



# Memorandum

**TO:** Honorable Mayor &  
City Council Members

**FROM:** Lee Price, MMC  
City Clerk

**SUBJECT:** The Public Record  
May 29-June 4, 2009

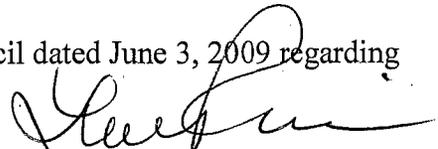
**DATE:** June 5, 2009

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**ITEMS TRANSMITTED TO THE ADMINISTRATION**

**ITEMS FILED FOR THE PUBLIC RECORD**

- (a) Letter from the Senior Citizens Commission Chairperson Constance Langford to Mayor Reed and City Council dated May 27, 2009 writing on behalf of the Commission about the serious pedestrian accidents at the crosswalk adjacent to Senior Centers in San Jose within the last year.
- (b) Notification letter from T-Mobile to Consumer Protection and Safety Division dated May 28, 2009 regarding Ominipoint Communications, Inc. d/b/a T-Mobile (Wireless ID #: U-3056-C) for Site No. BA02020A.
- (c) Notification letter from T-Mobile to Consumer Protection and Safety Division dated May 28, 2009 regarding Ominipoint Communications, Inc. d/b/a T-Mobile (Wireless ID #: U-3056-C) for Site No. SF15067A (Sunrise Telecom).
- (d) Letter from Jesse Villareal and Brian Helmle dated May 28, 2009 regarding San Jose Cop Watch.
- (e) Letter from David S. Wall to Mayor Reed and City Council dated May 29, 2009 regarding "The Silent Service: Attack on the Esquires (Issue #2)".
- (f) Letter from concerned Community Members to San Jose City Council dated May 29, 2009 regarding Independent Police Auditor Hiring Process.
- (g) Resolution of the City Council of the City of Milpitas requesting Major League Baseball act on the issue of territorial rights in the County of Santa Clara passed and adopted on May 5, 2009.
- (h) Letter from David S. Wall to Mayor Reed and City Council dated June 3, 2009 regarding "The Ghetto Life: Update on the SCEP".

  
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

**SENIOR CITIZENS COMMISSION**

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

May 27, 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:

There have been a number of serious pedestrian accidents at the crosswalks adjacent to Senior Centers in San Jose in the last year. The Senior Commission conducted a survey of crosswalks at the various centers in San Jose to determine if they were adequate. The findings were somewhat mixed. Six of the centers have adequate crosswalks with signals in place. There were some centers that had crosswalks with signals that did not allow sufficient time for seniors crossing safely. There were some centers that had crosswalks without benefit of signals.

The Senior Commission requests that the city consider increasing the time allotted for the crosswalks at the Alma and St. James Centers. The time allotted should be decided by the Department of Transportation taking into account the width of the roadway, the traffic pattern and the fact that the preponderance of pedestrians using these crosswalks are senior citizens. We further request that embedded flashing lights in the pavement or overhead caution lights be added to crosswalks at Hank Lopez, Cypress, Gardner, Camden and Northside centers.

We thank you for any help you give the senior community in this regard.

Yours truly,

*Constance Langford*

Constance Langford,  
Chair, Senior Citizens Commission  
CL:RK/jm

cc: Pete Constant, Councilmember, Dist. 1  
Debra Figone, City Manager  
Albert Balagso, PRNS Director  
Diane Lindberg, OOA Community Services Supervisor

**T-Mobile**

**Omnipoint Communications, Inc., dba T-Mobile**  
1855 Gateway Boulevard, 9<sup>th</sup> Floor  
Concord, CA 94520

May 28, 2009

RECEIVED  
San Jose City Clerk PUBLIC RECORD b

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

2009 JUN -4 A 9:10

**RE: OMNIPOINT COMMUNICATIONS, INC. d/b/a T-MOBILE (Wireless ID #: U-3056-C)  
Notification Letter for T-Mobile Site No. BA02020A:**

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 approval for the project described in Attachment A.
- (b) No land use approval is required because
- \_\_\_\_\_
- \_\_\_\_\_

A copy of this notification letter is being sent to the local government agency identified below for its information. 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, Senior 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. dba T-Mobile

Enclosed: Attachment A

CC:

