

Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

SUBJECT: The Public Record
May 1-7, 2009

DATE: May 8, 2009

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Letter from Jon Whitmore to Mayor Reed dated April 21, 2009 writing in opposition of any filtering of internet access at King Library and the branches.
- (b) Letter from T-Mobile to Consumer Protection and Safety Division dated April 22, 2009 regarding OMNIPOINT COMMUNICATIONS, INC. d/b/a T-MOBILE (Wireless ID #: U-3056-C) Notification Letter for T-Mobile Site No. SF15066A.
- (c) Letter from T-Mobile to Consumer Protection and Safety Division dated April 22, 2009 regarding OMNIPOINT COMMUNICATIONS, INC. d/b/a T-MOBILE (Wireless ID #: U-3056-C) Notification Letter for T-Mobile Site No. SFO4563A.
- (d) Notification letter from Verizonwireless to Consumer Protection and Safety Division dated April 27, 2009 for Snell and Branham GTE Mobilnet of California Limited Partnership (U-3002-C), of San Jose, CA MSA.
- (e) Email from Wilma Hashi to Councilmember Kalra received May 30, 2009 regarding library hours.
- (f) Notice of Opportunity to Comment from Clerk of the Board Jeanine Townsend to City Clerk Lee Price dated May 4, 2009 for proposed approval of an amendment to the water quality control plan for the San Francisco Bay region (Basin Plan) establishing a total maximum daily load and implementation plan for pathogens in Richardson Bay.
- (g) Notice of Opportunity to Comment from Clerk of the Board Jeanine Townsend to City Clerk Lee Price dated May 5, 2009 for proposed approval of an amendment to the water quality control plan for the San Francisco Bay Region (Basin Plan) establishing a total maximum daily load for Polychlorinated Biphenyl (PCBs) in the San Francisco Bay.
- (h) Letter from Publisher of the El Observador Hilbert Morales, MPH to Mayor Reed and City Council dated May 6, 2009 regarding the selection and appointment process used to determine who will be the next Independent Police Auditor.

Honorable Mayor and City Council Members
May 8, 2009
Subject: The Public Record May 1-7, 2009

- (i) Letter from David S. Wall to Mayor Reed and City Council dated May 7, 2009 regarding "Reducing period for Public Comment? Whoring yourselves for Stimulus Funds, again?"
- (j) Letter from David S. Wall to Mayor Reed and City Council dated May 7, 2009 regarding "The Ghetto Life: Update on the SCEP".
- (k) Letter from David S. Wall to Mayor Reed and City Council dated May 7, 2009 regarding "Water Conservation Ordinance: lacks Sewer Hook-Up Moratorium and Public input.
- (l) Twenty emails to City Clerk Lee Price received between May 1, 2009 and May 6, 2009 regarding the Valley Transportation Authority's recommendation to build an end terminus BART station in Berryessa (On file in the Office of the City Clerk).



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



**SAN JOSÉ STATE
UNIVERSITY**

PUBLIC RECORD a

Office of the President

Jon Whitmore, President

One Washington Square
San José, California 95192-0002
Office: 408-924-1177
Fax: 408-924-1199
sjsupres@sjsu.edu

www.sjsu.edu

April 21, 2009

Dear Honorable Mayor Chuck Reed:

This letter is in response to San Jose City Council April 21, 2009, Amended Agenda Item 5.2, "Library Internet Access and Computer Use Policy." My predecessor, Don Kassing, wrote you approximately one year ago to voice San José State University's opposition to Internet filters at the Dr. Martin Luther King, Jr. Library and all branches.

I am writing today to confirm SJSU's position remains unchanged; we oppose any filtering of Internet access at King Library and the branches.

Internet filters will violate the spirit of our joint operating agreement by restricting intellectual freedom. Compromising this core value will seriously erode the spirit of cooperation and mutual understanding underlying the city-university partnership that built King Library.

The SJSU Academic Senate, which represents more than 2,000 faculty members, affirmed that intellectual freedom shall not be infringed at King Library in a November 2007 resolution. The resolution states "San José State University shall continue its long-standing practice of making uncensored access to its materials available to faculty, staff, students, and all citizens of the State of California."

