

Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

SUBJECT: The Public Record
June 10 - July 23, 2009

DATE: July 24, 2009

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Letter from Martha O'Connell to Mayor Reed and City Council dated June 18, 2009 regarding the public at Open Forum.
- (b) Letter from David S. Wall to Mayor Reed and City Council dated June 18, 2009 regarding the "Ghetto Life: Update on the SCEP".
- (c) Letter from David S. Wall to Mayor Reed and City Council dated June 18, 2009 regarding "Envision San Jose 2040 Task Force: Membership rules do not apply..."
- (d) Two notification letters from T-Mobile to City Clerk Lee Price date June 17, 2009 regarding Omnipoint Communications, Inc. d/b/a T-Mobile (Wireless ID #: U-3056-C) Site No. SF14258D and Site No. SF24661C.
- (e) Letter from David S. Wall to Mayor Reed and City Council dated June 23, 2009 regarding the "Ghetto Life: Update on the SCEP".
- (f) Letter from David S. Wall to Mayor Reed and City Council dated June 23, 2009 regarding the "San Jose Police: Firearms Inventories and Safety Equipment should be immune from "Public Disclosure" under any test, "balancing or otherwise".
- (g) Memorandum from Deputy Director of Finance Julia Cooper dated January 26, 2009 received June 23, 2009 regarding San Jose-Santa Clara Clean Water Financing Authority Board Special Meeting. (On file in the Office of the City Clerk)
- (h) Memorandum from Director of Finance John Stufflebean dated June 8, 2009 received June 23, 2009 regarding San Jose-Santa Clara Clean Water Financing Authority Board Special Meeting. (On file in the Office of the City Clerk)
- (i) Letter from David S. Wall to Mayor Reed and City Council dated June 24, 2009 regarding "clarification from PBCE is requested. (First installment)".
- (j) Letter from David S. Wall to Mayor Reed and City Council dated July 2, 2009 regarding "The Ghetto Life: Update on the SCEP".
- (k) Letter from David S. Wall to Mayor Reed and City Council dated July 6, 2009 regarding "The Ghetto Life: Update on the SCEP".
- (l) Five Notification Letters from T-Mobile to City Clerk Lee Price date July 6, 2009 regarding T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C) Site No.'s: SF24436A, SF24430A, SF24753A, SF24496A and SF14988B.
- (m) Memorandum from Debt Administrator David Persselin to City Clerk Lee Price dated July 6, 2009 regarding Director's TEFRA Public Hearing. (On File in the Office of the City Clerk)

Honorable Mayor and City Council Members
July 24, 2009
Subject: The Public Record June 10 – July 23, 2009

- (n) Letter from David S. Wall to Mayor Reed and City Council dated July 9, 2009 regarding “Guadalupe River Entitlement Program (GREP): Down by the River (Issue #3)”
- (o) Letter from the Santa Clara Valley Water District dated July 13, 2009 regarding adopted water utility charges for Fiscal Year 2009-2010
- (p) Letter from President/CEO Pat Dando to Mayor Reed dated July 13, 2009 regarding the Educational Park Branch Library project.
- (q) Email from Santa Clara Valley Transportation Authority Marketing and Public Affairs to City Clerk Lee Price received via email July 14, 2009 forwarding a letter from the VTA’s General Manager and Rail Safety Information.
- (r) Letter from David S. Wall to Mayor Reed and City Council dated July 9, 2009 regarding “Another illustration of Code Enforcement failing to do their job”.
- (s) Two Notification Letters from T-Mobile to City Clerk Lee Price dated July 16, 2009 regarding T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C) Site No.’s SF55680A and SF24423C.
- (t) Letter from David S. Wall to Mayor Reed and City Council dated July 17, 2009 regarding “The Ghetto Life: Update on the SCEP”.
- (u) Letter from David S. Wall to Mayor Reed and City Council dated July 21, 2009 regarding “The Ghetto Life: Update on the SCEP”.
- (v) Letter from Vice President David A. Gibbons dated July 22, 2009 requesting reconsideration of Educational Park Branch Library.



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

June 18, 2009

TO: Mayor Reed and City Council Members

FROM: Martha O'Connell 

RE: The People's Business: **Respecting the public at Open Forum**

On May 21, 2009, the Human Rights Commission unanimously passed a recommendation that the City Council "request of each Chair of City Boards and Commissions, to place Open Forum at the beginning of their meeting agenda." The Human Rights Commission pointed out "members of the public who take public transportation would feel safer leaving the meeting sooner rather than later" and that those who participate in Open Forum "do not take a significant amount of time." I concur. This reasonable procedure will respect those members of the public who use public transportation, a goal the Council should not only support, but also advocate.

Such a reasonable procedure, that contributes to open and transparent government, was shot down by the Advisory Commission on Rents on March 19, 2009 during which disparaging comments were made about the public by a Commissioner and a City Staff member. A review of the audio tape reveals that Commissioner Wagner opposed moving Open Forum to the beginning of the meeting because he did not want to hear "a general rant about the weather or something like that," and "I don't want people to do a rant and leave." The statements of City Staffer Vivian Frelix-Hart are also on tape and include, "I don't want our Commission to turn into a free for all with **just anybody** coming in and talking about anything." (My emphasis added.) The taped claim by City Staffer Ramo Pinjic that, "Everybody have open forum last item," is **patently false** as the research done by the Human Rights Commission and me proves.

Such taped statements reveal a very troublesome contempt and disregard for input from the public. The Advisory Commission on Rents has a horrible history of a lack of public comment. From 11-17-05 to 3-19-09, only one member of the public has addressed the ARC: Martha O'Connell. (Joshua Hoard, the only other individual at Open Forum, is a representative of Tri-County and thus is, for the purpose of this report, not considered a member of the public per se.)

As both a past City Commissioner and a present one, I am eager to hear from the public and support any reasonable measure to make their input easier. It is a sad day for me when no citizen of San Jose steps up under Open Forum or when I am the only citizen so doing. The City Clerk's website states "City boards and commissions were established for the purpose of advising the City Council and providing ongoing input into **policies and issues affecting the future of the San José community.**" All Commissioners and City staff members should support the recommendation of the Human Rights Commission to move Open Forum to the beginning of their meetings.

Kudos to the Human Rights Commission. Shame on the Advisory Commission on Rents.

Cc: Human Rights Commission
 Senior Commission
 HOME – Homeowners Organized to Maintain Equity

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

PUBLIC RECORD b

RECEIVED
San Jose City Clerk

2009 JUN 18 P 4: 08

June 18, 2009

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

Re: THE GHETTO LIFE: UPDATE ON THE SCEP

On Wednesday, (06.17.09) approximately 1454 hours, after the RULES AND OPEN GOVERNMENT COMMITTEE MEETING, during which San José's embracing the communist philosophy was observed, 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 ten (10) stolen and abandoned shopping carts. *A 900% increase from last week as to the number of stolen and abandoned shopping carts that is "usual" to this area is hereby recorded.*

Decaying garbage is piling up again and the flies have wastes "no time" in their ringing of the dinner bell. Litter in the area is consistent with that of a ghetto.

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

Safeway (2), Mercado Suvianda (2), Unmarked (2), Cosentinos (1), Long's Drugs (1), Trader Joe's (1), and WalMart (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.

