homes over the past 6 years.

This fire station project was an integral part of the City's master plan of the area called Communications Hills Specific Plan [which has garnered national awards] and planned to the very last detail. Because of the City's Master plan, it was represented to us that there will always be a manned and fully operational Fire Station at the top of Communications Hill to protect our families and properties due to its distance to other fire stations and limited access (only one major road and one narrow street). We had all paid a premium for our homes with this service and protection in mind.

The fire station was a priority on Communications Hill with over 5,000 planned residences, a school, park, retail and recreation in the area that once was the site of the first prune orchard in California. Fire Station #33 is a "turnkey" facility that was funded by private development.

The half-acre site for the fire station was donated by Rob Bettencourt of MTA Properties, with Kenneth Rodriguez & Partners as architects, KB Homes developing the project and even providing the fire apparatus. This state-of-the-art two-story Fire Station with 6,200 square feet and double-bay garage was built at a cost of about \$4.4 million, and the new fire engine and equipment cost approximately another \$620,000. The funds for all of these came from KB Homes, which came directly from people like myself and other homeowners, who paid a hefty premium to buy our homes on Communications Hill to fund these amenities (park, school, fire station, etc).

Having these items as the major draw, the City and developers marketed and convinced residents into purchasing homes in this new community with

these amenities in mind. However, it now seems that the City is reneging on its promise and commitment to provide a fire station on Communications Hill to protect the residents who have funded the project of building and equipped the fire station.

We need Fire Station 33 up on Communications Hill. Communications Hill is a fire waiting to happen with all the brush surrounding our area acting as fuel for a fire. The City so far (6 years) has failed to cut down the brush lining the hillside and it is continually becoming more of a danger, threatening the safety of our homes and lives when a fire erupts on this hillside.

Also, Fire Station 33 helps deter crime on Communications Hill, since its opening we've seen a marked reduction in crime in our neighborhood. Keeping Fire Station 33 open will keep our neighborhood safe and with the future development of Summerhill Homes, it will be essential piece of service to maintain the safety of our homes and families.

In the best case scenario, equipment and personnel from the nearest fire station will take significantly longer reach the top of our hill. In addition, similar to Oakland Hills, there are limited access (one main road and another narrow street) to the homes on top of Communication Hill.

We already had a fire on top of Communication Hill just two years ago which required getting water from Almaden Lake to fight the fire. At that time, there were no homes built along the back edge of the hill where the fire burned, but now there are, and those homes would not have survived the fire. As it was, this fire came to within 50 feet of the existing houses that were there. Here are some videos of the fire:

Youtube Video1: http://www.youtube.com/watch?v=D9vQW_bwNDs&feature=related

Youtube Video2: <http://www.youtube.com/watch?v=Ze4zV0Cj2ng>

AOL Video: <http://video.aol.com/video-detail/raw-video-grass-fire-on-communication-hill-in-san-jose/1671456101>

This community with its rolling hills and dry grass in the summer is a high risk fire hazard and if any place in the city needs a fire station, this is it.

In addition, a closed fire station may become a PRIME LOCATION for kids to come up and do drugs and other illegal activities.

Ultimately, if you and your fellow members on the Council insist on making this bad decision to close Fire Station 33, we as a community on Communications Hill

will work aggressively to create our own volunteer fire department, and will expect all of the equipment return to us, since we paid for it all.

Keep Fire Station 33 open!

It's a bad idea to cut police or fire protection programs.

It's a bad idea for the 500+ homes on Communications Hill and its surrounding community to be without the service and protection of Fire Station 33.

Thank you for your attention and I hope you will the Communications Hill community by keeping Fire Station 33 open.

Sincerely,

William Yee

David S. Wall

PUBLIC RECORD g

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San Jose City Clerk

2009 APR 22 P 1:49

April 22, 2009

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

Re: Eliminate Office of the Independent Police Auditor

Independent Police Auditor is the mouthpiece of the malcontents.

The Office of the Independent Police Auditor was never needed, was never voted for by the taxpayers and has never been "independent".

The Office of the Independent Police Auditor has never served the interests of the taxpayers.

The Office of the Independent Police Auditor is a methodology for "free discovery" for criminal defense attorneys who utilize this disservice to the community for their own self enrichment purposes.

The Office of the Independent Police Auditor is replete with congenital controversies that are currently causing an unnecessary distraction to the Mayor and Council.

The Office of the Independent Police Auditor serves only to be the mouthpiece of the community of malcontents and associated social deviants.

The Office of the Independent Police Auditor should be administratively eliminated.

