



Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

SUBJECT: The Public Record
February 12-18, 2010

DATE: February 19, 2010

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Notification letter from Verizon Wireless to Consumer Protection and Safety Division dated February 10, 2010 for Lundy and Brokaw of GTE Mobilnet of California Limited Partnership (U-3002-C), of San Jose, CA MSA.
- (b) Letter from Scott Soper to City of San Jose Rules Committee dated February 17, 2010 regarding "Fiscal and Economic Analysis" for the HP Pavilion (attachments on file in the Office of the City Clerk).
- (c) Notice of Opportunity from State Water Resources Control Board to City Clerk Lee Price dated February 17, 2010 for public comment on proposed approval of an amendment to the water quality control plan for the San Francisco Bay Region (Basin Plan) to establish a total maximum daily load (TMDL) for sediment in Sonoma Creek and an implementation plan to achieve the TMDL and habitat enhancement goals.
- (d) Letter from David S. Wall to Mayor Reed dated February 18, 2010 regarding "The Ghetto Life: Update on the SCEP".
- (e) Email from Leah Wilson to City Clerk Lee Price received on February 18, 2010 regarding San Jose Libraries.

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

PUBLIC RECORD a

RECEIVED
San Jose City Clerk

2010 FEB 16 P 3:37

verizonwireless

1120 Sanctuary Pkwy
Suite 150
MC: GASA5REG
Alpharetta, GA 30009
(770) 797-1070

February 10, 2010

Ms. Anna Hom
Consumer Protection and Safety Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102
alh@cpuc.ca.gov

Re: Notification Letter for **Lundy & Brokaw** of GTE Mobilnet of California Limited
Partnership (U-3002-C), of San Jose, CA MSA

This is to provide the Commission with notice according to the provisions of General Order No. 159.A of the Public Utilities Commission of the State of California ("CPUC") for the project described in Attachment A.

A copy of this notification letter is also being provided to the appropriate local government agency for its information. Should there be any questions regarding this project, or if you disagree with any of the information contained herein, please contact Chrissy Agricola of Verizon Wireless at (770) 797-1049.

Very truly yours,



Chrissy Agricola
Verizon Wireless
MTS Network Compliance

Attachment A

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

PROJECT LOCATION: Lundy & Brokaw - Mod

SITE NAME: Lundy & Brokaw
SITE ADDRESS: 2222 Qume Drive
LOCATION: San Jose, CA 95131
COUNTY: Santa Clara
APN: 244-15-020
COORDINATES: 37° 23' 44.82"/121° 53' 10.18" (NAD83)

1. PROJECT DESCRIPTION:

GTE Mobilnet of California Limited Partnership (U-3002-C) proposes the addition of three (3) new panel antennas, one (1) GPS antenna, and six (6) new runs of coax cable.

ANTENNAS: Six (6) panel antennas
One (1) GPS antenna
TOWER DESIGN: Monopole
TOWER APPEARANCE Monopole
TOWER HEIGHT: 76'
BUILDING SIZE: N/A
OTHER: N/A

Notification Letter
GTE Mobilnet of California Limited Partnership (U-3002-C)
February 10, 2010
Page 3

3. BUSINESS ADDRESSES OF ALL LOCAL GOVERNMENT AGENCIES:

Cc: Ed Tolentino
Chief Building Official
City of San Jose
200 East Santa Clara Street Tower, 1st Floor
San Jose, CA 95113

Debra Figone
City Manager
City of San Jose
200 East Santa Clara Street Tower
San Jose, CA 95113

Lee Price
City Clerk
City of San Jose
200 East Santa Clara Street Tower
San Jose, CA 95113

Dr Charles Weis
Superintendent
Santa Clara County Office of Education
1290 Ridder Park Drive
San Jose, CA 95131

4. LAND USE APPROVALS:

Type:	Permit Approval Letter
Issued:	5/29/09
Effective:	5/29/09
Agency:	City of San Jose Dept of Planning, Building & Code enforcement
Permit No.	120-09-CUP: 122-09-CUP
Resolution No.:	N/A

February 17, 2010

From:
Scott Soper

To:
City Of San Jose
Rules Committee

COMPLAINT

RE: "Fiscal and Economic Analysis" for the H P Pavilion

Background

When first considering whether or not to build the arena the City budgeted \$20 million, with a 1 million reserve, then commissioned an expert who reported to the Council that a \$40 million dollar facility hosting an NBA team would break even. \$165 million later the City had built a facility with no NBA team to play in it. The new facility, which would have otherwise have been empty, was turned over to the Sharks for ten cents on the dollar. Subsequently the City Council held a special study session to go over what had gone wrong.

In 2007 every single person attending an event at the Arena was publicly subsidized by at least \$10 each.