The mournful sound of a Union Pacific Train was heard in the near distance and taken as a warning not to proceed down the tracks.

Manuel's chickens and roosters were somewhat subdued in their banter. I do not know if the odor of a barbeque in progress was the causative quieting agent.

Respectfully submitted,

David S. Wall
06.18.2009

///
///

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

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

RECEIVED
San Jose City Clerk

2009 JUN 18 P 4: 09

June 18, 2009

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

Re: ENVISION SAN JOSÉ 2040 TASK FORCE: MEMBERSHIP RULES DO NOT APPLY...

... that is to the South Bay Labor Council.

First let us review the RULE as stated in Councilmember Liccardo's memo dated June 9, 2009 which was Item 9.3 on the June 17, 2009 RULES AND OPEN GOVNERMENT COMMITTEE AGENDA.

Councilmember Liccardo's memo states, "Council adopted a Membership Replacement Policy that requires a vacancy after the first six months of the process (March 17, 2008) not be filled."

Now let us go back in San José "RULES" history...

...At the RULES COMMITTEE meeting (Wednesday 11.12.2008) the South Bay Labor Council, a special interest group, got their way by receiving preferential treatment over all other participants on the aforementioned Task force by dictating to Mayor Reed their choice for a personnel change.

No other group to my knowledge has been afforded similar treatment.

Once again, at RULES COMMITTEE meeting (Wednesday 06.17.2009), the South Bay Labor Council, a special interest group, received a similar accommodation via support from Councilmember Liccardo's plea contained in the aforementioned memorandum.

When confronted with this issue (Membership Replacement Policy) by a citizen at the Public microphone, Mayor Reed's justification for the acceptance of the substitute of the South Bay Labor Council could be likened to the howling lamentations of someone who had just finished urinating and got his penis stuck in a zipper. But, the South Bay Labor Council got their way, again.

Also, this sole citizen at the Public microphone, testified that the aforementioned legislation, "Membership Replacement Policy", be modified so as *not to include* the South Bay Labor Council.

Of course all of this drama is neither here nor there. 2040 is a long way off. If I live that long, I'll be 85 years old. By then Mayor Reed might be wearing bib-overalls. They have buttons.

Respectfully submitted

David S. Wall
06.18.09

Cc: City Attorney / Auditor / City Manager

T-Mobile

Omnipoint Communications, Inc., dba T-Mobile
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520

PUBLIC RECORD d
RECEIVED
San Jose City Clerk

June 17, 2009

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

2009 JUN 25 P 3:37

**RE: OMNIPOINT COMMUNICATIONS, INC. d/b/a T-MOBILE (Wireless ID #: U-3056-C)
Notification Letter for T-Mobile Site No. SF14258D**

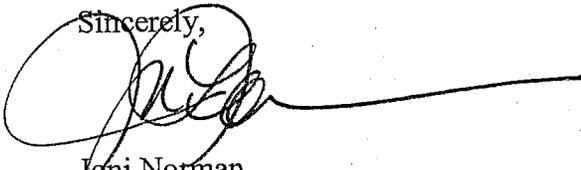
This letter provides the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California (CPUC) that with regard to the project described in Attachment A:

(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:

Debra Figone, City Manager, City of San Jose, 200 East Santa Clara Street, San Jose, CA, 95113
Joseph Horwedel, Planning Director, 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

ATTACHMENT A

1. Project Location

Site Identification Number: SF14258D

Site Name: San Jose Fire Station

Site Address: 199 Innovation Drive, San Jose, CA 95134

County: Santa Clara

Assessor's Parcel Number: 097-09-027

Latitude: 37.401016N

Longitude: 121.933627

2. Project Description

Number of Antennas to be installed: Six antennas

Tower Design: Antennas vertically stacked on pole

Tower Appearance: Slim line pole with radome at top of pole

Tower Height: 75'

Size of Building: 10'x 28'-6"

3. Business Addresses of all Governmental Agencies

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

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

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

4. Land Use Approvals

Date Zoning Approval Issued: February 27, 2009

Land Use Permit #: SP08-053

If Land use Approval was not required: N/A



Omnipoint Communications, Inc., dba T-Mobile
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520

June 17, 2009

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. SF24661C**

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:

Debra Figone, City Manager, City of San Jose, 200 East Santa Clara Street, San Jose, CA, 95113
Joseph Horwedel, Planning Director, 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~~

ATTACHMENT A

1. Project Location

Site Identification Number: SF24661C

Site Name: Regency Plaza

Site Address: 1347 S. Winchester Boulevard, San Jose, CA 95113

County: Santa Clara

Assessor's Parcel Number: 305-01-008

Latitude: 37.29998N

Longitude: 121.95118W

2. Project Description

Number of Antennas to be installed: Six antennas

Tower Design: Antennas vertically stacked on pole

Tower Appearance: Slim line pole with radome at top of pole

Tower Height: 45'

Size of Building: 10'x 33'

3. Business Addresses of all Governmental Agencies

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

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

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

4. Land Use Approvals

Date Zoning Approval Issued: February 13, 2009

Land Use Permit #: SP08-070

If Land use Approval was not required: N/A

David S. Wall
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San José, California 95150
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PUBLIC RECORD e

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San Jose City Clerk

June 23, 2009

2009 JUN 23 P 4: 08

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

Re: THE GHETTO LIFE: UPDATE ON THE SCEP

On Monday, (06.22.09) approximately 1016 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 eighteen (18) stolen and abandoned shopping carts. *An 80% increase from last week as to the number of stolen and abandoned shopping carts that is "usual" to this area is hereby recorded.*

Decaying garbage has piled up again and the fly population is well represented.

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

Unmarked (7), Mercado Suviana (2), Safeway (1), Cosentinos (1), Zanotto's (1), Long's Drugs (1), Mi Pueblo (1), DaI Thanh Supermarket (1), Target (1), Lion Supermarket (1), and WalMart (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. A Union Pacific Train was "rolling down the tracks".

There was one (1) interview this week.

Mike, a Union Pacific Railroad Employee was making adjustments to the "railroad crossing barricade" that services North Tenth Street @ Horning Street. I informed Mike that I was there only to "count the carts". He told me of the piles of garbage that are always present at this locale.

My comment to this was as usual, "San José is the Regional Ghetto for Santa Clara County". I informed Mike that I routinely check this area for stolen property and report it to the Mayor, Council and other Public Officials.

I also informed Mike as to the damage done to some of the "railroad ties" from the new installation of "telephone poles" some few weeks ago.

Manuel's chickens and roosters were contained and talkative.

Respectfully submitted,

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

*David S. Wall
06.23.09*

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

PUBLIC RECORD f

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San Jose City Clerk

June 23, 2009

2009 JUN 23 P 1:05

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

Re: SAN JOSÉ POLICE: Firearms Inventories and Safety Equipment should be immune from "Public Disclosure" under any test, "balancing or otherwise".

