



Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

SUBJECT: The Public Record
August 20-27, 2009

DATE: August 28, 2009

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Letter from Willow Glen Neighborhood Association to City of San Jose dated August 20, 2009 regarding Bike Plan for San Jose.
- (b) Letter from Willow Glen Neighborhood Association to City of San Jose dated August 20, 2009 regarding hearing date of August 26, 2009 Appeal of Stucco Supply Site Development Permit H09-009.
- (c) Letter from Willow Glen Neighborhood Association to City of San Jose dated August 20, 2009 regarding limiting San Jose Park space; changing the City's requirement from 3.5 acres per 1000 residents.
- (d) Letter from David S. Wall to Mayor Reed and City Council dated August 21, 2009 regarding "Report on 941 Coleman Avenue".
- (e) Letter from David S. Wall to Mayor Reed and City Council dated August 21, 2009 regarding "Investigation of Ryland Mews should occur before eminent domain vote".
- (f) Email received from Richard Zappelli on behalf of the Willow Glen Neighborhood Association to City Clerk Lee Price dated August 22, 2009 to support the Save Our Trails appeal and protect the General Plan Trails network vision.
- (g) Letter from David S. Wall to Mayor Reed and City Council dated August 27, 2009 regarding "The Ghetto Life: Update on the SCEP".
- (h) Letter from Dan Higgins, Regional Vice President of Exposition Services, to Mayor Reed dated August 20, 2009 expressing concern about an agreement with Local 287 Teamsters Union to provide exclusive labor for the San Jose Convention Center.



Lee Price, MMC
City Clerk

LP/np

Distribution: Mayor/Council
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Assistant City Manager
Assistant to City Manager
Council Liaison
Director of Planning
City Attorney

City Auditor
Director of Public Works
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Willow Glen Neighborhood Association

P. O. Box 7706,
San Jose CA 95150
408/294-WGNA
www.WGNA.net

August 20, 2009

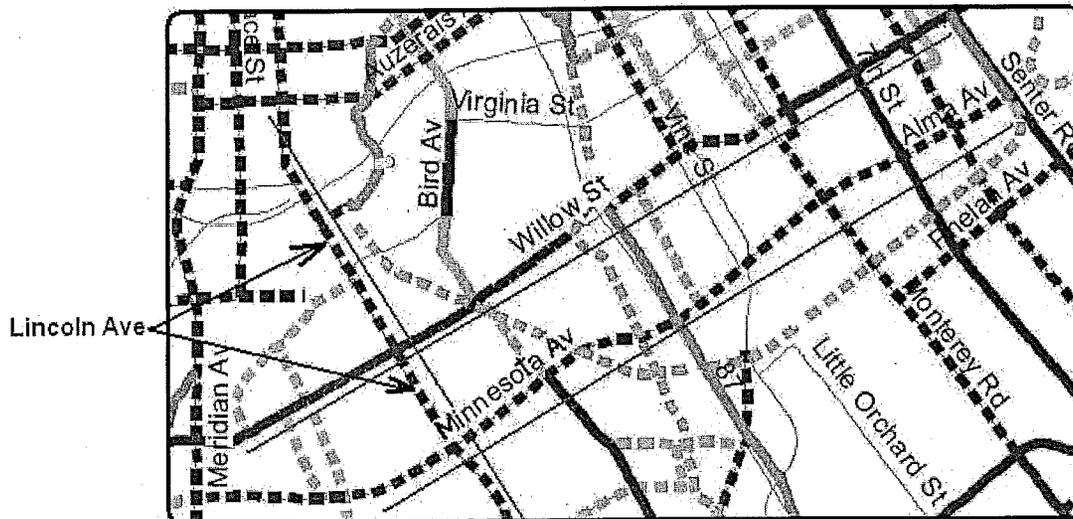
To: John Brazil, Bicycle and Pedestrian Program
Department of Transportation City of San Jose
200 East Santa Clara Street
San Jose, California 95113

Re: Bike Plan for San Jose

Dear Mr. Brazil,

Positions:

I. Develop these key bicycle commutes first: WGNA strongly supports placing 1) Lincoln Ave., 2) Minnesota/Alma to Senter Rd. and 3) Willow to Senter Rd. high on the list of first-to-complete bike lanes. These are key links to large parks to the east, County Hospital and Los Gatos Creek trail to the west and the Diridon / Downtown area to the north.