The concept of intellectual freedom is also deeply embedded in the King Library operating agreement. Section 5.4, entitled "Intellectual Freedom," states: "It is the intent of the University and the City to continue to honor the current policy of both the University and City to provide for unrestricted access to all Library Material within the Library Collections and services within the Joint Library for all Members of the General Public and the University Users."

SJSU believes information available on the Internet is Library Material within the Library Collections, given the city and university share the costs of Internet connectivity *for King Library and all branches*. Note that SJSU students use computers in branch libraries to access the Internet.

The city should confer with the university before amending the Library Internet Access and Computer Use Policy. In May 2008, Library Director Jane Light wrote: "The Dr. Martin Luther King, Jr. Library's Operating Agreement, by which the City and the University agree to operate the King Library jointly, addressed the possibility of a future change in City policy, requiring that any changes to the City's Internet access policy could not negatively impact the University's open access policy for its students, faculty, employees, and collections."

While we appreciate changes made to the original proposal, SJSU's opposition remains because any filtering of the Internet will negatively impact open access. The current policy was deliberately written to apply to all patrons; suggested changes would restrict access based on a person's age (minor or adult), location (branch or King) and affiliation (public or SJSU). Also, language for the proposed login page essentially threatens patrons with arrest each time they use library computers, a situation we feel could have a chilling affect on student and faculty research.

Consequently, we believe these proposals must be vetted by the university community, which because of our history of consensual decision making, will require input from administrators, faculty, staff and students. San José State may also need to seek advice from legal counsel to determine if the operating agreement must be amended. Remember, the agreement promises unrestricted access to all Library Materials in the Library Collection, including Internet connectivity.

Make no mistake; public safety is SJSU's top priority. But we believe Internet filtering proposals are misguided. The resources we would spend seeking input from the entire university community and legal counsel, amending the Internet access policy, possibly amending the operating agreement, and then implementing filtering technologies will do little to enhance security at King Library.

Such resources would be better spent on far more effective measures, such as a new security camera system, more security personnel, and more library staff members working and mingling with patrons throughout King Library. I would also like to remind you that the crime rate in King Library is remarkably low. Police responded to two reports of lewd behavior during fiscal year 2007-2008, representing .0003 percent of all computer sessions.

In closing, I quote the Academic Senate resolution, which notes that King Library's "success is demonstrated, in part, by 2.5 million patron visits and 700,000 Internet sessions a year. The great success of the joint library is predicated upon a robust level of cooperation between the city and the university. We invite the city to join us in renewing our commitment to the shared understandings that make the joint library possible."

San José State University is looking forward to working with you on this matter. I have asked Associate Vice President for Public Affairs Larry Carr to help me address your questions or concerns. Please feel free to contact him at 408-924-1166 or larry.carr@sjsu.edu.

Sincerely,

A handwritten signature in black ink that reads "Jon Whitmore" followed by a horizontal line.

Jon Whitmore
President

cc:

Debra Figone, San Jose City Manager
Jane Light, San Jose Library Director

T-Mobile

PUBLIC RECORD 5

Omnipoint Communications, Inc. d/b/a T-Mobile
Engineering Development
1855 Gateway Blvd, 9th Floor
Concord, CA 94520

RECEIVED
San Jose City Clerk

April 22, 2009

2009 MAY -1 A 10: 55

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

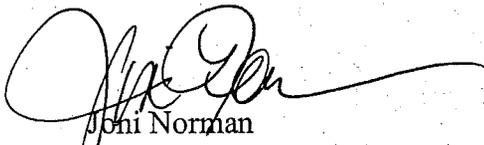
**RE: OMNIPOINT COMMUNICATIONS, INC. d/b/a T-MOBILE (Wireless ID #: U-3056-C)
Notification Letter for T-Mobile Site No. SF15066A:**

This letter provides 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 with regard to the project described in Attachment A:

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

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

Sincerely,


Joni Norman
Sr. Development Manager
Omnipoint Communications, Inc. d/b/a T-Mobile

Enclosed: Attachment A

CC:

City of San Jose, Attn: Planning Director, 200 East Santa Clara St., 2nd Floor, San Jose, CA 95113
City of San Jose, Attn: City Clerk, 200 East Santa Clara St., 2nd Floor, San Jose, CA 95113
City of San Jose, Attn: City Manager, 200 East Santa Clara St., 2nd Floor, San Jose, CA 95113

ATTACHMENT A

1. Project Location

Site Identification Number: SF15066A

Site Name: SCV Water

Site Address: 6350 Cahalan Avenue

County: Santa Clara

Site Location: San Jose, CA 95123

Assessor's Parcel Number: 696-04-04

Latitude: 37 13' 53.2992"

Longitude: 121 50' 52.2997"

2. Project Description

Number of Antennas to be installed: Addition of two (2) 24" diameter M/W antennas to an existing cellular antenna facility.