As appears on the **RULES COMMITTEE: 06-24-09 ITEM: 12.2 AGENDA;**

"The following records will not be withheld on the basis of the balancing test unless specifically approved by a vote of the Rules and Open Government Committee:

Property Inventories excluding inventories of firearms and security equipment",

Even though the aforementioned language by the Sunshine Reform Task Force, "excluding inventories of firearms and security equipment" is clearly stated;

Firearm inventories and safety equipment used by the POLICE should not be accessible under *any* circumstances.

Our Nation is at War. Enemies of the United States may use this information to check on POLICE armaments, ammunition and other vital equipment in planning and or carrying out attack(s).

The San José Fire Department should also be immune from having to disclose any safety equipment that could also "aid and abet" any enemy.

Respectfully submitted,

David S. Wall
06.23.09

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///
///

**Cc: City Attorney / Auditor / City Manager
Chief of Police / SJPOA**



PUBLIC RECORD 9

Memorandum

TO: Lee Price
City Clerk

FROM: Julia H. Cooper

SUBJECT: Public Record
San Jose-Santa Clara
Clean Water Financing Authority
Board Special Meeting

DATE: January 26, 2009

Attached is the Agenda packet for a special meeting of the San Jose-Santa Clara Clean Water Financing Authority Board of January 12, 2009. The agenda was posted as required by law.

Please file as part of the public record. If you have any questions, please call Tim Tung at extension 57013.

(On File in the Office of the City Clerk)


JULIA H. COOPER
Deputy Director of Finance

Attachments

cc: Danielle Kenealey, City Attorney's Office



PUBLIC RECORD h

Memorandum

TO: Lee Price
City Clerk

FROM: Scott P. Johnson

SUBJECT: Public Record
San Jose-Santa Clara
Clean Water Financing Authority
Board Meeting

DATE: June 8, 2009

Attached is the Agenda packet for the annual meeting of the San Jose-Santa Clara Clean Water Financing Authority Board of May 28, 2009. The agenda was posted as required by law.

Please file as part of the public record. If you have any questions, please call Tim Tung at extension 57013.

(On File in the Office of the City Clerk)



SCOTT P. JOHNSON
Director of Finance

Attachments

cc: Julia H. Cooper, Finance Department
David Persselin, Finance Department
Tim Tung, Finance Department
Danielle Kenealey, City Attorney's Office
Mollie Dent, City Attorney's Office

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

PUBLIC RECORD i

RECEIVED
San Jose City Clerk

2009 JUN 24 A 9:05

June 24, 2009

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

Re: Clarification from PBCE is requested. (First installment)

This request for clarification flows from a letter from PBCE to me, dated (06.18.2009).

For the purposes of this request for clarification, the issue; two definitions concerning acceptable uses of a single family residence have resulted in controversy between me and PBCE.

I contend, a "living room, in a single family residence, that gets "carved up into an apartment" in which two adults and their child reside with a remainder of the "living room" being used for other purposes is in conflict with PBCE's definition.

PBCE rejects this definition and upon inspection determines it is just a "bedroom and a living room".

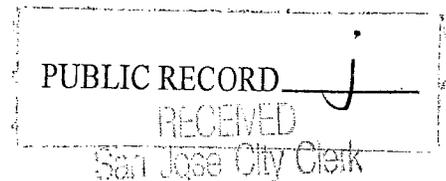
District 3 is replete with conversions of single family residences into boarding homes where "living rooms" are "carved up into apartments", sharing a solitary bathroom. This is nothing new. This practice serves only the property owners interest and has a deleterious affect to neighborhoods and the City for a variety of well founded concerns, FIRE safety is one example.

Respectfully submitted,

David S. Wall
06.24.09

Cc: City Attorney / Auditor / City Manager
Director PBCE

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



July 2, 2009

2009 JUL -2 P 3:32

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

*****Photographs are forthcoming (after the Fourth of July weekend!)****

On Monday, (06.29.09) approximately 1153 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 twenty four (24) stolen and abandoned shopping carts. *A 33% increase from last week as to the number of stolen and abandoned shopping carts is hereby recorded.*

Decaying garbage has once again blocked sidewalk. Festering contagion is the signature presentation of the City of San José for all visitors to this region of the ghetto. Investors are warned not to invest in San José unless the investment community sees a profit in the Regional Ghetto for Santa Clara County.

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

Safeway (5), Unmarked (4), Mi Pueblo (3), 99 Ranch Market (3), Target (2), Cosentinos (1), Zanotto's (1), Long's Drugs (1), Dal Thanh Supermarket (1), WalMart (1), Trader Joe's (1) and Big Lots (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.

There were "several" people down around Hector's hooch area and I had safety concerns since I was photographing the area.

There were no interviews this week.

Manuel's chickens and roosters were contained, talkative and fearless today, publicly mocking all passers by using fowl language.

Respectfully submitted,

David S. Wall
07.02.09

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

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

PUBLIC RECORD K

RECEIVED

San Jose City Clerk

July 6, 2009

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

2009 JUL -6 P 3:13

Re: THE GHETTO LIFE: UPDATE ON THE SCEP

On Monday, (07.06.09) approximately 1350 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 nine (9) stolen and abandoned shopping carts. *A 67% decrease from last week as to the number of stolen and abandoned shopping carts is hereby recorded.*

Decaying garbage is in various states of decomposition. Flies are having a royal feast as this public health nuisance continues, unabated to the crying shame of taxpayers who call San José home.

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

Mi Pueblo (3), Unmarked (2), 99 Ranch Market (1), Target (1), Dai Thanh Supermarket (1), and Lucky Stores (1).

**There was one large "Rubbermaid" cart, traditionally used in the hauling of laundry (large volume) filled with rotting garbage. It has the stenciled lettering, "SJCC" painted on it in several locations.

*****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.

Interviews at North Tenth Street @ Horning Street took up my allotted time in this area.

There were two (2) interviews this week.

Manuel, Anna and a third person were in the process of putting up a sign. Anna was complaining how the "guy that works for the City" would not give her carts back. It appears a City employee whose unfortunate task is to retrieve shopping carts from this locale inadvertently picked up Anna's carts. This is easy to do. Anyway, Anna was upset and according to her SJPD was summoned by the "City guy". According to Anna, once SJPD heard her story, SJPD ordered the "City guy" to give her carts back.

Anna also complained that some other "City guy" tried to give her a ticket for picking up trash.

Manuel was cheerful as he and a third person were putting up a sign. He said he has lost some of his chickens to the "homeless". He did not know if his chickens were eaten.

Respectfully submitted,

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

David S. Wall
07.06.09

July 6, 2009

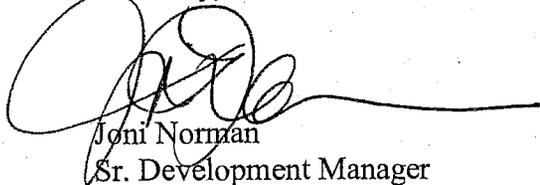
Anna Hom
Consumer Protection and Safety Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C).
Notification Letter for T-Mobile Site No. SF24436A:**

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
T-MOBILE WEST CORPORATION

Enclosed: Attachment A

CC:

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

T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C). Notification Letter for T-Mobile Site No. SF24436A:

July 6, 2009

Page 2 of 2

ATTACHMENT A

1. Project Location

Site Identification Number: SF24436A

Site Name: Sunrise Church

Site Address: 5860 Blossom Ave, San Jose, CA 95123

County: Santa Clara

Assessor's Parcel Number: 687-36-106

Latitude: 37° 14' 32.78" N

Longitude: 121° 50' 21.70" W

2. Project Description

Number of Antennas to be installed: Six (6) panel Antennas

Tower Design: Church rooftop

Tower Appearance: Antennas mounted within the existing Steeple on the roof of the church

Tower Height: 50' Steeple top with antennas at 39' and 36'

Size of Buildings: Equipment lease area inside of church attic, approximately 160 sq ft.