II. Protect parking for residents and business: Members of the Willow Glen community and WGNA board understand that portions of these three planned primary bicycle routes present special challenges in protecting currently available on-street parking for residents and businesses.

At choke points with limit room for three traffic lanes, on-street parking AND safe bike lanes, we urge San Jose Department of Transportation to protect existing residential and business on-street parking wherever possible.

Background and Discussion:

The Willow Glen Neighborhood Association (WGNA) and the WGNA Public Safety and Transportation (PS&T) Committee appreciate and support San Jose Department of Transportation (DOT) and Staff efforts to move San Jose toward being a Great Bicycle-Friendly City.

For San Jose to be a World Class City by 2040, residents of the core city and surrounding neighborhoods must have the opportunity to move about carbon free. Safe, user-friendly bike routes will provide that pathway to a sustainable energy efficient City.

Densification, smart planning and public transportation will play a major role. Bike and pedestrian mobility are essential to realizing that vision as well.

We recognize that Federal, State and Regional funds will become available over the next five to ten years to support healthy low-carbon transportation solutions for large metropolitan areas.

With thousands of new residents planned in the high density Diridon, Midtown and Tamien Transit Oriented Development (TOD) projects, these new safe bike routes will play an increasingly important role in San Jose's Smart Growth planning of a green sustainable city.

Closing comment:

The Willow Glen Neighborhood Association appreciates the great work in planning for the City of the future and looks forward to working with the Mayor, Council and Department of Transportation to make this vision a reality for all of San Jose for generations to come.

Sincerely,

// David D. Dearborn //

David D. Dearborn,
Public Safety and Transportation Committee
First Vice President
Willow Glen Neighborhood Association

cc: Honorable Mayor
Councilmember Pierluigi Oliverio
Councilmember Madison Nguyen
James R. Helmer, Director of Transportation
Office of the City Clerk, San Jose, CA cityclerk@sanjoseca.gov



Willow Glen Neighborhood Association

P. O. Box 7706,
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408/294-WGNA
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August 20, 2009

Thang Do, Chairman
Planning Commission of the City of San Jose
Attn: Sylvia L. Do
Planning Division City of San Jose
200 East Santa Clara Street
San Jose, California 95113

Sylvia.Do@sanjoseca.gov

Re: HEARING DATE: AUGUST 26, 2009 APPEAL OF STUCCO SUPPLY SITE
DEVELOPMENT PERMIT H09-009

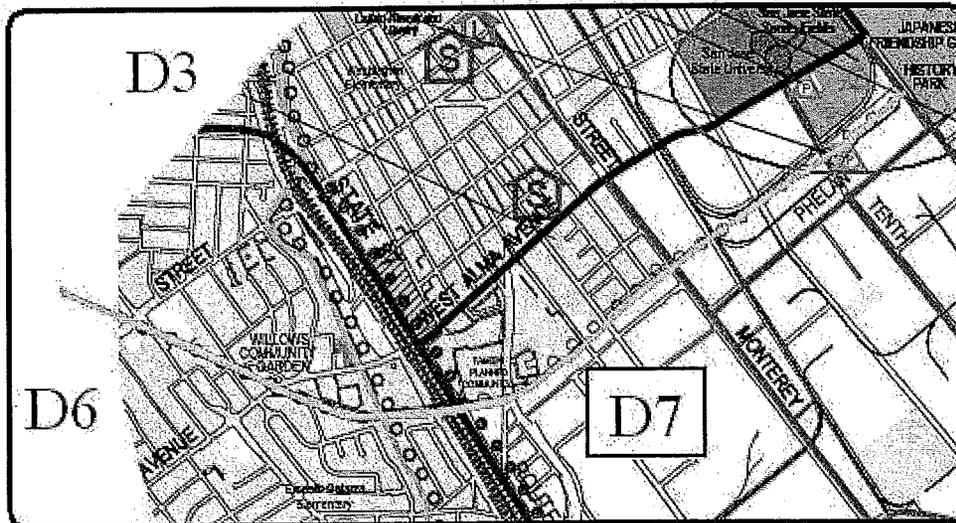
Dear Chairman Do and Honorable Planning Commissioners:

Position:

Willow Glen Neighborhood Association (WGNA) supports the appeal and requests denial of the Stucco Supply Permit to develop a structure on this mapped Trail Land.

Discussion and Rationale:

WGNA endorses "Save Our Trails" in their efforts to avoid Trail Land that is mapped in our General Plan from being sold off piece by piece because the City in these difficult times is in short supply of cash to buy the Trail property from the Union Pacific railroad.



Communities across the country are learning that conserving community green-infrastructure-lands for parks, trails and public open spaces is not an expense, but an investment that produces important economic benefits.

Research verifies what we intuitively know. The value of parks, trails and related open space reduces energy consumption and storm water runoff. It increases the value of neighboring property and improves academic performance among teens.

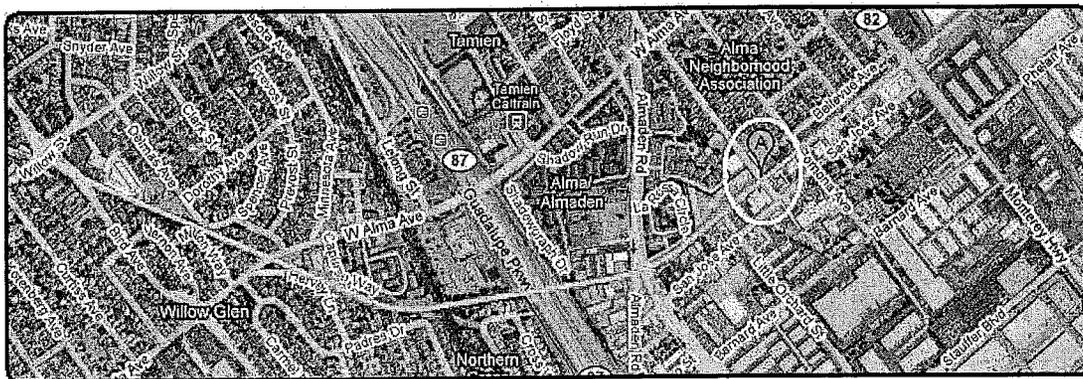
Studies show crime is lower in neighborhoods where parks and trails exist, visits to hospitals and emergency rooms are reduced when kids have a safe place to play: an alternative to playing on the streets and parking lots.

Recreational opportunities, parks and trail amenities are important quality-of-life factors for businesses choosing where to locate and for individuals choosing a place to live.

Mixed "Land Use" and decreased automobile dependence require transportation alternatives (walking on trails, bicycling and transit) and increased density balanced by preservation of green spaces. Density is balanced by open green space like our trail system and protection of riparian corridors that remain un-built and that provide access to nature for people who live and work in the area. There is a emphasis on walk-ability with wide trails, tree shaded sidewalks on both sides of the streets and on mixed land use with destinations such as stores, schools, theaters, open space, and offices near home.

San Jose has three interurban trails in desperate need of attention. Interurban trails using a former Union Pacific Rail Road bed; "Los Gatos Creek Trail", "The Guadalupe River Trail" and the Willow Glen Spur Trail/Three Creeks Trail" need to be completed and the Three Creeks Trail needs to be rescued with attention of our Mayor and City Council.