Patrick O'Keefe, City Manager, 1333 Park Ave., Emeryville, CA 94608  
Karen Hemphill, City Clerk, 1333 Park Ave., Emeryville, CA 94608  
Charlie Bryant, Planning Director, 1333 Park Ave., Emeryville, CA 94608

**ATTACHMENT A**

**1. Project Location**

Site Identification Number: BA02020A

Site Name: Bay Bridge East

Site Address: 2333 Powell Street

County: Alameda

Site Location: Façade Mount on Fire Station

Assessor's Parcel Number: 049-1521-003-02

Latitude: 37° 50' 12.75"

Longitude: 122° 18' 12.12"

**2. Project Description**

Number of Antennas to be installed: 3

Tower Design: Façade Mount

Tower Appearance: Façade Mount

Tower Height: A) 39' 11"  
B) N/A

Size of Buildings: N/A

**3. Business Addresses of all Governmental Agencies**

City of Emeryville Attn: Karen Hemphill, City Clerk 1333 Park Avenue Emeryville, CA 94608	City of Emeryville Attn: Patrick O'Keeffe, City Manager 1333 Park Avenue Emeryville, CA 94608	City of Emeryville Attn: Charlie Bryant, Planning Director 1333 Park Avenue Emeryville, CA 94608
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**4. Land Use Approvals**

Date Zoning Approval Issued: 5/19/09

Land Use Permit #: DR09-05

If Land use Approval was not required: NA

**T-Mobile**

**Omnipoint Communications, Inc., dba T-Mobile**  
1855 Gateway Boulevard, 9<sup>th</sup> Floor  
Concord, CA 94520

RECEIVED  
San Jose City Clerk

May 28, 2009

PUBLIC RECORD C

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

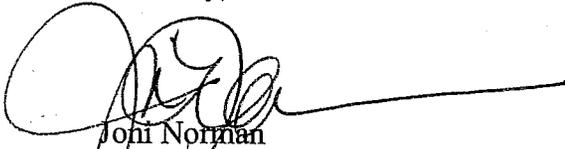
**RE: OMNIPOINT COMMUNICATIONS, INC. d/b/a T-MOBILE (Wireless ID #: U-3056-C)  
Notification Letter for T-Mobile Site No. SF15067A (Sunrise Telecom)**

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 approval for the project described in Attachment A.
- (b) No land use approval is required because
- \_\_\_\_\_
- \_\_\_\_\_

A copy of this notification letter is being sent to the local government agency identified below for its information. 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, Senior 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. dba T-Mobile

Enclosed: Attachment A

CC:

Joseph Horwedel, Planning Director, City of San Jose, 200 East Santa Clara St., San Jose, CA 95113  
Debra J. Figone, City Manager, City of San Jose, 200 East Santa Clara St., San Jose, CA 95113  
Lee Price, City Clerk, City of San Jose, 200 East Santa Clara St., San Jose, CA 95113

OMNIPPOINT COMMUNICATIONS, INC. d/b/a T-MOBILE (Wireless ID #: U-3056-C)  
Notification Letter for T-Mobile Site No. SF15067A (Sunrise Telecom)

May 28, 2009

Page 2 of 2

**ATTACHMENT A**

**1. Project Location**

Site Identification Number: SF15067A  
Site Name: Sunrise Telecom  
Site Address: 302 Enzo Dr, San Jose, CA 95138  
County: Santa Clara  
Assessor's Parcel Number: 678-06-021  
Latitude: 37°14'59.77  
Longitude: 121°48'55.03

**2. Project Description (applies to new sites only)**

10'-0 x 25'-0 lease area with 4 BTS, installation of (9) panels, antennas 3 sectors total,  
mounted on (E) roof

**3. Business addresses of all Local Governmental Agencies**

Joseph Horwedel  
Planning Director  
City of San Jose  
200 East Santa Clara St.  
San Jose, CA 95113

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

Lee Price  
City Clerk  
City of San Jose  
200 East Santa Clara St.  
San Jose, CA 95113

**4. Land Use Approvals**

Date Zoning Approval Issued: 7-24-06  
Land Use Permit #: H97-078

I am writing this letter on behalf of and as a member of San Jose Cop Watch, to give you some background information on San Jose Cop Watch. San Jose Cop Watch began in 1997 with frustrated and angry community members. During the initial organization of San Jose Cop Watch there were individuals that did voice their opinions during the SJPD's investigations. Since then many other concerned community members have become involved with the San Jose Cop Watch. Over the years San Jose Cop Watch has developed and understands the importance of allowing the SJPD conduct their investigations without any interference. San Jose Cop Watch is organized as a community voice and not a threat to SJPD. We would like to be treated with respect and filter out the few SJPD Officers who take advantage of the privileges of wearing a badge. It is understood that officers are needed to maintain the order of the city and protect the community from crimes. However, our philosophy is to observe and report back to the community on what has transpired, such as whether officers are providing the service they were hired and trained to do or if they are taking advantage of their authority and discriminating against specific ethnicities or individuals.