3. Business Addresses of all Governmental Agencies

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

4. Land Use Approvals

Date Zoning Approval Issued: On June 26, 2009, the City of San Jose issued a Development Permit Adjustment

Land Use Permit #: AD09-593

If Land use Approval was not required: N/A



T-MOBILE WEST CORPORATION
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520

July 6, 2009

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

**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C).
Notification Letter for T-Mobile Site No. SF24430A:**

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
T-MOBILE WEST CORPORATION

Enclosed: Attachment A

CC:

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

July 6, 2009

Page 2 of 2

ATTACHMENT A

1. Project Location

Site Identification Number: SF24430A

Site Name: Capitol Nursery

Site Address: 2938 Everdale Drive, San Jose

County: Santa Clara

Assessor's Parcel Number: 673-03-061

Latitude: 37° 19' 16.75" N

Longitude: 121° 48' 8.86" W

2. Project Description

Number of Antennas to be installed: Six (6) panel Antennas, Six (6) TMAs, & one (1) Microwave antenna

Tower Design: PG&E High Voltage Transmission Tower

Tower Appearance: Antennas mounted below the conductors (at 58')

Tower Height: 43'-10"

Size of Buildings: 256 sq ft lease area on the ground underneath and within the tower footprint

3. Business Addresses of all Governmental Agencies

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

4. Land Use Approvals

Date Zoning Approval Issued: On June 26, 2009, the City of San Jose issued a Development Permit Adjustment

Land Use Permit #: AD09-594

If Land use Approval was not required: NA



T-MOBILE WEST CORPORATION
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520

July 6, 2009

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

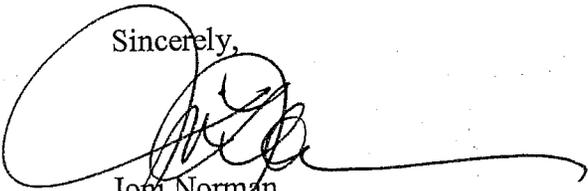
**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C).
Notification Letter for T-Mobile Site No. SF24753A:**

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
T-MOBILE WEST CORPORATION

Enclosed: Attachment A

CC:

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

July 6, 2009

Page 2 of 2

ATTACHMENT A

1. Project Location

Site Identification Number: SF24753A

Site Name: Crown Castle at San Jose Water

Site Address: 1999 W. San Carlos St., San Jose, CA 95128

County: Santa Clara

Assessor's Parcel Number: 274-017-075

Latitude: 37° 19' 26.67" N

Longitude: 121° 55' 54.26" W

2. Project Description

Number of Antennas to be installed: Six (6) panel Antennas

Tower Design: Replacement of existing Slim line Monopole

Tower Appearance: Antennas mounted within the replacement slim line pole

Tower Height: 60'

Size of Buildings: 168 sq. ft. inside of existing Sprint Equipment Enclosure.

3. Business Addresses of all Governmental Agencies

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

4. Land Use Approvals

Date Zoning Approval Issued: On June 29, 2009, the City of San Jose issued a Development Permit Adjustment

Land Use Permit #: AD09-592

If Land use Approval was not required: N/A



T-MOBILE WEST CORPORATION
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520

July 6, 2009

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

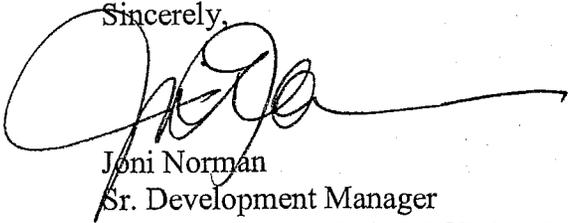
**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C).
Notification Letter for T-Mobile Site No. SF24496A:**

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
T-MOBILE WEST CORPORATION

Enclosed: Attachment A

CC:

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

July 6, 2009

Page 2 of 2

ATTACHMENT A

1. Project Location

Site Identification Number: SF24496A

Site Name: Alameda Office Ctr

Site Address: 1625 The Alameda, San Jose, CA 95126

County: Santa Clara

Assessor's Parcel Number: 261-46-001

Latitude: 37° 20' 07.64" N

Longitude: 121° 55' 02.75" W

2. Project Description

Number of Antennas to be installed: Six (6) Antennas

Tower Design: Office building rooftop

Tower Appearance: Antennas to be flush mounted on existing building wall and painted to match.

Tower Height: 116'

Size of Buildings: Equipment lease area on rooftop is 220 sq ft.

3. Business Addresses of all Governmental Agencies

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

Date Zoning Approval Issued: On June 29, 2009, the City of San Jose issued a Development Permit Adjustment

Land Use Permit #: AD09-599

If Land use Approval was not required: N/A



T-MOBILE WEST CORPORATION
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520

July 6, 2009

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

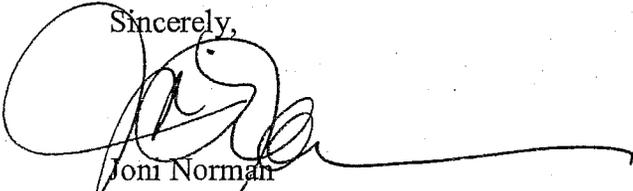
**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C).
Notification Letter for T-Mobile Site No. SF14988B:**

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
T-MOBILE WEST CORPORATION

Enclosed: Attachment A

CC:

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

July 6, 2009

Page 2 of 2

ATTACHMENT A

1. Project Location

Site Identification Number: SF14988B

Site Name: The Village Driving Range

Site Address: 5000 Cribari Drive San Jose 95148

County: Santa Clara

Assessor's Parcel Number: 665-41-009

Latitude: 37° 17' 24.61 N

Longitude: 121° 43' 24.75 W

Project Description

Number of Antennas to be installed: Adding 3 antenna's to an existing wooden pole

Tower Design: Wooden Pole

Tower Appearance: Mounted to wooden pole used to hold netting for the Driving Range

Tower Height: 45 feet

Size of Buildings: 17 by 13 feet

2. Business Addresses of all Governmental Agencies

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

4. Land Use Approvals

Date Zoning Approval Issued: June 29, 2009

Land Use Permit: To be adjusted PD77-007 Project file number AD09-598

If Land use Approval was not required: N/A



PUBLIC RECORD m

Memorandum

TO: Lee Price
City Clerk

FROM: David Persselin

SUBJECT: Public Record
Director's TEFRA Public Hearing

DATE: July 6, 2009

Attached are Certificate No. 2009-6, Meeting Report, sign-in sheet, agenda packet, City Council memo from Housing Department and Notice of Public Hearing for the Director's TEFRA Public Hearing of July 6, 2009, as requested by City of San José as Issuer. The hearing was published and the agenda was posted as required by law.