These three trails connect "Downtown San Jose" with close-by urban neighborhoods, and provide an alternate form of transportation between Happy Hollow Park while passing through Districts six, seven, and three. As San Jose continues to densify and urbanize, this alternate form of transportation will be badly needed.



WGNA realizes the UPRR has a right to sell this trail property, but we also look to our City and the Planning Department to protect the General Plan and preserve designated Trails within the General Plan. The RR has the opportunity to sell the property; the City has the opportunity to protect the General Plan.

In an appeal filed by Save Our Trails attorney, Bruce Tichinin, (Appeal Of Permit For Stucco Supply Company) notes an appellate court case, ("Fonseca v. City of Gilroy" (2007) 148 Cal.App4th 1174,1182") Inconsistent With The General Plan, "Local land use decisions must be consistent with the General Plan". The project violates the provision of the General Plan requiring a 30ft. Trail corridor across the site.

Locally, practices that contribute to sustainability are reducing energy, protecting the land from this type development. Good examples of sustainability indicators include, trail development, bike trails, transit ridership, people living within a ten-minute walk of a park.

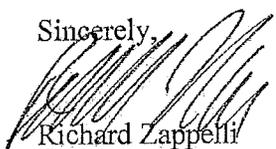
Rather than allowing developer-initiated piecemeal development, our local government should take charge of the planning process. General Plans should designate where new growth, infill or redevelopment will be allowed to occur. Please protect our trail system. It is a good plan.

Making the City of San Jose more bike/pedestrian friendly is really what's bringing our Downtown and City along the Trail near the Stucco Supply back to life. Trails enhance the goals of the Good Neighbor policy and help San Jose become a "World Class City".

Conclusion:

WGNA urges the Mayor, Council, Planning Department and Planning Commission to support the Save Our Trails appeal and protect the General Plan trails network vision.

Sincerely,



Richard Zappelli
Chair, Planning and Land Use Committee
Board Secretary
Willow Glen Neighborhood Association

cc: Honorable Mayor
Councilmember Madison Nguyen
Councilmember Pierluigi Oliverio
Joseph Horwedel, Director PBCE
Albert Balagso, Director of Parks, Recreation and Neighborhood Services
Matt Cano and (Division Manager)
Yves Zsutty (Trails Director)
James R. Helmer, Director of Transportation
John Brazil, Bicycle and Pedestrian Program, San Jose DOT
Taisia McMahon, Acting Chair, Save Our Trails
Office of the City Clerk, San Jose, CA cityclerk@sanjoseca.gov
Meri Maben, District Director for Congressman Michael Honda- 15th District
California State Assembly member Jim Beall
Santa Clara County Supervisor Ken Yeager



Willow Glen Neighborhood Association

P. O. Box 7706,
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408/294-WGNA
www.WGNA.net

August 20, 2009

To: Envision 2040 Taskforce

Re: Limiting San Jose Park Space; Changing the City's requirement
from 3.5 acres to 1.5 acres per 1000 residents

Dear: Co-Chairs, City staff and community members,

Position:

Willow Glen Neighborhood Association (WGNA) **cannot support** the City Administration's recommendation to change San Jose's standing park space requirements from 3.5 acres to 1.5 acres per 1000 residents; (a 57% reduction).

Background and Discussion:

Quoting the San Jose Greenprint 2009, "The Willow Glen planning area is a densely developed area west of downtown San Jose and current population is 75,937. By 2020 Willow Glen will have a population of 82,750".

"In the past eight years, only 0.4 of an acre of developed parkland was added to this planning area, there are ten areas of Willow Glen under-served within a 1/3 mile radius".

We respect the Envision 2040 Commission vision of San Jose becoming a "World Class City" and fully support you in your endeavor.

"World Class Cities" put a heavy emphasis on Parkland development. Every park user knows the benefits of green space, especially in urban environments, but the benefits of our parks, trails and green spaces extend far beyond users-daily they touch the lives of every person who lives and works in the community, and making our city and neighborhoods more attractive places to live and work-the benefits of parks are endless-to individuals, our communities, the economy and environment.