We are in no way trying to obstruct, interfere or prevent SJPD from doing their job. We are only concerned with the tactics employed by SJPD in regards to their interaction with members of the community who are people of color. What we have seen and experienced was and is a negative attitude by some members of SJPD. The mentality of these SJPD members is that they are superior to others. Some officers seem to enjoy that superiority and enforce it in matters that are minor and the superiority attitude is not necessary.

The "attitude arrests" have been well documented by the Mercury News and is also what has caused alarm and concern within the Latino community. If an individual has an attitude the officer automatically feels it's their right to arrest the individual. Once again, that is expressing the superiority attitude and enforcing their authority when it is not necessary. The alleged drunk in public arrests brought forth by the Mercury News is just a small example of what has been going on for a long time in San Jose. We, as concerned members of our community, were hoping with the Public Intoxication Task Force (PITF) would voice some of our many concerns and alleviate some of the issues. Unfortunately this was not the case, nor does it seem to be the case with our Council. Instead of the Council relying on the judgment of the community, which we would like to note is made up of various ethnicities, classes, and ages, they have spent money on an outside firm to handle the issues. To keep in mind, we are in an economic hardship and the city is willing to spend money on an outside firm to provide information that the PITF was willing to do for free.

We were hopeful the Independent Police Auditor would be given additional investigative power and resources to conduct a thorough and comprehensive investigation into alleged abuses by SJPD. Unfortunately this is not or has not been the case. I have personally filed with the IPA previously about the various unfair experiences I have encountered. My experience is typical of others in the community. What we experience is the IPA takes the initial complaint, forwards it to SJ Internal Affairs who then contacts the person/s who filed the complaint. The SJ Internal Affairs then has the individual go in and do a taped interview. After all this, the person who complains is just either (a) sent a letter stating the officer followed procedure or (b) no feedback is given as far as the outcome of the complaint. So in saying these things, we the community, have no recourse or way of knowing if or when things are changing because all we do is see things getting worse and more out of hand. It seems the only action the IPA takes is recording statistical information that leads to nowhere. We do not need statisticians, what the community needs is answers and actions to be taken. We would like to see a change.

I am disheartened by the fact that we, the people, are forced to monitor the police because our Council does not or is not willing to take the appropriate steps to alleviate the public's concerns. We have seen our Mayor promising Sunshine, Openness and "Reed Reforms" which is why the community voted for Mr. Reed to represent the City of San Jose. However, all the community is seeing in regards to SJPD tactics is the same actions taken from the previous administration and those administrations before that, which is nothing but listen to the community outcries and assure us the matter will be reviewed. Yet through the years the only change that has been made is the actions taken by SJPD are worsened and continuously overlooked.

So we, the concerned people and members of San Jose, have decided once again to invoke the name of San Jose Cop Watch to bring about change and bring to light the tactics used by SJPD against youth and people of color for the world to see.

(<http://www.youtube.com/watch?v=ORtZPtlOUs>)

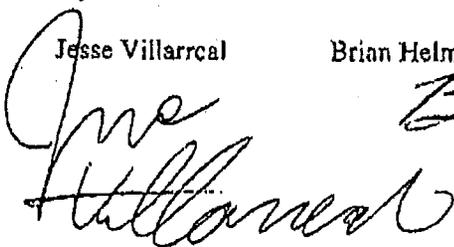
In the video/s you will see the attitude and character of the officers towards the San Jose Cop Watch participants. The members of SJPD in this video are in clear violation of their own duty manual (see SJPD Duty Manual Onlookers Policy). In the next video you see the use of a helicopter to watch the San Jose Cop Watch participants. I do not understand how in these hard economic times, how my tax dollars are being wasted on a helicopter watching people with video cameras and clipboards ([http://www.youtube.com/watch?v=1ohuHd\\_HXbY](http://www.youtube.com/watch?v=1ohuHd_HXbY))

We feel there should be no problem to simply observe SJPD encounters with the community. We are aware that we should not interfere with the encounters and only wish to observe the rights of the community are upheld and individuals are being treated with civil mannerisms. We will continue to observe and have no need or desire to interfere with any members of SJPD from conducting their investigation. We also hope for a real dialogue on this ongoing issue and work towards an end to this issue. It is in the best interest of the San Jose Community to get rid of the bad cops that make SJPD look bad.