Please file as part of the public record. If you have any questions, please call Peter Detlefs at extension 57015.

(On File in the Office of the City Clerk)

(On File)

DAVID PERSSELIN
Debt Administrator

Attachments

cc: Peter Detlefs, Finance Department
Patty Deignan, City Attorney's Office
Daniel Beaton, Housing Department

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

RECEIVED
 San Jose City Clerk

July 9, 2009

2009 JUL -9 P 3:14

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

Re: Guadalupe River Entitlement Program (GREP): "Down by the River" (Issue #3)

*****WARNING*****DO NOT LOOK at photographs if you are timid*****

The GREP; a popular program, sponsored in part by the *San José City Council* and in part by *Santa Clara Valley Water District (SCVWD)* permits anyone that is not wanted immediately by the Police, an entitlement to; camp, pollute, steal and commit other criminal offenses against society with virtual immunity along the once pristine banks of the Guadalupe River.

The GREP is the only program I know about that confers free garbage and sewage disposal service. *My neighborhood watch patrol includes a snippet of the "River" proceeding, Northbound from Coleman Avenue on the North East bank of the Guadalupe River. A total of four (4) "active encampments were observed. Not all were photographed do to safety concerns (mine).*

Photographs were taken and will be delivered to Council Members via the receptionist on the 18th Floor at City Hall. Photos should be shared amongst Council Members. After Council Members are done with viewing the photographs, turn them over to the City Clerk for appropriate archival storage or to the City Attorney for action concerning SCVWD.

Photographs are included from different periods of time. Note processing date on the back of each photo. This was done to show the chronic nature of the problem, but also to serve as a protection from a ploy recently used by PBCE. (PBCE volunteered to address a concern in my neighborhood concerning blight, garbage, and an overcrowding problem. Advance warning of their visit to the subject property was given. Then CODE carried out an inspection, found nothing (so they say) and then belittled my original complaint using City letterhead. This incident will be discussed later.)

Most encampments that were visited this date utilize five gallon plastic buckets as toilets.

Some of YOU have received photos of such buckets.

The contents of the toilets (raw sewage) are routinely discharged directly into the Guadalupe River.

Note the evidence of two "bucket toilets" on their sides with a "light brown substance" oozing down the embankment is raw sewage and entered into the river. This photograph was taken in February, 2009.

ALL photos are as they appeared at the time. This pollution is real, ongoing and unabated.

Note the plastic grocery bags and other plastic debris in the vegetation and the area in general.

Some of YOU will have also received some "stolen and abandoned shopping carts" photos. They were extras. Ask Sam about them.

There is some good news. I found a patch of wild "Mint" growing down by the waters edge. This herb was undoubtedly from someone's garden a long, long, long time ago. I have also found other interesting plants that must have also come from long forgotten and abandoned gardens.

ALSO, there was *no plan* as to what photos were "given to whom". I figured YOU all would share them saving me from having to print extra duplicates.

Respectfully submitted,

David S. Wall
 07.09.09

Cc: City Attorney / Auditor / City Manager



San Jose City Clerk

2009 JUL 15 P 3:52

July 13, 2009

City Clerk
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113-1903

Subject: Adopted Water Utility Charges for Fiscal Year 2009-2010

Dear City Clerk:

On June 1, 2009, the Santa Clara Valley Water District Board of Directors established Water Utility charge components for Fiscal Year 2009-10. The adopted charges are listed on the backside of this notification. Please replace the recommended charges on page 61, Appendix A of the 2009 Annual Report on the Protection and Augmentation of Water Supplies with these adopted charges.

Detailed financial information on the Water Utility can be found in the Board-adopted Fiscal Year 2009-10 budget, also available at the District web site:
<http://www.valleywater.org/About Us/District Info/Financial Info/index.shtml>

Sincerely,

Amy C. Fowler
Special Programs Engineer
Water Supply Operations and Maintenance Division

do:fd
0709a-l.docx



Appendix A

Water Utility Charge Components and Adopted Charges

TABLE A-1 Adopted Charge Components for Fiscal Year 2009-10

Component	Charge (\$/AF)
Basic User, Zone W-2 (North County)	
Agricultural	16.50
M&I	520.00
Basic User, Zone W-5 (South County/Coyote Valley)	
Agricultural	16.50
M&I	275.00
Treated Water Surcharge	
Contract	100.00
Non-contract	150.00
Surface Water Charge	
Water Master	11.75

TABLE A-2 Adopted Charges for Fiscal Year 2009-10

Type of Charge	AG Water (\$/AF)	M&I Water (\$/AF)
Groundwater Production		
Zone W-2	\$16.50	\$520.00
Zone W-5	\$16.50	\$275.00
Surface Water ¹		
Other Zone W-5 Deliveries ²	\$28.25	\$286.75
Other Zone W-2 Deliveries ³	\$28.25	\$531.75
Minimum Charge Zone W-5 ⁴	\$206.25	\$206.25
Minimum Charge Zone W-2 ⁵	\$390.00	\$390.00
Stored Water		
Zone W-2	\$16.50	\$520.00
Zone W-5	\$16.50	\$275.00
Treated Water		
Contract ⁶	N/A	\$620.00
Non-contract ⁷	N/A	\$670.00
Recycled Water		
Gilroy	\$41.50	\$275.00

¹Surface water charge is the sum of the basic user charge plus the water master charge. It also includes the capital cost and power, wherever applicable.

²Other Zone W-5 Deliveries = Basic User (AG or M&I @ \$16.50/AF or \$275.00/AF) + Water Master (\$11.75/AF).

³Other Zone W-2 Deliveries = Basic User (AG or M&I @ \$16.50/AF or \$520.00/AF) + Water Master (\$11.75/AF).

⁴Minimum Charge W-5 = 0.75 X Basic User W-5 (M&I @ \$275.00/AF).

⁵Minimum Charge W-2 = 0.75 X Basic User W-2 (M&I @ \$520.00/AF).

⁶Treated Water Charge is the sum of Basic User (\$520.00/AF) and Treated Water Surcharge (\$100.00/AF).

⁷The charge for non-contract deliveries is the sum of the basic user charge (\$520.00/AF) and the treated water surcharge for non-contract water (\$150.00/AF).

CHAMBER OF
COMMERCE

July 13, 2009

Honorable Mayor Chuck Reed
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

Dear Mayor Reed, *Chuck*

On June 23, a majority on the City Council voted to reject advise from staff and legal council to award a contract to the lowest responsive bidder for a \$7.2 million project for the Educational Park Branch Library.

I cannot fully express the level of disappointment with this vote. Not only does the action defy logic, it exacerbates public concern about wasteful spending, secret deals and special interest preferences in the city.

In this devastating economy, it is irresponsible for the San Jose City Council to so casually reject an opportunity to stimulate the local economy with a \$7.2 million contract to the lowest responsive bidder; who is a respected local community member and employer.

Instead, this vote will cost the City more time and money to re-bid the project, it will delay the library opening for neighborhood residences, but sadly and perhaps most important it will prevent saving or creating jobs in San Jose.

It is my hope that one of the Councilmembers who dissented will request reconsideration of the action at the first Council meeting in August, and move expeditiously to correct this irresponsible action and put local people to work on the Educational Park Branch Library.