Broadly defined, parks provide a diverse and quantifiable range of benefits that immeasurably improve our quality of life. At the community level parks play a special role. They have something to offer everyone from young children and teens, to families, adults and the elderly. Their presence can also be a cohesive force in building a sense of community. They are more than places to recreate and relate to nature. Parks can also offer a multitude of opportunities to engage in arts and music. A park can be a

community focal point, a symbol of its vitality and World Class character, adding to its overall health, well being, and quality of life.

A healthy, vital World Class community speaks to quality of life (QOL); and QOL attracts JOBS.

Green spaces and parks are becoming increasingly important as more and more people inhabit the urban area of Willow Glen and our downtown San Jose neighborhoods.

San Jose, like many other cities, has neglected its green spaces and chronically under funded them. As a result, there are not enough parks to serve our growing population, and those we do have are deteriorating.

Residents and many of our City leaders have realized that parks are not civic frills, but urban necessities. With our growing urban population comes a growing need for communal spaces. Keep in mind, too, that many of our new urban residents in San Jose live in mid and high-rise condos so small they barely have room to breathe. As a result, they look to our city to provide many of the features house-owners take for granted.

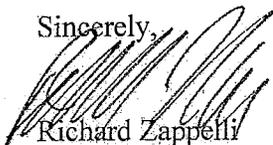
Jean Dresden read into the record on July 27, 2009 how large cities throughout the country have planned for, protected and developed park space per 1000 residents in ratios significantly greater than San Jose has today. To compete as a Great City, San Jose must build on what it has; not slash it for convenience or an easier goal to meet.

Public school grounds and paved trails do have a place in our community and any World Class city. But school grounds and paved bike trails are not where residents of our new urban village will eat, drink, sit outside, meet friends and let toddlers play or nap in the shade.

Conclusion:

WGNA strongly urges the Envision 2040 Taskforce to protect and hold to the City standard of 3.5 acres of park for every 1,000 residents if we are to become the "World Class City" of 2040 envisioned by this taskforce.

Sincerely,



Richard Zappelli
Chair, Planning and Land Use Committee
Board Secretary
Willow Glen Neighborhood Association

cc: Honorable Mayor
Councilmembers
Joseph Horwedel, Director PBCE
Albert Balagso, Director of Parks, Recreation and Neighborhood Services
Office of the City Clerk, San Jose, CA cityclerk@sanjoseca.gov

David S. WallRECEIVED
San Jose City Clerk

2009 AUG 21 P 2: 52

August 21, 2009

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

Re: Report on 941 Coleman Avenue**“Clean up” of derelict property almost complete.****Serious questions as to state of competence of City Management persist.****PBCE requires reorganization.**

There are two photographs (out of many) for today's discussion. Photograph # 1 was taken (Monday, 08.17.2009) and Photograph #2 taken today (Friday, 08.21.09).

This property had been left “derelict” for months without any Code Enforcement activity addressing the disgusting blight and embarrassment to the City of San José.

This fact could easily be described as “inexcusable” concerning the proximity to the airport and a “gateway” to the downtown.

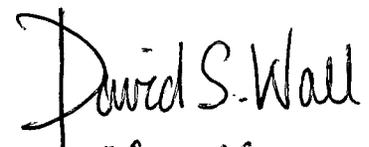
The management of Code Enforcement requires replacement. Not a “slap on the wrist”, but replacement. And the sooner, the better.

There are too many problems within Code that have existed for too long. Social promotions, poor training and inconsistencies with application of enforcement are but brief sordid examples.

It should be relatively apparent, from the loss of business, tax revenue and the generation of “bad blood” across the spectrum of “conflicts of interests”, PBCE should be broken up. But, this is a topic for discussion for another day.