Tower Design: Antennas to be mounted to side of an existing water tank

Tower Appearance: Antennas to be mounted on support for existing cellular antennas

Tower Height: A) 34'
 B) 30'

Size of Buildings: No change to existing equipment space.

3. Business Addresses of all Governmental Agencies

City of San Jose Planning Director 200 East Santa Clara St. 2 nd Floor San Jose, CA 95113	City of San Jose City Manager 200 East Santa Clara St. 2 nd Floor San Jose, CA 95113	City of San Jose City Clerk 200 East Santa Clara St. 2 nd Floor San Jose, CA 95113
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4. Land Use Approvals

Date Zoning Approval Issued: April 3, 2009 the City of San Jose issued a Development Permit Adjustment to allow two (2) M/W antennas to be mounted on an existing water tank which currently supports cellular telephone antennas. Date of action April 3, 2009.

Land Use Permit #: AD09-329

T-Mobile

PUBLIC RECORD C

Omnipoint Communications, Inc. d/b/a T-Mobile
Engineering Development
1855 Gateway Blvd, 9th Floor
Concord, CA 94520

RECEIVED
San Jose City Clerk

April 22, 2009

2009 MAY -1 A 10:42

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

**RE: OMNIPOINT COMMUNICATIONS, INC. d/b/a T-MOBILE (Wireless ID #: U-3056-C)
Notification Letter for T-Mobile Site No. SF04563A:**

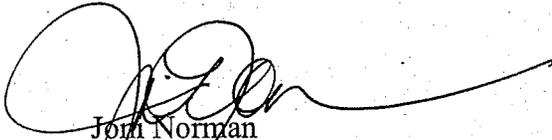
This letter provides the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California (CPUC) that with regard to the project described in Attachment A:

(a) T-Mobile has obtained all requisite land use approvals for the project described in Attachment A.

(b) No land use approval is required because: NA

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

Sincerely,



Joni Norman
Sr. Development Manager
Omnipoint Communications, Inc. d/b/a T-Mobile

Enclosed: Attachment A

CC:

City of San Jose, Attn: Planning Director, 200 East Santa Clara St., 2nd Floor, San Jose, CA 95113
City of San Jose, Attn: City Clerk, 200 East Santa Clara St., 2nd Floor, San Jose, CA 95113
City of San Jose, Attn: City Manager, 200 East Santa Clara St., 2nd Floor, San Jose, CA 95113

ATTACHMENT A

1. Project Location

Site Identification Number: SF04563A

Site Name: 472 Blossom Hill Road

Site Address: 472 Blossom Hill Road

County: Santa Clara

Site Location: San Jose, CA 95123

Assessor's Parcel Number: 687-26-019

Latitude: 37 14' 59.29836"

Longitude: 122 49' 58.46684"

2. Project Description

Number of Antennas to be installed: Addition of one (1) 24" diameter M/W antenna to an existing cellular antenna facility.

Tower Design: 15' tall roof mounted support pole

Tower Appearance: Antenna mounted on rooftop pole.

Tower Height: A) 35'
 B) 29'

Size of Buildings: No change to existing equipment space.

3. Business Addresses of all Governmental Agencies

City of San Jose Planning Director 200 East Santa Clara St. 2 nd Floor San Jose, CA 95113	City of San Jose City Manager 200 East Santa Clara St. 2 nd Floor San Jose, CA 95113	City of San Jose City Clerk 200 East Santa Clara St. 2 nd Floor San Jose, CA 95113
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4. Land Use Approvals

Date Zoning Approval Issued: April 3, 2009 the City of San Jose issued a Development Permit Adjustment to allow a M/W antenna to be mounted on a rooftop pole currently supporting cellular telephone antennas. Date of action April 3, 2009.