Thank you for your consideration.

Pat

Pat Dando
President/CEO
San Jose Silicon Valley Chamber of Commerce

Cc:
City Manager Debra Figone
Director of Planning Joe Hörwèdel
Public Works Director Katy Allen
Councilmembers



July 10, 2009

Dear Resident:

The Vasona Light Rail Line has provided safe, reliable service in San Jose and Campbell since 2005. Prior to the opening of this light rail line, VTA worked with residents, community groups and local schools providing safety information for riding on, as well as driving or walking near light rail. Your community has adapted well to the presence of light rail, both in riding the trains and practicing safe behaviors when driving vehicles or walking near the rail line. I am writing as a reminder for you and your community to diligently exercise caution and safe behavior around our rail facilities.

In recent weeks there were two serious accidents involving trains and pedestrians on the Vasona Line. We are saddened for the individuals, families and friends of the people involved in these unfortunate accidents. These events provide a grim reminder to all of us that maintaining awareness around rail tracks and following proper safety precautions are of paramount importance.

On the back of this letter is essential rail safety information we urge you to share with your family, friends and colleagues. We hope that by following proper safety precautions and maintaining awareness around the tracks, future accidents can be avoided.

At light rail crossings and stations, VTA provides traffic gates, warning bells and, where appropriate, pedestrian gates to protect the public and VTA employees. When the crossing gates are down or warning bells are ringing, before you approach the tracks, wait for all trains to pass, for the gates to go back up and for the bells to stop ringing. Look both ways before crossing. Trains travel in both directions and a train leaving a crossing may be followed closely by another train traveling in the opposite direction. Because a light rail train is large and heavy (weighing an average of 50 tons), it is moving faster than it appears and cannot stop as quickly as a car or even a bus.

VTA is a committed community partner, working with you and your neighbors to keep everyone safe in and around the Vasona Light Rail Line. We are available to come to your neighborhood or community group meeting, to your workplace, to your school or to any forum to discuss safety awareness around VTA operations. Please call VTA Customer Service at (408) 321-2300 or e-mail customer.service@vta.org for more information or to schedule a presentation.

Thank you for your continued support of VTA. Have a happy and safe summer season.

Sincerely,

Michael T. Burns
General Manager

Safety First.



Tips to Stay Safe Around Light Rail Tracks and Stations

Light Rail trains can come from unexpected directions and catch you off guard – never assume it's safe to cross; always make sure.

Did you know?

- ✓ Light rail trains can run on any track, in any direction, at any time.
- ✓ Often, a train will pass in one direction followed very closely by a train passing in the opposite direction – never assume the track is clear and safe.
- ✓ Light Rail trains are heavy and cannot stop immediately - a train may need between 600 feet and a mile to stop, depending on its size and speed.
- ✓ Light rail trains are very quiet. Look for headlights and listen for warning bells and horns.
- ✓ Always look both ways before crossing the tracks.
- ✓ Lights are affected by train movement and location on the tracks... never assume warning gates or flashing train signs are wrong.
- ✓ The speed of a Light Rail train can be deceptive - Never try to beat a train through an intersection.
- ✓ Obey signs and signals at gated crossings, stop when lights flash and gates go down and do not proceed until the gates go up. If the gates are down, there is a train approaching from either direction or maybe from both directions. Wait for the gates.
- ✓ Light Rail trains are wider than the tracks – always keep children, pets, bikes, cars, and all belongings well clear of the tracks and protected area around the tracks, and safely behind gates and barriers.
- ✓ Skateboarding, rollerblading, or biking is not allowed on Light Rail platforms and tracks – it can be very dangerous.
- ✓ Obey traffic lights. Don't run red lights and turn arrows – especially around light rail tracks – there may be a train coming through the intersection out of your line of sight.

Help others stay safe:

- ✓ Remind your family and friends to stop, look both ways, and listen—especially around light rail tracks.
- ✓ Never allow children or pets to play or roam near the tracks and never fly kites, balloons, or models near the high-voltage overhead power lines.
- ✓ Never bike on light rail tracks. Don't walk on or stand near the tracks. Always walk your bike at the station and onto the train.
- ✓ Jaywalking is illegal and unsafe. Cross only at crosswalks and obey the crosswalk signals. Don't try to rush to beat a red light or train – the train operator may not see you until it's too late to stop.

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

PUBLIC RECORD r

RECEIVED

San Jose City Clerk

2009 JUL 15 A 10:37

July 15, 2009

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

Re: Another illustration of Code Enforcement failing to do their job.

941 Coleman Avenue. Check out the photographs for yourselves!

What will visitors and or investors think of San José? (Dare I mention Ghetto?)

Why does PBCE continue to fail District 3 and Councilmember Liccardo?

Just another day in ghetto District 3 for me, but I could not let this prime example of failure of Planning, Building & Code Enforcement (PBCE) to do their job.

941 Coleman Avenue @ McKendrie Street has been a derelict property for several months. Considering all the money YOU have poured into San José International Airport, especially the investment in Art projects, PBCE should have had the team spirit and decency to spruce up "blight" on the approach to the Airport, but even more importantly, the 880 freeway exit that brings the driver to a traffic light, to wit, the bucolic view of 941 Coleman Avenue that is inescapable.

Personally, I think PBCE should have one of their development signs posted there that would state, "PBCE likes fat paychecks to augment our fat, lazy, backsides".

If the driver gets a "green light" the exposure to this failure of PBCE is minimized. However, at a "red light" the driver is exposed to the maximum disgusting experience that supports an argument, that San José is the Regional Ghetto for Santa Clara County.

I liken this mess as but another failure of PBCE to do their job. Further, this shameful dereliction of duty by PBCE unnecessarily complicates the work of Councilmember Liccardo to reduce the "ghetto footprint" in District 3. There are other ongoing failures of PBCE in District 3.

Photographs are provided and once again, I request that Council Members share them so I won't have to create duplicates. Also, when YOU are finished with the photographs, please turn them over to our Honorable City Attorney.

I hope YOU all are enjoying this fine and blessed day in Ghetto San José!

Respectfully submitted,

**Cc: City Attorney / Auditor / City Manager
Director SJ International Airport**

David S. Wall
07.15.09



T-MOBILE WEST CORPORATION PUBLIC RECORD 5
Delaware Corporation
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520

July 16, 2009

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

**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C).
Notification Letter for T-Mobile Site No. SF55680A:**

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
T-MOBILE WEST CORPORATION a Delaware corporation

Enclosed: Attachment A

CC:

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

ATTACHMENT A

1. Project Location

Site Identification Number: SF55680A

Site Name: CareMore

Site Address: 253 N. White Rd., San Jose, CA 95127

County: Santa Clara

Assessor's Parcel Number: 484-12-093

Latitude: 37° 22' 25.1"

Longitude: 121° 50' 04.5"

2. Project Description

Number of Antennas to be installed: The project consists of a total of (6) six panel antennas to be installed on the rooftop and (4) four associated equipment cabinets to be placed inside the building.

Tower Design: Building

Tower Appearance: The antennas will be installed behind existing parapet walls.

