

# Memorandum

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

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

**SUBJECT:** The Public Record  
January 8-14, 2010

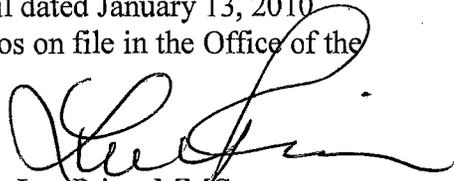
**DATE:** January 15, 2010

---

**ITEMS TRANSMITTED TO THE ADMINISTRATION**

**ITEMS FILED FOR THE PUBLIC RECORD**

- (a) Email from Craig Litwin dated January 5, 2010 urging support of a medical cannabis dispensary ordinance and offering his assistance.
- (b) Notification letter from T-Mobile to Consumer Protection and Safety Division dated January 6, 2010 regarding T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C) for Site No. SF55681D
- (c) Notification letter from T-Mobile to Consumer Protection and Safety Division dated January 8, 2010 regarding T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C) for Site No. SF14142B
- (d) Letter from Willow Glen Neighborhood Association Chair Richard Zapelli to Mayor Reed and City Council dated January 8, 2010 in support of maintaining an underground alternative in the High Speed Rail EIR/EIS CEQA process.
- (e) Letter from Mexican American Political Association Chair Danny Garza dated January 12, 2010 urging the City Council to establish a Civilian Oversight Board to review the community's police force activities.
- (f) Letter from David S. Wall to Mayor Reed and City Council dated January 13, 2010 regarding "The Ghetto Life: Update on the SCEP". (Photos on file in the Office of the City Clerk's Office)



Lee Price, MMC  
City Clerk

LP/rmk

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

---

**From:**  
**Sent:** Monday, January 11, 2010 8:51 AM  
**To:** City Clerk  
**Subject:** medical cannabis dispensaries

January 5, 20

Dear Mayor and City Council:

My name is Craig Litwin. I am a former Mayor of the City of Sebastopol in Sonoma County, California. I successfully co-authored our medical cannabis dispensary ordinance a few years back, and since then we have been enjoying two dispensaries in our town, both operated by the same not-for-profit dispensing collective, Peace in Medicine.

I commend your city for taking the necessary steps to ensure safe access to medical cannabis for those in need. You are joining many other cities who already legislate dispensaries, and the numerous California cities who are simultaneously creating their own ordinances.

I am writing to you to let you know about an innovative process that is unfolding in Napa. They are also developing a dispensary ordinance. In Napa, the city staff is doing a nexus study to determine not only the ongoing costs of administering their ordinance but also the costs of creating the ordinance. Napa is planning to recoup both of these costs through annual fees paid by the dispensaries. My city missed the boat on that one.

I am happy to help any city in our state who is working as hard as you are to provide safe access for those in need. If you would like me to facilitate a tour of Peace in Medicine for you or if you have any other questions please let me know.

Sincerely,

Craig Litwin

**T-Mobile**

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

January 6, 2010

PUBLIC RECORD b

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. SF55681D**

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.

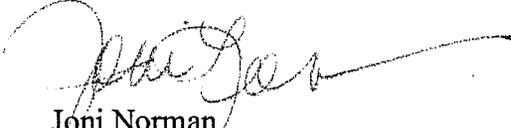
(b) No land use approval is required because

---

---

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

January 6, 2010

Page 2 of 2

## ATTACHMENT A

### 1. Project Location

Site Identification Number: SF55681D  
Site Name: PG&E Senter Road  
Site Address: 2630 Senter Road, San Jose, CA 95111  
County: Santa Clara  
Assessor's Parcel Number: 497-42-017  
Latitude: 37° 18' 14.65" N  
Longitude: 121° 50' 23.32" W

### 2. Project Description

Number of Antennas to be installed: Six (6) Panel, One (1) GPS  
Tower Design: Top hat w/Antennas on existing PG&E Twr  
Tower Appearance: PG&E Transmission Tower  
Tower Height: 91'  
Size of Building: 14'-6" x 14'-6"