Land Use Permit #: AD09-331

The Verizon Wireless logo, featuring the word "verizon" in a bold, lowercase sans-serif font and "wireless" in a smaller, lowercase sans-serif font to its right.

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

April 27, 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 **Snell and Branham** 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,

A handwritten signature in black ink, appearing to read "Chrissy L. Agricola".

Chrissy L. Agricola
Verizon Wireless
MTS Network Compliance

Attachment A

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

PROJECT LOCATION: Snell and Branham – I/B

SITE NAME: Snell and Branham

SITE ADDRESS: 179 Branham Lane

LOCATION: San Jose, CA 95136

COUNTY: Santa Clara

APN: 462-46-029

COORDINATES: 37° 16' 02.40"/121° 50' 02.10" (NAD83)

1. PROJECT DESCRIPTION:

GTE Mobilnet of California Limited Partnership (U-3002-C) proposes the installation of six (6) new antennas mounted on a 60 foot monopole plus eleven (11) new equipment cabinets inside a CMU enclosure with a 30 kw generator.

ANTENNAS: Six (6) panel antennas
Two (2) GPS antennas

TOWER DESIGN: Slim Line Monopole with Light affixed

TOWER APPEARANCE: Slim Line Monopole (light pole)

TOWER HEIGHT: 60'

BUILDING SIZE: N/A

OTHER: N/A

3. BUSINESS ADDRESSES OF ALL LOCAL GOVERNMENT AGENCIES:

Cc: Laurel Prevetti, Planning Director
City of San Jose
200 E. Santa Clara Street, 2nd Floor Tower
San Jose, CA 95113

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

Lee Price, City Clerk
City of San Jose
200 E. Santa Clara Street
San Jose, CA 95113

Pamela Foley, President
San Jose Unified School District
855 Lenzen Avenue
San Jose, CA 95126

4. LAND USE APPROVALS:

Type:	Planned Development Permit
Issued:	03/16/09
Effective:	03/27/09
Agency:	City of San Jose Planning Department
Permit No.:	PD08-068
Resolution No.:	N/A

From:
Sent: Sunday, May 03, 2009 4:56 PM
To: Kalra, Ash
Cc: City Clerk
Subject: Library Hours

I realize this is a bad budget year but I don't feel that having the libraries only open 4 days a week will help that. I was at the meeting for the discussion of filters on the library computers. The mayor stated that the next a couple of thousand kids would be in the library without protection that filtering would provide. I guess we don't have to worry about that, the library will be closed when they want to use it. People who use the library for information on job hunting and to provide entertainment in these hard times will be out of luck. We want to invite businesses to locate in San Jose but we can't provide them library service for a good part of the week. We want some place for the kids to go after school but maybe the mall will work. I am sure they are safe there. I know the budget is tight but we can find money to looking into bring the A's to San Jose. Why not find money to keep the libraries open at least 5 days a week.

Wilma Hashii



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Charles R. Hoppin, Chairman
1001 I Street • Sacramento, California 95814 • (916) 341-5603
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
Fax (916) 341-5621 • <http://www.waterboards.ca.gov>



Arnold Schwarzenegger
Governor

NOTICE OF OPPORTUNITY TO COMMENT:

PROPOSED APPROVAL OF AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY REGION (BASIN PLAN) ESTABLISHING A TOTAL MAXIMUM DAILY LOAD AND IMPLEMENTATION PLAN FOR PATHOGENS IN RICHARDSON BAY

NOTICE IS HEREBY GIVEN THAT the State Water Resources Control Board (State Water Board) will accept comments on the proposed approval of an amendment to the Basin Plan that would establish a Total Maximum Daily Load (TMDL) for pathogens in Richardson Bay. The amendment, the State Water Board agenda language, and draft resolution are available on the State Water Board's Web site at

http://www.waterboards.ca.gov/water_issues/programs/tmdl/tmdl.shtml#rb2 or can be received by mail by contacting Peter Martin Jr. at (916) 341-5557. The amendment was adopted by the San Francisco Bay Regional Water Quality Control Board (San Francisco Bay Water Board) on July 9, 2008. The State Water Board will separately publish a notice of the meeting at which it will consider the proposed approval of the amendment.