Tower Height: 41' - 8"

Size of Buildings: 285 SF lease space for equipment

3. Business Addresses of all Governmental Agencies

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

Date Zoning Approval Issued: On June 30, 2009, the City of San Jose approved a Development Permit Adjustment.

Land Use Permit #: AD09-609

If Land use Approval was not required: N/A



T-MOBILE WEST CORPORATION a
Delaware Corporation
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520

July 16, 2009

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

**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications,
Inc. d/b/a T-Mobile (U-3056-C).
Notification Letter for T-Mobile Site No. SF24423C:**

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
T-MOBILE WEST CORPORATION a Delaware corporation

Enclosed: Attachment A

CC:

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

ATTACHMENT A

1. Project Location

Site Identification Number: SF24423C

Site Name: Carlton Plaza Collo

Site Address: 380 Branham Lane, San Jose, CA 95113

County: Santa Clara

Site Location: San Jose, CA

Assessor's Parcel Number: 464-06-017

Latitude: 37° 15' 54.69" N

Longitude: 121° 50' 43.63" W

2. Project Description

Number of Antennas to be installed: Six (6) panel Antennas, Six (6) TMAs, Four (4) equipment cabinets

Tower Design: Faux chimney on the rooftop

Tower Appearance: Antennas mounted within a stealth-chimney on the roof of the building

Tower Height: 43'-10"

Size of Buildings: 150 sq ft lease area on the ground

3. Business Addresses of all Governmental Agencies

City of San Jose Debra Figone, City Manager 200 East Santa Clara St. San Jose, CA 95113	City of San Jose Joseph Horwedel, Planning Director 200 East Santa Clara St. San Jose, CA 95113	City of San Jose Attn: Lee Price, City Clerk 200 East Santa Clara St. San Jose, CA 95113
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4. Land Use Approvals

Date Zoning Approval Issued: On June 30, 2009, the City of San Jose issued a Development Permit Adjustment

Land Use Permit #: AD09-607

If Land use Approval was not required: N/A

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

PUBLIC RECORD +

RECEIVED

San Jose City Clerk

2009 JUL 17 P 2:29

July 17, 2009

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

Re: THE GHETTO LIFE: UPDATE ON THE SCEP

Photographs taken this week! Postcards of this event mailed to some Council Members.

Piles of rotting garbage accentuate this part of Ghetto District 3.

On Tuesday, (07.14.09) approximately 1019 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 eight (8) stolen and abandoned shopping carts. *An 11% decrease from last week as to the number of stolen and abandoned shopping carts is hereby recorded.*

Decaying garbage is in various states of decomposition. Flies are having a royal feast as this public health nuisance continues and investors with big bucks will stay clear of this Ghetto City for sure.

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

Target (2), Unmarked (1), 99 Ranch Market (1), Dai Thanh Supermarket (1), Trader Joe's (1), WalMart (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 not* carried out. A Union Pacific train was "a rollin' down the tracks".

There were no interviews this week.

However, there were three passerbies that commented that the piles of garbage, "was bad".

Manuel's chickens seem to be happy and were contained within the confines of the curtilage.

Respectfully submitted,

David S. Wall

07.17.09

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

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

PUBLIC RECORD U

RECEIVED
San Jose City Clerk

July 21, 2009

2009 JUL 21 P 12:47

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

Photographs taken again this week! Postcards mailed to Council and City Manager.

Councilmember Liccardo allows garbage to rot. The flies and rats have to eat too.

District 3 staff demands other Council District's ghettos be photographed.

Quit reporting on District 3 ghettos. Pick on District 2 or District 5 for a change!

O.K., I'll share the "Love".

On Tuesday, (07.21.09) approximately 1026 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 ten (10) stolen and abandoned shopping carts. *A 25% increase from last week as to the number of stolen and abandoned shopping carts is hereby recorded.*

Decaying garbage is in various states of decomposition. The piles of rotting garbage harbor rats that could be carriers of the fleas that carry *Yersinia pestis*, a gram negative rod shaped facultative anaerobe sure to give somebody some real grief, if present. This public health nuisance might have caused some District 3 staff to wonder if this is yet, another ongoing failure of Code Enforcement to do their job.

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

Mi Pueblo (2), Unmarked (2), Target (1), Home Depot (1), HAI Thanh (1), Trader Joe's (1), WalMart (1) and Zanotto's (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.

There were no interviews this week.

One of Manuel's roosters was very vocal.

Respectfully submitted,

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

David S. Wall
07.21.09

BARRY SWENSON BUILDER

777 N. FIRST STREET, 5TH FLOOR • SAN JOSE, CA 95112-6303 • (408) 287-0246 • FAX (408) 998-1737

CONTRACTORS LIC. 342751

July 22, 2009

Hand Delivered On this Date

Honorable Mayor Chuck Reed *and*
All City Council Members
CITY OF SAN JOSE
200 East Santa Clara Street
San Jose, CA 95113

RE: Request for Reconsideration
Educational Park Branch Library

RECEIVED
San Jose City Clerk
2009 JUL 22 P 3:43

Dear Mayor Reed and Council Members:

Attached are representative copies of letters previously sent to the Mayor and individual Council Members.

I am requesting that these letters be put in the Public Record and Agenda for next weeks Rules Committee Meeting slated for July 28, 2009 and subsequent City Council Meeting slated for August 4, 2009.

Best regards,

Green Valley Corporation dba
Barry Swenson Builder



David A. Gibbons
Vice President

June 24, 2009

Sent via Fax, Email, Mail, Hand-Delivery

Honorable Mayor Chuck Reed
CITY OF SAN JOSE
200 East San Carlos Street
San Jose, CA 95113

RE: City Council Meeting 06/23/09
Educational Park Branch Library

Dear Mayor Reed:

We are sorry the City did not award us the contract for the Educational Park Branch Library even though we were the responsive and low bidder. I feel the reason for the decision was politically based because BSB is not a union contractor even though we try to give the Unions as much work as we possibly can.

It would be unfair to us if the project were to be re-bid because all of the contractors now know all of our numbers and therefore would have a huge advantage. The job would mostly likely go to an out of town contractor who does not love or support the City like BSB and quite honestly, they could care less about our City.

I respectfully request that the City Council reconsider their decision.

I look forward to your response.

Regards,

BARRY SWENSON BUILDER



Barry Swenson
President and CEO

P.S. If we are the responsive and low bidder again, would the City not award the job to us?
Should we even bid to our beloved City again?

BARRY SWENSON BUILDER
777 N. FIRST STREET, 5TH FLOOR • SAN JOSE, CA 95112-6303 • (408) 287-0246 • FAX (408) 998-1737

CONTRACTORS LIC. 342751

July 13, 2009

Sent via Fax, Email, Mail, Hand-Delivery

Honorable Mayor Chuck Reed
CITY OF SAN JOSE
200 East Santa Clara Street
San Jose, CA 95113

RE: Educational Park Branch Library

Dear Mayor Reed:

I am writing again to express our appreciation of your continued support. We are working very hard with other council members to get the Educational Park Branch Library back on the City Council's Agenda for reconsideration.