Dear Rules Committee members,

Nine months ago the Office of Economic Development released a "Fiscal and Economic Analysis" of the Arena Project. The Analysis was then touted as supporting the economic arguments for the proposed ballpark at Diridon.

The numbers reported did not seem to jibe with my recollection of the Arena project history and so I reviewed the newspapers clipping files at the library. Newspaper articles there contradicted the conclusions in the Analysis;

To verify what I had read I then made a public records request. The reply, though long delayed, eventually verified my concerns and also revealed what appears to be very questionable decision making when the analysis was designed.

The attached letter to the City Auditor is self explanatory.

Assuming the Records Request information is correct no subsequent "Analysis" commissioned by Economic Development Department regarding the ballpark can be viewed without suspicion

ACTIONS REQUESTED:

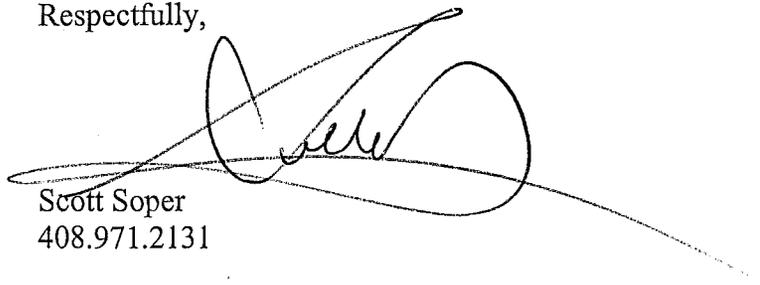
1. Retract the "Analysis" until an equally exhaustive study to determine the total costs of the Arena is completed to balance it and require that they be read together in any future deliberations.

2. Review the mistakes made during the Arena process and adopt guidelines to prevent repeating the mistakes;

"I think what we need to do is have the staff spend a little time reviewing the process they used and come up with something that is going to serve us better if we build a stadium" Mayor Susan Hammer quoted in San Jose Mercury 11/8/91 S.J. Council reviews lessons from Arena cost overrun.

3. Create a data quality policy to ensure the quality, objectivity, utility, and integrity of the information paid for with our tax dollars every citizen deserves.

Respectfully,



Scott Soper
408.971.2131

Attachments;

Letter to City Auditor dated 1/12

Selected San Jose Mercury Articles; - *On file in the Office of the City Clerk*

San Jose backs arena, tech plan ("20 million with 1 million reserve") 10/26/84

Arena called feasible even at \$40 million (pro basketball a must, consultants say) 11/6/84

San Jose Council backs \$75 million sports-arena plan 4/1/87

San Jose Area add \$25 million, 1 year

San Jose's arena costing 135.6 million, Anaheim's 22.5 million

S.J. council reviews lessons from arena cost overrun 11/8/91

January 12, 2010

FROM:

Scott Soper

San Jose, CA 95128

TO:

Sharon Winslow Erickson,
City Auditor

Office of the City Auditor
200 E. Santa Clara St., W353
San Jose, CA 95113

RE: Complaint regarding "Economic and Fiscal Impact Study"
Delivered by hand

Dear Ms. Erickson,

I am writing to request your department review the "Economic & Fiscal Impact Analysis", commissioned by the City of San Jose, which purported to examine the economic impact of HP Pavilion.

Subsequent information provided by to me by the City through the Public Records Process (attached), strongly suggests that the conclusions reached by the report are factually incorrect.

Please note that the general fund expenditure for the Arena was anticipate to be over \$3,000,000 in 2009 and additionally the Redevelopment agency has an ongoing annual expense of \$10,500,000 neither of which is mentioned in the Analysis.

This is important because the conclusions of the Analysis are being used as a critical part of the decision making process for the proposed baseball stadium. Assuming the public records information provided to me is correct than erroneous information contained in the Analysis has, and continues to misinform the Council and public.

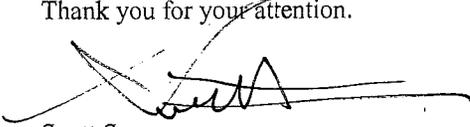
The report may be found here:

<http://www.sjeconomy.com/publications/pressreleases/ei.hp.pavilion.pdf>

Attached are copies of replies to my information requests.

Action Requested: Review the Analysis in light of the reports attached and respond to me with what actions will be taken by your department to correct the record. If your department is not the proper avenues for this complaint please advise.

Thank you for your attention.