Comment letters to the State Water Board must be received by 12:00 noon on May 28, 2009. After the deadline, State Water Board staff will not accept additional written comments unless the State Water Board determines that such comments should be accepted. Please send comments on the proposed State Water Board approval of the amendment to:

Jeanine Townsend, Clerk to the Board, by email at (commentletters@waterboards.ca.gov) (If 15 megabytes in size or less), (916) 341-5620 (fax), or by mail addressed to State Water Resources Control Board, 1001 I Street, Sacramento, CA 95814. Please also indicate in the subject line, "Comment Letter – Richardson Bay Pathogens TMDL."

Please direct questions about this notice to Peter Martin Jr., Division of Water Quality, at (916) 341-5557 (pmartin@waterboards.ca.gov) or Steven H. Blum, Senior Staff Counsel at (916) 341-5177 (sblum@waterboards.ca.gov).

_____ May 4, 2009
Date

Jeanine Townsend
Jeanine Townsend
Clerk to the Board



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Charles R. Hoppin, Chairman
1001 I Street • Sacramento, California 95814 • (916) 341-5603
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
Fax (916) 341-5621 • <http://www.waterboards.ca.gov>



Arnold Schwarzenegger
Governor

NOTICE OF OPPORTUNITY TO COMMENT

PROPOSED APPROVAL OF AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY REGION (BASIN PLAN) ESTABLISHING A TOTAL MAXIMUM DAILY LOAD FOR POLYCHLORINATED BIPHENYLS (PCBs) IN THE SAN FRANCISCO BAY

NOTICE IS HEREBY GIVEN THAT the State Water Resources Control Board (State Water Board) will accept comments on the proposed approval of an amendment to the Basin Plan that would establish a Total Maximum Daily Load (TMDL) for PCBs in the San Francisco Bay. The amendment, the State Water Board agenda language, and draft resolution are available on the State Water Board's Web site at

http://www.waterboards.ca.gov/water_issues/programs/tmdl/tmdl.shtml#rb2 or can be received by mail by contacting Peter Martin Jr. at (916) 341-5557. The amendment was adopted by the San Francisco Bay Regional Water Quality Control Board on February 13, 2008. The State Water Board will separately publish a notice of the meeting at which it will consider the proposed approval of the amendment.

Comment letters to the State Water Board **must be received by 12:00 noon on June 4, 2009**. After the deadline, State Water Board staff will not accept additional written comments unless the State Water Board determines that such comments should be accepted. Please send comments on the proposed State Water Board approval of the amendment to: Jeanine Townsend, Clerk to the Board, by email at (commentletters@waterboards.ca.gov) (If 15 megabytes in size or less), (916) 341-5620 (fax), or by mail addressed to State Water Resources Control Board, 1001 I Street, Sacramento, CA 95814. Please also indicate in the subject line, "Comment Letter – San Francisco Bay PCBs TMDL."

Please direct questions about this notice to Peter Martin Jr., Division of Water Quality, at (916) 341-5557 (pmartin@waterboards.ca.gov) or Steven H. Blum, Senior Staff Counsel, at (916) 341-5177 (sblum@waterboards.ca.gov).

May 5, 2009
Date

Jeanine Townsend
Jeanine Townsend
Clerk to the Board

PUBLIC RECORD hRECEIVED
San Jose City Clerk

DATE: May 6, 2009

2009 MAY -6 P 1:32

TO: The Honorable Chuck Reed, Mayor, City of San Jose
And Members of the City CouncilFROM: Hilbert Morales, MPH *Hilbert Morales*
Publisher, EL OBSERVADOR, San Jose, CA 5/6/09

SUBJECT: The Selection and Appointment Process used to determine who will be the next Independent Police Auditor.

Historical perspective reveals why your Hispanic constituents are very interested and concerned in the current appointment process for the next Independent Police Auditor. In brief, many want to be assured that, in the interest of law and order, a step is taken towards achievement of the application and enforcement of our laws and ordinances in a fair and compassionate manner which is applied equally to all residents. We all want to achieve in practice the 'American Dream' constitutional ideals of living together in peace, with a higher level of self-esteem, respect and dignity. Many Hispanics, like other ethnic group members, have experienced profiling, which is a double standard in the application and enforcement of local laws and ordinances.