I hope we can all reach a consensus and begin to build the bridge of trust and understanding between the community and SJPD. The community is afraid that if there is no understanding or trust our city will diminish as others have from the frustration and anger of the community at law enforcement.

Jesse Villarreal

Brian Helmle



5/28/09

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

PUBLIC RECORD e

RECEIVED  
San Jose City Clerk

May 29, 2009

2009 MAY 29 P 3: 22

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

**Re: THE SILENT SERVICE: "Attack on the Esquires" (Issue #2)**

**Stabbing the Attorneys in the back will have dramatic ramifications.**

**(I have yet to discuss the similar attack on the Auditors)**

**The Piper will be paid.**

**\*\*\*WARNING: This Memo might make some politicians hideout in the bathroom\*\*\***

Council Member Constant and Council Member Liccardo's joint Memorandum to Mayor and Council, dated 05.19.2009 is "The Memorandum that will live in Infamy".

The express content of the asinine opinion, to strip Unit 99's family health care and salary reductions so that the City of San José can "regain our place as the safest big city in America, or to maintain the Horse Mounted Unit and all the Crime Prevention Programs" is the purest, triple distilled bullshit ever to have been spewed from the rumps of jackass politicians, (In my opinion).

All this shameful knavish behavior has done is to rightfully and justly, awaken THE SILENT SERVICE from their slumber.

Here is something for the brain trust on the eighteenth floor to contemplate.

**Consider the Attorneys immediately forming their own Union and have a "work slow down".**

**Better yet, the Attorneys would start issuing "substitution notifications" to all courts in which the City of San José has pending litigation, quit the City and form their own law firm.**

Highly trained specialists, every one of them and with stab wounds in their backs, not that this pain would interfere with their intellects, it would just be the sort of pain that would "harden Pharaoh's hearts". Only in this case the ramifications could be an unending series of plagues upon municipal politicians for generations of election cycles for all eternity.

**YOU ALL SHOULD MAKE PEACE WITH THE ATTORNEYS!**

**(I have not forgotten the Honorable Auditors.)**

*Respectfully submitted,*

Cc: City Attorney / Auditor / City Manager

David S. Wall  
05.29.09

**To: San Jose City Council**  
**From: Concerned Community Members**  
**Date: May 29, 2009**  
**Re: Independent Police Auditor Hiring Process**

**Dear Mayor and City Council,**

As the City once again attempts to hire the next San Jose Independent Police Auditor, it is vital that the hiring process be transparent and inclusive in order to bring community trust to this important office.

While we applaud the direction to re-start the hiring process, invite new applicants, and further involve the entire council in each decision-making point of the vetting progression, there still exist certain steps that can be taken that will allow for more public participation and consequently engender more community confidence in the integrity of the hire.

Having reviewed the last hiring process, the two major points of concern lay in the hiring firm and the role of the community panel.

***1) Need for a Proper Hiring Firm Experienced in this Field and Free of Conflict of Interest:***

Profile of Bob Murray and Associates:

**A) Lack of Experience in the Field of Law Enforcement Accountability –** While the question of how the selection of the last hiring firm, Bob Murray and Associates, is still unclear, what we know about them is enough to discredit the entire IPA hiring process. From the proposal they submitted to the City, most of their professional experience is not on conducting searches for positions involving police oversight, but rather is focused on hiring for law enforcement positions. Indeed, in the past three years they have been contracted to lead the search for the Police Chief position for 28 cities, and in the firm's lifetime have conducted over 150 Police Chief searches. They have even led the search for the San Jose Police Chief. In their proposal, while they named numerous searches they led for law enforcement positions, they noted only one search for a law enforcement oversight position.

**B) Firm's Personnel is Inappropriate for a San Jose IPA Search --** Mr. Regan Williams, Vice President of Bob Murray and Associates, and the individual who

supervised the vetting process in the last San Jose IPA search, is a former Sunnyvale Police Chief. According to the proposal submitted to the City. "Mr. Williams has over 30 years of experience in law enforcement... and served as a Deputy Sheriff for Alameda County, CA and Police Officer for Walnut Creek, CA." While such an extensive background in local law enforcement makes Mr. Williams well-suited to lead the search of law enforcement positions, it compromises his ability to run the search for the next San Jose IPA.