### 3. Business Addresses of all Governmental Agencies

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

### 4. Land Use Approvals

Date Zoning Approval Issued: December 18, 2009

Land Use Permit #: AD09-1095

If Land use Approval was not required: N/A

**T-Mobile**

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

January 8, 2010

PUBLIC RECORD C

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

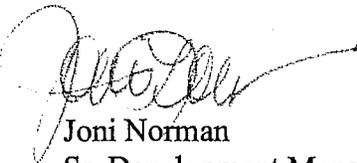
**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications,  
Inc. d/b/a T-Mobile (U-3056-C).  
Notification Letter for T-Mobile Site No. SF14142B**

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 E. Santa Clara St., San Jose, CA 95113  
Joseph Hordewel, Planning Director, City of San Jose, 200 E. Santa Clara St., San Jose, CA 95113  
Lee Price, City Clerk, City of San Jose, 200 E. Santa Clara St., San Jose, CA 95113

January 8, 2010

Page 2 of 2

## ATTACHMENT A

### 1. Project Location

Site Identification Number: SF14142B

Site Name: Immanuel Church

Site Address: 3675 Payne Avenue

County: Santa Clara

Assessor's Parcel Number: 299-07-022

Latitude: 37° 18' 07.27" N

Longitude: 121° 57' 55.40" W

### 2. Project Description

Number of Antennas to be installed: 6

Tower Design: Antennas mounted inside slimline pole

Tower Appearance: 60' slimline pole

Tower Height: 60'

Size of Building: 22' x 13'

### 3. Business Addresses of all Governmental Agencies

City of San Jose Debra Figone, City Manager 200 E. Santa Clara St. San Jose, CA 95113	City of San Jose Joseph Hordewel, Planning Director 200 E. Santa Clara St. San Jose, CA 95113	City of San Jose Lee Price, City Clerk 200 E. Santa Clara St. San Jose, CA 95113
--	--	---

### 4. Land Use Approvals

Date Zoning Approval Issued: 12/11/09

Land Use Permit #: SP09-050

If Land use Approval was not required: N/A



## Willow Glen Neighborhood Association

P. O. Box 7706,  
San Jose CA 95150  
408/294-WGNA  
[www.WGNA.net](http://www.WGNA.net)

January 8, 2010

To: Honorable Mayor and Council Members  
City of San Jose  
200 East Santa Clara Street  
San Jose, California 95113

Subj: High Speed Rail EIR Process

Re: Keeping an Underground Alternative in the EIR process going forward  
Providing a full, open and objective evaluation of this viable alternative

Dear Honorable Mayor and Council,

The Planning and Land Use Committee of the Willow Glen Neighborhood Association support High Speed Rail (HSR) and appreciate the City's years of hard work to influence its alignment through San Jose and Diridon Station.

The City Council has very little time to step up and speak for a fair and open EIR/EIS CEQA process on an issue that will shape San Jose for the next 100 years.

The door is closing fast and only a fraction of the relevant information and research has been heard or made public.

Keeping an underground option in this next phase of the alternative alignment (AA) EIR/EIS CEQA process is essential if San Jose and its generations to follow are respect the outcome of this process.

### Background

On December 3<sup>rd</sup>, 2009, a preliminary draft of the final alignment alternatives was presented to the HSR Board.

That draft presented by the HSR San Jose-to-Merced Project team recommended dismissal of any further consideration of an underground alternative removing any opportunity for an open exploration of the full cost and benefits of this option.

The HSR Project Team dismissed underground through San Jose;

- with few words and little-to-no supportive data;
- providing no opportunity to examine or challenge supporting assumptions;
- and with no public discussion or process to bring the community along.

Example:

HSR's statement that underground is "6 times base case" appears founded on construction costs alone and does not include; 1) other HSR related costs, and 2) important cost to be born by the City of San Jose.