Respectfully submitted,

David S. Wall
04.22.09

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///
///

Cc: City Attorney / Auditor / City Manager

David S. Wall

PUBLIC RECORD h

RECEIVED
City Clerk

April 23, 2009

2009 APR 23 P 4: 00

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

Errata, Last week's SCEP reported a 120% increase of theft of shopping carts from the previous week. The correct number was 12.0%, my error.

On Monday, (04.20.09) approximately 1216 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 sixteen (16) stolen and abandoned shopping carts *A 167% increase of theft of shopping carts from last Wednesday is hereby recorded.*

The garbage at this locale is increasing with notable dumping of concrete and soil. Garbage was contained in several stolen and abandoned shopping carts. The "City 32 gallon garbage can" (I.D. # 032066778) from last week was no where to be seen.

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

Unmarked (4), Save Mart Markets (2), Mi pueblo (2), Lion Food Center (1), Safeway (1), Fry's Electronics (1), Toys "R" Us (1), Home Depot (1), WalMart (1), Zanottos (1), and OSH (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 Railroad Tracks Resident(s) undertaken.

A "welfare check" to establish the status of any and all occupant(s) 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. It was a "hot hike", well above eighty degrees.

Garbage is increasing along railroad property which is used as a transit corridor for the criminal and destitute element.

No new "Gang" related graffiti was noted. Some of this graffiti shows unique artistic talent.

There was one interview this week

I came upon Hector, lying prostrate (face down) in his hooch. A forty ounce bottle of "King Cobra Malt Liquor" stood at attention at one third its original volume. I called out in a loud voice to Hector to ascertain if he was a rotting corpse or otherwise. Hector was "otherwise", he was just drunk.

I asked him if he needed anything and Hector said that he did not. I asked Hector if He was ever going to "pick up" the garbage around his hooch and he said he was going to place it in a nearby garbage can. There is not a garbage can anywhere in sight.

Hector thanked me for checking on him. I told Hector to drink plenty of fluids so as not to become dehydrated, to wit, Hector took a swig from his jug of Malt Liquor.

All of Manuel's chickens were confined to the curtilage.

Respectfully submitted,

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

David S. Wall

David S. Wall

PUBLIC RECORD 1

RECEIVED
San Jose City Clerk

2009 APR 23 P 3: 57

April 23, 2009

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

Re: Mayor Reed has told the whole IPA truth and is falsely vilified!

Is the San José Mercury News "making or reporting" the news?

The Gang of Five supports government by proxy, fascism on the rise at City Hall?

In a move reminiscent of the 1930's German Weimar Republic, a memo written by Councilmember Campos entitled, "SELECTION PROCESS FOR THE INDEPENDENT POLICE AUDITOR" and signed by four additional Members of the City Council, is nothing less than a political putsch for power through misrepresenting the position involving the entire City Council concerning The Office of the Independent Police Auditor. (Beers and brats may or may not have been served.)

First and foremost, The Office of the Independent Police Auditor has never been needed, was never voted for by the taxpayers and has never been "independent". It has been nothing more than the mouthpiece of the criminal element and their malcontent camp followers. The taxpayers should be the ultimate arbiters of whether this den of calumnious cop haters is allowed to exist.

The San José Mercury News creates an atmosphere steeped in skullduggery and immature false truth telling where "**The Gang of Five**"; **Campos, Chu, Herrera, Kalra and Pyle** appear to shift blame to Mayor Reed in the botched hiring process for the position of Independent Police Auditor. Argument can be made this was done to curry favor with special interest entities through the manipulation of scandal for political gain. **Shame on the Gang of Five for stabbing Mayor Reed in the back!**

Weak teat Council Members jockey for positional brown-nosing of ACLU, NAACP, & others!

Bootlickers, Butt kissers, or brown-nosing sycophants as additional monikers for The Gang of Five as they court two loser organizations the ALCU and the NAACP as potential proxies for public policy formulation? The NAACP and ACLU are failed institutions and are of no value to society.

First the NAACP, an admitted racist organization who spew their tripe, if you are not black you are worthless. The ACLU, as demonstrated by the conduct of their local representative, unreasonably distrusts operations of the City of San José government. Both suffer a lack of credibility and try to legitimize their existence by intimidation and hyperbole.

The Gang of Five should repent by asking Mayor Reed, publicly, for forgiveness!
(Council is elected to make decisions. No proxy should be given to special interest groups.)

Respectfully submitted,

Cc: City Attorney / Auditor / City Manager

David S. Wall
04.23.09