We recommend that Bob Murray and Associates be taken off the list of potential hiring firms contracted with the City, and that the selection process for the hiring firm be conducted at a public council meeting and with the involvement of the community panel. This is to ensure that such an important component of the search, the hiring firm (which plays a central role in distilling the applicant pool and the shaping of the hiring process), is selected in an open and inclusive manner.

***2) Need for Community Panel to have substantive input in the selection process.***

While the previous hiring process had a community panel, they were only involved in an extremely limited way, came in only in the end of the process, and had no decision-making power. In short, the opinion of the community panel did not necessarily have an impact on who was hired for the IPA position. The community panel should be fully integrated into the candidate selection process from the early stages of the hiring process, and should be able to report to the council of their findings in a public meeting. We also recommend that the number of community representatives be increased to better reflect the diverse San Jose community. Community organizations should be able to submit their name, and the name of their representative, for consideration to be on the panel to the Council.

We look forward to transparency in the hiring process and trust that it will be inclusive and provide us with an opportunity to be actively involved in order to bring community trust to the important work of the Office of the Independent Police Auditor.

Sincerely,

<u>Name</u>	<u>Identification Information Only</u>
<p>Aaron R. Resendez            Adrian Avila            Adrian Tepehua Vargas, MFA</p>	<p>Co-Chair BASTA Coalition            Silicon Valley De-Bug            Casa Vargas Productions, Artistic            Director/President</p>
<p>Aejaie Sellers            Alfredo Morales, Esq.            Alofa Talivaa            Al Chukes            Alfredo Villasenor</p>	<p>IPAAC Member            Concerned Community Member            IPAAC Member            Coalition of Concerned Citizens            San Jose Affiliate to the National Council of la            Raza, member of SJ La Raza Round Table</p>
<p>Amy Samelson            Aram James</p>	<p>Raging Grannies            Silicon Valley De-Bug</p>

Art Calderon	Business Owner
Betsy Wolf-Graves	Silicon Valley De-Bug
Brian Helmle	San Jose Copwatch
Cesar Juarez	Services, Immigrant Rights, and Education Network (SIREN)
Charisse Domingo	Silicon Valley De-Bug
Charlie Lostaunau	Chair, American GI Forum old #1
Charlotte Casey	President of the Board, San Jose Peace & Justice Center
Danny Garza	Member, Mexican American Political Association
Dennis Skaggs	IPAAC Member
Elisa Marina Alvarado, LCSW	IPAAC Member, Artistic Director, Teatro Vision, Member, Native Family Outreach and Engagement
Erika Navarro	SJSU Student
Eve Wood	CHAM
Fred Hirsch	Executive Board Member of Plumbers & Fitters Local 393, Delegate to SB Labor Council
Jean Melesaine	Silicon Valley De-Bug
Jeff Moore	IPAAC Member
Jesse Rizzo	Commander of the American G.I. Forum, East Valley Chapter
Jesse Villarreal	Concerned Community Member
Kathy Cordova	Concerned Community Member
Larry Estrada	IPAAC Member
Leanne Dezzani-Katano	Community Activist
Leonard Washington	Coalition of Concerned Citizens
Lessie James	Coalition of Concerned Citizens
Linda Colar	IPAAC Member
Martha Campos	Comite Cesar Chavez
Moses Aviles	Silicon Valley De-Bug
Paul Meyering	Attorney
Pete Carrillo	Concerned Community Member
Raj Jayadev	Silicon Valley De-Bug
Raul Colunga	Concerned Community Member
Richard Hobbs	Interim Executive Director, Services, Immigrant Rights and Education Network
Richard Konda	Executive Director, Asian Law Alliance
Rick Callender	IPAAC Member
Rosario Vital	Community Member
Ruben M De la Rosa	Americanos United
Sandy Perry	CHAM
San Jose Peace and Justice Center	
Socorro Reyes-McCord	IPAAC Member; Member of the The Interfaith Council on Religion, Race Economic and Social Justice, former member of City of SJ Human Rights Commission and Senior Commission
Sofia Mendoza	IPAAC Member, Member of Community Child Care Council of Santa Clara County
Sundust Teocuahtli Martinez	Indigenous Peoples Council Native Voice, TV Executive, IPAAC Member