In general, some of us wonder about the level of accountability and responsibility which is expected of any and all policing endeavors. Of especial interest today are the disproportionate public intoxication arrests, the use of tazers, and the appropriate use of deadly force (sidearms). It seems that invariably, the peace officer is hardly ever held accountable and responsible for questionable judgements.

In my thoughtful consideration of this matter, I make the following suggestions:

- 1) The IPA selection process used must be as transparent and open to the public as is possible while the Mayor and members of the City Council make their choices in keeping with current law, regulation, moral and ethical standards. Your constituents, especially the Latinos, want assurance that the next IPA appointee will be competent, fair, and not beholden to anyone except you who make the selection and appointment.
- 2) In keeping with the extreme level of local concern, any advice, opinion or influence by a non-resident civilian advisor needs to be revealed. The achievement of a selection process which is fully transparent and open, while not divulging privileged personal and confidential information, will mitigate all negative rumors. An open, transparent process will enhance the civic confidence and pride of all. An obvious goal is the achievement of living together in peace, security, full trust and confidence wherein the community's economic activities and interactions may flourish.

- 3) As a consequence of what has transpired, several Latino businessmen have decided to become engaged and involved because they feel that the 'Latino business perspective' must be at the table. In this regard, Latino organizations, both for-profit businesses and non-profit civic groups may now be motivated to provide their input, not only with regard to this matter (selection of the IPA), but also to the exposure of other perceived 'business as usual' traditions and practices. This trend will ensure a higher level of engagement, communication of concerns and perceptions, and the understanding that the billion dollar economic influence of the City of San Jose's budget expenditures are made in a manner that reflects a fair, equitable level field of competitive involvement wherein no 'insider trading' and undue personal influence are involved.

Be assured that many of your Latino constituents want to achieve a level of civic involvement and engagement that they not only conceive as being possible, but also will now believe that it is possible. This means that certain practices and traditions need to be re-examined in an open and transparent manner so that we all are confident and trusting in one another. The community mantra of 'Si Se Puede' is being replaced with 'Juntos hacemos mas' (together we may do more).

David S. Wall

PUBLIC RECORD 1

RECEIVED
San Jose City Clerk

PI

May 7, 2009

2009 MAY -7 P 4: 30

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

Re: Reducing Period for Public Comment? Whoring Yourselves for Stimulus Funds, again?

The May 12, 2009 San José City Council Agenda contains some of the worst special interest taxpayer funded "get rich schemes" I have ever seen.

Of the many to comment on, two are from the accursed City of San José Housing Department that cries out for a lambasting most sincere.

The first shows up under "STRATEGIC SUPPORT SERVICES", Item 3.2 (3)(a)(1)(b) which is entitled, "Memorandum of Understanding between the City of San José and Step Up Silicon Valley: The Campaign to Cut Poverty".

The entire aspect of this asinine concept illustrates how the Department of Housing takes on missions that are beyond its scope of authority and beyond the dictates of functional human reality. Another special interest "non-profit" group readies to feed lavishly at the teat of finite taxpayer generosity.

This relationship is a failure in concept and design. Unless you are receiving the traditional high salaries usually afforded to "non-profits". "The Campaign to Cut Poverty through the enrichment of City of San José Housing Department personnel and designated third parties or their affiliates is a loser from the start.

The second and most damning concerns itself with the entire "COMMUNITY & ECONOMIC DEVELOPMENT". Item 4 in its entirety but specifically two points, Item 4.4 (a)(4): "Approve a shortened citizen participation comment period of 15 days in accordance with federal guidance related to the acceptance of federal stimulus funding." And the CEQA: Not a Project designation for all of Items 4.3 and 4.4.

Real bright, limiting the Public's ability to comment whether accepting the federal stimulus funding will end up costing local taxpayers far, far more than the money will appear to alleviate economic suffering. But, with election cycles what they are and "at will high salaried Directorships what they are and highly compensated administrative retirements what they are, who really cares what happens when the music stops and there is no chair for the taxpayer? I do.