Other HSR related costs such as but not limited to the following::

- Land acquisition
- Eminent domain process
- Relocation process and time delays
- Construction mitigation for ongoing...
  - Light, Noise, Vibration
  - Traffic access loss, Disruption
- Aesthetics... design conflict costs
- Risk of social justice lawsuits

Costs to the City of San Jose such as but not limited to the following:

- Elevated station cost for more than "plain vanilla" shell
- Loss of land-use opportunity, RDA and private
- Reduced downtown business due to separation
- Lower property value adjacent to ROW, e.g. Plant 51
- Graffiti abatement and control
- Blight risk to isolated / divided neighborhoods
- Difficulty attracting future investors next to structures
- Impact to high-tech image as HSR crawls in at 45 mph

To dismiss underground with NO further consideration, examination or public review when the final outcome will impact the City and residents for generations to come seems inconsistent with a fair, open and full examination spirit of the EIR/EIS CEQA process.

Request:

We respectfully ask City of San Jose to:

1. Urge HSRA to include and fully analyze and optimize an underground alignment in the EIR. Work with key elected state officials to encourage HSRA.
2. Hire an independent geologist and tunnel construction expert to analyze feasibility and costs of an optimized underground alignment
3. Develop an analysis of the relative economic impact of above ground vs. underground: construction through 30 years out.

We thank you for the hard work and dedication to bring HSR to San Jose. We look forward to supporting the Council and Staff in finding the best possible HSR alignment and enabling the Diridon transit hub to develop its full potential as a magnet for future economic growth.

Sincerely,

// Richard Zappelli //

Chair, Planning and Land Use Committee  
Willow Glen Neighborhood Association

Approved by:  
WGNA Board of Directors  
President: Save Our Trails

cc: Han Larsen, Interim Dir. Department of Transportation  
Joe Horwedel, Dir. Planning, Building and Code Enforcement  
Office of the City Clerk, San Jose, CA [cityclerk@sanioseca.gov](mailto:cityclerk@sanioseca.gov)

# MEXICAN - AMERICAN POLITICAL ASSOCIATION

State/National

"Making the Difference"

PUBLIC RECORD e Nacional/Estatal  
"Haciendo La Diferencia"

To: San Jose City Council  
Fr: Danny Garza  
Mexican American Political Association  
Re: Editorial-Sergeant Bobby Lopez

January 12, 2010

Sergeant Bobby Lopez is the outgoing President of the San Jose Police Officer's Association. In his article to the San Jose Mercury of January 10, 2010 we clearly and vividly see the vicious mentality of a rouge police officer. Sadder yet, is the fact that he claims to be of Mexican American heritage and thus benefits the racist bigot and apologist for brutality by those who wear a police uniform. Unfortunately, it seems this is the basis used to execute unnecessary hatred and viciousness on minorities as a whole. Mexican American political leaders and activists are not the problem.

Without stating facts, percentages, dates, nor specifics Sergeant Lopez blankets all illegal and unconstitutional police behavior by citing some council on alcoholism findings. Stating that cultural factors are what determine Mexican Americans as "drunks". Who is/are the Latino council quoted? Do these findings state that Mexican Americans are more anti-police? More prone to violence? That Mexican Americans are alcoholics as a genetic, historic, or cultural fact? Do these conclusions apply to Latino lawyers, doctors, businessmen, and police officers? To Sergeant Bobby Lopez? Or are these folks genetically different Latino and Mexican Americans?

Of course the Sergeant may have used their reports to solidify his position and that of other rouge police-much as segregationists would, and some still do, use statistics and even scripture to sustain their vicious treatment of a segment of our society. Sergeant Lopez's blatant attempt to cover un-necessary force and brutality of minorities cannot go unchallenged.

His attempt to blame the victims for his ilk of police practices will not be allowed. It is the City's responsibility to take a serious look and question his ability, and the ability of the officers and department he represents, in their ability/lack of ability (perceived or real) to be impartial in their duties.

In conclusion, this predetermined attitude strengthens the need for a stronger Independent Police Auditor. It is imperative for the San Jose City Council to seriously consider establishing a Civilian Oversight Board which can review our community's police force activities. Future brutality, bloodshed, and discrimination will otherwise be on your hands.