Terry Christensen  
Tony Alexander  
Walter Wilson  
Wiggy Sivertsen  
William Lys  
Yolanda Reynolds

Professor, SJSU  
IPAAC Member  
African-American Center  
IPAAC Member  
Silicon Valley De-Bug  
Concerned Community Member

## RESOLUTION NO. 7862

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS REQUESTING  
MAJOR LEAGUE BASEBALL ACT ON THE ISSUE OF TERRITORIAL RIGHTS IN THE  
COUNTY OF SANTA CLARA**

**WHEREAS**, the City of Milpitas would reap significant economic benefit and development by the relocation of the Major League Baseball franchise known as the Athletics, currently located in Oakland, California, to the City of San Jose in Santa Clara County; and

**WHEREAS**, the Athletics have identified the City of San Jose as their principal choice for their new location; and

**WHEREAS**, the proposed site is immediately accessible by multiple transportation options, including bus, light rail, CalTrain, and soon, High Speed Rail and BART; and

**WHEREAS**, the County of Santa Clara's rights of self-determination, autonomy and independence in entering into a relationship with a Major League sports team are being compromised through an arbitrary decision over which it has no control; and

**WHEREAS**, the Oakland Athletics were gracious and cooperative in 1992 when asked to agree with the assignment of the territory for a new Giants stadium that was never built; and

**WHEREAS**, the County of Santa Clara is one of two primary economic markets in Northern California and includes San Jose, which is the largest city in the region and third largest city in California; and

**WHEREAS**, Major League Baseball has convened a blue ribbon panel of stadium experts to determine the best possible location for the Athletics, including sites in the County of Santa Clara.

**NOW, THEREFORE**, the City Council of the City of Milpitas hereby requests that Major League Baseball, with whatever means possible and appropriate, eliminate the San Francisco Giants' exclusivity rights within Santa Clara County and bring the Oakland Athletics to San Jose.

PASSED AND ADOPTED this 5<sup>TH</sup> day of May 2009, by the following vote:

AYES: (4) Mayor Livengood, Vice Mayor McHugh, and Councilmembers Giordano and Polanski

NOES: (0) None

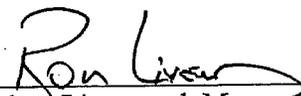
ABSENT: (0) None

ABSTAIN: (1) Councilmember Gomez

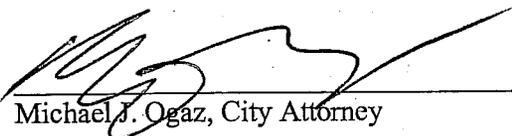
ATTEST:

  
Mary Lavelle, City Clerk

APPROVED:

  
Robert Livengood, Mayor

APPROVED AS TO FORM:

  
Michael J. Ogaz, City Attorney

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

PUBLIC RECORD h

RECEIVED  
San Jose City Clerk

June 3, 2009

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

2009 JUN -3 P 1:36

**Re: THE GHETTO LIFE: UPDATE ON THE SCEP**

On Monday, (06.01.09) approximately 1540 hours, after the Transportation and Environment Committee meeting in which the costs of the Environmental Services Building (4245 Zanker Road, S.J. 95134) were discussed, 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. *There is no change from last week as to the number of stolen and abandoned shopping carts.*

**Decaying Garbage**, in various "rotting piles" reported last week has been removed by person or persons unknown. However, a fresh new pile of garbage has been started.

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

World Market (3), Unmarked (3), FoodMaxx (3), Safeway (2), DaI Thanh Supermarket (1), PetsMart (1), Pay 'N' Pack (1), Ralph's (1) and PW Supermarket (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* carried out.

Several encampments have sprouted up again that should be removed by the Railroad.

I asked two (2) individuals if they required assistance. Neither required or desired any assistance.

A closer inspection as to the structural state of the "railroad ties", as I ventured to and fro on the tracks, was carried out. Several "ties" should be replaced for they are "rotted through".

The maintenance of the tracks should be considered "poor" by any standard. Maybe this is the reason why the train moves slowly through this area so the train won't derail and sever the bodies of sleeping drunks in half or crush them outright.

None of Manuel's chickens and roosters were out, but they sure were vocal as to my presence.

*Respectfully submitted,*

*David S. Wall*  
06.03.09

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