ALL HOUSING ITEMS ON THIS AGENDA, FAIL TO DISCUSS ramifications of ON STREET PARKING, DRIPPING FLUIDS (from vehicles) AND NON-POINT SOURCE POLLUTION that these projects create. Looks like CEQA should be discussed.

Respectfully submitted,

Cc: City Attorney / Auditor / City Manager

David S. Wall
05.07.09

David S. Wall

PUBLIC RECORD *J*

RECEIVED
San Jose City Clerk

May 7, 2009

2009 MAY -7 P 4: 32

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 Wednesday, (05.06.09) approximately 1456 hours, after the "RULES AND OPEN GOVERNMENT COMMITTEE meeting, 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 114% increase of theft of shopping carts from last Monday is hereby recorded.*

The fly-strewn garbage at this locale is increasing and is an indicator that this sector of District 3 is in part why the City of San José is the Regional Ghetto for Santa Clara County. Garbage was also contained in several stolen and abandoned shopping carts.

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

Unmarked (3), FoodMaxx (2), Trader Joe's (2), Fry's Electronics (1), Saratoga Foods (1), DaI Thanh Supermarket (1), Lion Food Center (1), Safeway (1), McKee Oriental Market (1), Food Bowl (1), and The Container Store (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).

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 not* carried out.

An oncoming train (northbound from Hedding Street) created an unsafe condition.

There was one interview this week.

Michael, who was in possession of a stolen FoodMaxx shopping cart, half full of recyclables and proceeding to San José Metals, asked me a question. I was documenting the stolen and abandoned shopping carts and Michael asked if it was O.K. if he could drop off his FoodMaxx shopping cart after he visited San José Metals. I said, "Do as you see fit". He said he liked his PetsMart cart at his residence more than the FoodMaxx shopping cart. He said the value of his "recyclables" was about \$5.00.

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

Respectfully submitted,

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

David S. Wall
05.07.09

David S. Wall

PUBLIC RECORD K

RECEIVED
San Jose City Clerk

May 7, 2009

2009 MAY -7 P 4: 32

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

Re: Water Conservation Ordinance: lacks Sewer Hook-Up Moratorium and Public input.

Item 3.3 on Monday's, (05.04. 2009) Transportation and Environment Committee Agenda; "Water Conservation Ordinance, Update on Drought Conditions and Approval to Establish a Water Budget Program" should be first reviewed by the PUBLIC via a series of community meetings, WELL PUBLIZED IN ADVANCE in the media; television, radio, newspapers, and Libraries prior to formal resolution as to content and adoption into the Municipal Code.

The Memo tendered to the Transportation and Environment Committee, authored by the Director of Environmental Services Department, dated (04.22.09), entitled, "**City of San José Drought Response**" is fraught with "problems" that do not reflect *any* of the PUBLIC'S opinions or that of the business community on the matter.

NO WHERE in this piece of tripe is there any mention as to the need for a Mandatory Sewer Hook-Up Moratorium. Building of new housing, of any kind, should already have been prohibited due to an unsustainable water supply.

The draconian scenarios that owners of single family houses will face in the plummeting values of their respective properties, as a direct and proximate result of continuing to permit housing projects, of any kind, which only serves to materially exacerbate pressures on a diminishing water supply, is unacceptable.

Further, the negative impact on existing businesses whose very livelihoods are predicated on potable water usage is foreseeable and avoidable if a **Sewer Hook-Up Moratorium** were in place.

Clear, convincing and damning arguments can be made; that such conduct by Public Officials, who refuse to issue a **Sewer Hook-UP Moratorium**, while aware and noticed by the Santa Clara Valley Water District and others, as to the unsustainable water supply can constitute "**reckless disregard for the safety of the Public**" and could be "**Negligence per se**" as to property damage, the loss of enjoyment of property and a whole host of other statutes and or Tortious acts requiring civil remedies not referenced or incorporated, at the date of this writing, herein.

Beware of Ultra Vires, exceeding YOUR authority and the personal liability that can attach. (Superior Court and Federal District Magistrates, the members of the juries who sit within said venues may not share YOUR *special interest driven growth policies*, or unintended results.)

Respectfully submitted,

David S. Wall
05.07.09

Cc: City Attorney / Auditor / City Manager
Board Members: Santa Clara Valley Water District