As to the timeliness of the clean up of 941 Coleman Avenue, Councilmember Liccardo's conduct is noteworthy and exemplary.

But more importantly, Ms. Rhonda Hadnot should be afforded special accolade regarding this matter, to be determined by YOU, in a timely manner, at the request of a grateful citizen (me).

Respectfully submitted,
08.21.09**Cc: City Attorney / Auditor / City Manager**

David S. Wall

PUBLIC RECORD e

RECEIVED
San Jose City Clerk

August 21, 2009

2009 AUG 21 P 2:49

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

Re: Investigation of Ryland Mews should occur before eminent domain vote.

“Temporary Eminent Domain” is dangerous.

Consider having a Public Investigation first.

Here are some initial questions for YOU.

Item 4.3, as it appears on the September 1, 2009 City Council Agenda;

“Temporary Right of Entry by the Ryland Mews Homeowners Association” has too many unanswered questions before YOU get stuck with having to put YOUR political necks in unnecessary jeopardy.

I believe a “public investigation” is warranted to ferret out those that made decisions resulting in this mess and to hold them accountable.

The residents and or property owners of Ryland Mews deserve remedy paid in full with punitive damages for having to endure this ongoing nightmare.

Here are a few questions to get started (more to follow).

1. Did **“Ryland Mews”** receive any Redevelopment Agency funding? If so, how much, what dates, and identify the Director at RDA during this time period (s).
2. Who was the builder of **“Ryland Mews”**?
3. What City of San José Department authorized the plans for **“Ryland Mews”**, and carried out all “inspections, permits or any regulatory requirements” of this building project?
4. Was the necessity for a “construction easement” any part of the regulatory process? Was this topic ever discussed (dates, times, persons involved)?
5. At what date was it made known there was a defect or condition that requires “maintenance or corrective action”? What is the defect or condition that requires “maintenance or corrective action” by means of “temporary right of access by eminent domain”?

Respectfully submitted,

Cc: City Attorney / Auditor / City Manager

08.21.09
David S. Wall

From: richard zappelli
Sent: Saturday, August 22, 2009 12:55 PM

Cc: pierliugi.oliverio@sanjoseca.gov; Nusbaum, Jenny; City Clerk
Subject: WHO`S RESPONSIBILITY IS IT TO PROTECT THE GENERAL PLAN

"IT DOESN`T MATTER WHAT YOU THINK OR...WHAT I THINK !!
BECAUSE, NO ONE IS THINKING ANYMORE !!

Trails and residents vs. The General Exception Plan

The San Jose "General Plan" establishes a long range vision that refelects the asperations of the community, and outlines steps to achieve this vision.

The General Plan provides a basis for judging wheather specific development proposals and "public projects" are in harmony with the community priorities.

The General Plan allows City of San Jose departments, other public agencies, and private developers to design projects that will enhance the character of the community, "PRESERVE ENVIRONMENTAL RESOURCES" and minimize hazards.

THE SAN JOSE PLANNING DEPARTMENT:

The S.J. Planning Departments job is to "PROTECT & ENHANCE COMMUNITY ASSETS". The PLAN, renews the City`s commitment to protect and enhance its community assets, its Quality of Life City enhancements.

Wednesday night August 26th at 6:30 PM at City Hall the San Jose City Planners will hear an appeal filed by the citizens group, "Save Our Trails" to protect a important part of the SAN JOSE GENERAL PLAN within the S.J. Parks & Recreation Department, and save property spelled out in the San Jose General Plan as (1)PARK LAND (2) Trails property.

The Union Pacific Railroad Company has a right to sell this designated property in the General Plan designated for trails. The Buyer of this small piece of property designated in the General Plan as S.J. Trail property, has a right to purchase this land. BUT, more importantly the buyer and his attorney has a responsibility to find out if this land is "develop-able". AND, our City Planning Department has the responsibility to protect the General Plan and the wishes of the community and stop any development on Park Land.