In Community Spirit,  
Danny Garza  
Mexican American Political Association  
Chapter Chair  
San Jose /South Bay Chapter  
[ironworkrdanny@aol.com](mailto:ironworkrdanny@aol.com)

## BOARD OF DIRECTORS State/National

Nativo V. Lopez  
State/National President

Pablo Curiel  
Associate President  
Northern Region

Daniel Garza  
Associate President  
Bay Area Region

Ray Moreno  
Associate President  
Central Valley Region

Soledad Alatorre  
Associate President  
Gold Coast Region

Susanna Arellano  
Associate President  
Metro Region

Maria Rosa Ibarra  
Associate President  
Southern Region

Abel Medina  
Associate President  
Inland Empire Region

Roberto Rubio  
Associate President  
Border Region

Sarai Ferrer  
Secretary

Guadalupe Dominguez  
Treasurer

Miguel Lopez  
State Organizer

Angelica Frausto  
Youth Organizer

Jessica Bales  
Youth Organizer

Ben Benavidez  
President Emeritus

State/National Office: 310 N. Soto Street, Los Angeles, CA 90033  
(323) 269-1575 • Fax: (323) 260-8015 • Web Page: [www.mapa.org](http://www.mapa.org)



David S. Wall  
P.O. Box 7621  
San José, California 95150  
Phone / Fax (408)-295-5999

PUBLIC RECORD f

RECEIVED  
San Jose City Clerk

January 13, 2010

2010 JAN 14 P 3:43

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**

**Is Shopping Cart thievery part of San José's Communist Manifesto?**

**Is there prostitution being conducted on the Railroad Tracks?**

**Could the San José-Silicon Valley Chamber of Commerce stop the theft of shopping carts?**

On Wednesday, (01.13.10) shortly after the Rules and Open Government Committee meeting; after a short stop at the San José Silicon Valley Chamber of Commerce and the San José Downtown Business Association, I ventured over to North Tenth Street @ Horning Street to "take the pulse" of the SCEP (Shopping Cart Entitlement Program). I arrived on station at approximately 1600 hours and found eleven (11) stolen and abandoned shopping carts.

*A 21% decrease as to the number of stolen and abandoned shopping carts from last week is hereby recorded. Photographs were taken and will be provided.*

It is my opinion that the City of San José's Communist Manifesto which now includes; an Inclusionary Housing Ordinance, a Prevailing Wage Ordinance also permits unbridled thievery of shopping carts. Comrade Lenin would be well pleased with the Comrades of the San José City Council.

The perennial garbage pile is festooned with new aromas associated with decay AND a rat was observed scurrying away from the feast of rotting garbage in the direction of Manuel's fence line.

**Ownership of the stolen and abandoned shopping carts is as follows;**

Target (2), Trader Joe's (1), Home Depot (1), Mercados Suvianda (1), WalMart (1), DaI Thanh Supermarket (1) Costco (1), FoodMaxx (1), Office Depot (1) and Petsmart (1).

\*"Unmarked stolen and abandoned shopping carts have been "purposefully altered" to shield true identity. \*\*\*special note\*\*\* the overall cleanliness of shopping carts picked up off the streets and returned to stores should be addressed by some governmental agency. Unsuspecting customers may use excrement coated shopping carts without their knowledge. Shopping carts picked up off the street are "filthy".

**"Tricks" on the Tracks?**

Nothing in San José surprises me anymore. A slight trek, northbound on the railroad tracks are several "encampments". Photographs of two (2) encampments were taken. This area is "nasty".

At one encampment, an adult male was observed exiting a blue tent, while hurriedly pulling up his pants. I heard a female's voice in the tent say "...that'll be a couple of bucks." The male had a smile on his face. He then quickly left as I was photographing the area. Was this encounter a Husband and wife or a Boyfriend and his girlfriend? Or, was this incident a hooker plying the world's oldest profession?

Manuel's chickens are going to call Councilmember Kalra, about the rat.

*Respectfully submitted,*

Cc: City Attorney / City Auditor / City Manager / DBA / SJSVCC

\*\*PHOTOS ON FILE IN THE OFFICE OF THE CITY CLERK\*\*

*David S. Wall*  
01.14.10