Attached is a copy of the correspondence I am sending the council members that voted in favor of rebidding the project. We hope we continue to have your support should this matter get back on the Agenda. We also would appreciate anything you can do to convince the other council members to get this project back on the Agenda and award the project to Barry Swenson Builder, the low and responsible bidder.

Please let me know if there is anything else we should be doing to secure a spot on the upcoming Agenda.

Regards,

Green Valley Corporation dba
Barry Swenson Builder



Barry Swenson
President and CEO

BARRY SWENSON

BUILDER

777 N. FIRST STREET, 5TH FLOOR • SAN JOSE, CA 95112-6303 • (408) 287-0246 • FAX (408) 998-1737

CONTRACTORS LIC. 342751

July 13, 2009

Sent via Fax, Email, Mail, Hand-Delivery

Councilwoman Nancy Pyle
CITY OF SAN JOSE
200 East Santa Clara Street
San Jose, CA 95113

RE: Educational Park Branch Library

Dear Ms. Pyle:

I am writing again in the hopes that you will properly reconsider your vote to reject all bids related to the Educational Park Branch Library. I feel that when this decision was made the Council did not have all the facts presented to them, for if they did, the decision would have been to award the project to the low, responsible bidder, Barry Swenson Builder. Please review the below History and Potential Ramifications of the Council's Decision, and decide for yourself if the Council made the right choice.

History of the Bid Protest:

On April 10, 2009, Public Works declared that Barry Swenson Builder was the Low Responsible Bidder for the Project. Barry Swenson Builder was \$13,700 lower than the second place bidder, Zolman Construction of San Carlos.

On April 16th, Zolman, two of its subcontractors, and Carpenter's Union filed protests claiming that the listed Steel Subcontractor of Barry Swenson Builder did not have the required experience. Public Works properly found all protests without merit and confirmed that Barry Swenson Builder was the Low Responsible Bidder.

On June 4th, Public Works sent a notice confirming that it has recommended that Barry Swenson Builder be awarded the project but re-opened the protest process, due to perceived errors in the notification process for the previous protest. No one responds within this second 5 day protest period.

On June 12th and again on June 16th, CANDO submits a belated protest after the allowable 5 day period, with the same issues of the previous protests, that the steel subcontractor of Barry Swenson Builder lacked the required experience. For reasons known only to the City, the protest is put on the agenda and then moved from June 16th City Council Meeting to the June 23rd City Council Meeting, in order to fully review the merits of the CANDO

July 13, 2009

Councilwoman Nancy Pyle

Page 02

Letter. Public Works asks Barry Swenson Builder to respond to this protest letter, even though it is late. Barry Swenson Builder does so on June 18th, ahead of the next City Council Meeting. Public Works again finds all protests without merit and again recommends to the Council that the project be awarded to Barry Swenson Builder, the low responsive bidder.

At the June 23rd Council Meeting, Public Works confirmed that the Steel Subcontractor had the required experience and was properly licensed per both the Specifications and the Public Works intent for this project. The Council made proper inquiry of Public Works regarding the wording of the specifications. Public Works noted that the two issues have always been separate and distinct inquiries and that, even if re-worded, Barry Swenson Builder's Steel Subcontractor would meet all requirements. Despite this record, the City Council votes to reword specifications and have the project rebid.

Council's Decision and its Potential Ramifications:

The focus of the Council's discussion on this issue was on the wording of the specifications, and the possible confusion that might exist between the separate requirements of relevant experience and licensing. The protestors tried to confuse this issue by claiming that it was inherent that experience meant "licensed experience," and that such an interpretation was common practice in the industry, although they presented no evidentiary basis to back up this specious claim.

In reviewing the actual wording of the specifications, there is no mention whatsoever, in either the structural steel specification or in the definitions section, of any licensing requirement as a condition or subset of the experience needed. The Structural Steel Specification Section 05100, item 1.5B instead merely states that the qualification for "Erector: company specializing in performing the Work of this Section with minimum 3 years experience." In Specification section 01420, Definitions, References and Regulations, item 1.2J states, "The term 'experienced,' when used with the term 'installer,' means having successfully completed a minimum of three previous projects similar in size and scope to this project; being familiar with the special requirements indicated; and having complied with the requirements of authorities having jurisdiction." As one can readily see, there is no mention of licensed experience at all. This is the same for all sections of the specifications. There is no mention of license quite simply because it is an entirely separate issue. The only reference to licensure is contained in City of San Jose Standard Specifications Section 7-1.01C which states, "All bidders and contractors shall be licensed in accordance with the laws of this State **at the time of the bid** in the classification set forth in these contract documents". There is no requirement to have a license three years ahead of a bid. Clearly there is no tie between licensure and experience, in either the Specifications for this project or in the City Standards. As Katy Allen stated at the Council meeting, they are and always have been two different, independent issues. Clearly the claim that experience means licensed experience is not inherently confusing, nor is it "Common Practice in the Industry."

July 13, 2009
Councilwoman Nancy Pyle
Page 03

This being the case, the protestors' claim that experience means "licensed experience" is totally unfounded. The wording of the Project Specifications and the City Standards are clear and definitely not confusing. There is no link between the two. Since there is no link, then there is no reason to reject all bids for the project.

The second issue to be considered is the result of the City Council's decision. In going against the recommendation of staff, particularly on an issue of interpretation which it has long communicated and applied, the City Council has opened a Pandora's Box.

The Specifications, which have been tried and true through the years, will never constitute a perfectly written document. It will always be subject to arguments regarding the meaning of its words and provisions, if anyone chooses to make it an issue. This is why Public Works provides an opportunity to all bidders to request clarification during the bidding process. This would naturally have been the time to question whether experience meant licensed experience. Failure to request this information or not to foresee a need to request this information is not a proper basis for a protest. It is no different than if a bidder failed to ask for clarification of an insurance requirement or any other material contract requirement. Would he then be able to protest those items? Of course not, and this protest is no different. Through this decision, the Council has opened the door for any clarity issue to become a means to nullify a legitimate bid process. The bid process, which was designed to be completely fair, impartial, and non-political, is no longer. Any non-successful bidder will find, after the fact, an "unclear issue" which they will protest to the Council in order to take their chances there.

Additionally, by the Council making the determination that the Public Works Specifications in this regard were unclear and somehow unfair, one can reasonably expect that all Public Works bids have been unclear and unfair, since all bid solicitations have employed the same basic specifications. The Council cannot simply apply this ruling to this one particular project; the same ruling would have to be made for all projects with these Specifications. By rights Public Works would need to halt the bidding and awarding of all projects and rebid them with the revised wording, just as Council is recommending for this project. If Council makes the issue retroactive, as they are attempting to do in this particular situation by finding that the bidding process was somehow unfair, then, out of fairness, they would need to do so for all projects. The argument made can be made that all projects that were bid under these specifications, at least back to the incorporation of the Specifications in 1992, have been unfairly awarded, opening the City to lawsuits by all unsuccessful bidders through the years. Going to this extreme would be ridiculous and impossible to enforce. Why? Because it is unfair to change the rules after the fact and punish one for an action that was done before a change, an action which was correct at the time done. That is the reason such changes are prospective and not retroactive. If the Council wants to change the Specifications, they should, but they cannot make it retroactive. As a result, said confusion or "unfairness" should not be grounds for not awarding this project or any project