The Willow Glen Neighborhood Association (WGNA) supports the appeal and requests denial of the Stucco Supply Permit to development a structure on this mapped Trail Land.

The WGNA urges the Mayor, Council, Planning Department and Planning Commission to support the Save Our Trails appeal and protect the General Plan Trails network vision.

David S. Wall

PUBLIC RECORD 9

RECEIVED
San Jose City Clerk

2009 AUG 27 P 3:13

August 27, 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, (08.26.09) approximately 1448 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 one (1) stolen and abandoned shopping cart. A 100% increase from last week as to the number of stolen and abandoned shopping carts is hereby recorded.*

NO GARBAGE WAS PRESENT.

There is some "litter" strewn about the area.

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

FoodMaxx (1).

*****special note***** the overall cleanliness of Shopping carts, retrieved from this area and returned to stores for immediate service, should be addressed by some government agency. Unsuspecting customers may use excrement coated shopping carts without knowledge. One store manager said Code Enforcement threatened him with citation because water from cleaning soiled shopping carts drained from his store's property onto the street (storm drain related issues).

Possible solution: City authorizes very low interest loans to provide for parking lot cleaning area for shopping carts. This area would have a secured drain to the sanitary sewer, be protected from rain and "illegal dumping activities". Fecal contaminated shopping carts could be better cleaned thus minimizing Cholera and dysentery outbreaks.

Railroad property cleared of vagrant encampments but, there is some litter.

Manuel's chickens were very quiet again today. I did not hear a peep.

Where have all the stolen and abandoned shopping carts gone?

Has the City of San José decided to put the "kibosh" on the shopping cart thieves? Unlikely, for "recyclables rustlers" are routine as they are unwanted in my neighborhood. Some unknown; superseding and intervening force apparently has descended on North Tenth Street @ Horning Street to shield this social disease from detection. I will alter my patrol times to see if this is true.

Note: Photographs were not taken this week.

Respectfully submitted,

David S. Wall
08.27.09

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



GES Exposition Services
5560 Katella Ave. Cypress, CA 90630 562.370.1500 www.ges.com

August 20, 2009

Office of Mayor Chuck Reed
City of San Jose
200 E. Santa Clara St.
San Jose, CA 95113

Dear Mayor Reed,

As you may be aware, Team San Jose has entered into an agreement with the Local 287 Teamsters Union to provide exclusive labor for the San Jose Convention Center.

GES has been doing business in San Jose for many years and has a vested interest in the success of the San Jose Convention Center and the San Jose Hospitality Community. We have serious concerns that this policy will drive business away from San Jose.

The stated objectives of this agreement are to: Provide better pricing, more flexibility and increase productivity from a highly trained staff. Upon reviewing the policies, procedures and prices outlined in this agreement, it does not appear to achieve any of these objectives. In fact it will be counterproductive to these objectives.

- It effectively doubles the wholesale cost of labor to the general contractors that are doing business in the building. These costs will be passed along to the clients. This will result in many clients seeking other destinations due to higher costs in San Jose.
- It adds complexity and additional layers of supervision to the management of the unions, driving up costs.
- Team San Jose is also assuming liability for damage to freight, Worker's Compensation and Health Insurance. The potential liability to the city should be a serious concern.
- This agreement with Teamsters Local 287 interferes with existing agreements between show organizers, exhibitors, vendors, and suppliers. Typically trade show and exhibition contracts are finalized months - or even years - in advance.

Had the general contractors been consulted about this course of action, we could have educated Team San Jose on the many issues concerning this move. Unfortunately, now with this policy in effect, we are all in a position to lose revenue as San Jose becomes the most expensive place to do business in California.

We would be delighted to meet with you and/or attend a city council meeting to demonstrate exactly how this policy is not conducive to supporting the greater San Jose Hospitality Community. I look forward to your reply.

Regards,

A handwritten signature in black ink that reads 'Dan Higgins'.

Dan Higgins
Regional Vice President - Sales