Scott Soper

General Fund Revenue and Expenditures (HP Pavilion)

Expenditures

	Capital Repair/ Replacements*	Emergency Repairs	Capital Enhancements/ Scoreboard*	Community Fund	Other Direct Expenditures**	Total Annual Expenditures
1993-1994 Actual	200,000				300,000	500,000
1994-1995 Actual	200,000				315,000	515,000
1995-1996 Actual	200,000				330,000	530,000
1996-1997 Actual	200,000	44,689			345,000	589,689
1997-1998 Actual	200,000	223,702			360,000	783,702
1998-1999 Actual	200,000				380,000	580,000
1999-2000 Actual	200,000	300,000		105,000	400,000	1,005,000
2000-2001 Actual	200,000			250,000	420,000	870,000
2001-2002 Actual	400,000	88,944		250,000	440,000	1,178,944
2002-2003 Actual	200,000	68,189		250,000	460,000	978,189
2003-2004 Actual		14,811		250,000	480,000	744,811
2004-2005 Actual				250,000	500,000	750,000
2005-2006 Actual	277,000	67,850		250,000	520,000	1,114,850
2006-2007 Actual				250,000	540,000	790,000
2007-2008 Actual			175,000	375,000	550,000	1,100,000
2008-2009 Budget	500,000	647,000	1,045,353	375,000	450,000	3,017,353
2009-2010 Projected	500,000	100,000	1,055,745	375,000	450,000	2,480,745
2010-2011 Projected	500,000	100,000	1,066,658	375,000	450,000	2,491,658
2011-2012 Projected	500,000	100,000	1,078,116	375,000	450,000	2,503,116
2012-2013 Projected	250,000	100,000	2,590,146	375,000	450,000	3,765,146
2013-2014 Projected	250,000	100,000	1,750,000	375,000	450,000	2,925,000

* General Fund contributions only - does not include HP Pavilion Management contributions to Capital Repair/Replacement or Enhancements

** Estimate only - includes Police Traffic Control, Arena Authority Administrative costs, Arena Employee Parking



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

PUBLIC RECORD C



Charlie Hoppin, Board Chair
1001 I Street • Sacramento, California 95814 • (916) 341-5455
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
Fax (916) 341-5621 • <http://www.waterboards.ca.gov>

Arnold Schwarzenegger
Governor

NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT

ON PROPOSED APPROVAL OF AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY REGION (BASIN PLAN) TO ESTABLISH A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR SEDIMENT IN SONOMA CREEK AND AN IMPLEMENTATION PLAN TO ACHIEVE THE TMDL AND HABITAT ENHANCEMENT GOALS

NOTICE IS HEREBY GIVEN THAT the State Water Resources Control Board (State Water Board) will accept comments on the proposed approval of an amendment to the Basin Plan. The amendment establishes a TMDL for sediment in Sonoma Creek and an implementation plan to achieve the TMDL and habitat enhancement goals. The amendment, the State Water Board agenda language, and the draft resolution are available on the State Water Board's Web site at http://www.waterboards.ca.gov/water_issues/programs/tmdl/#rb2 or can be received by mail by contacting Nick Martorano at (916) 341-5980. The amendment was adopted by the San Francisco Bay Regional Water Quality Control Board (San Francisco Bay Water Board) on December 10, 2008 under Resolution No. R2-2008-0103. The State Water Board will publish a separate notice of the meeting at which it will consider approval of the amendment.

Comment letters to the State Water Board must be received by 12:00 noon on March 22, 2010. After the deadline, State Water Board staff will not accept additional written comments, unless the State Water Board determines that such comments should be accepted. Please send comments on the proposed State Water Board approval of the amendment to: Jeanine Townsend, Clerk to the Board, by email at (commentletters@waterboards.ca.gov) (If less than 15 megabytes in size or less) or (916) 341-5620 (fax), or addressed to State Water Resources Control Board, 1001 I Street, Sacramento, CA 95814. **Please also indicate in the subject line, "Comment Letter – Sonoma Creek Sediment TMDL."**

Incorporation of Earlier Comments by Reference: Comments must specifically address the version of the amendment that is currently being considered for approval by the State Water Board. If similar or identical comments were submitted to the San Francisco Bay Water Board, the commenter must explain why and in what manner each of the responses provided by the San Francisco Bay Water Board to each comment was inadequate or incorrect. If the comment does not include such an explanation, the State Water Board will presume that the San Francisco Bay Water Board's response adequately addressed the commenter's concern.

Please direct questions about this notice to Nick Martorano, Division of Water Quality, at (916) 341-5980 (nmartorano@waterboards.ca.gov) or Steven H. Blum, Senior Staff Counsel, at (916) 341-5177 (sblum@waterboards.ca.gov).

February 17, 2010
Date


Jeanine Townsend
Clerk to the Board

California Environmental Protection Agency

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STATE WATER RESOURCES CONTROL BOARD BOARD MEETING SESSION – DIVISION OF WATER QUALITY [DATE - TBD], 2010

ITEM

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY REGION (BASIN PLAN) TO ESTABLISH A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR SEDIMENT IN SONOMA CREEK, AND AN IMPLEMENTATION PLAN TO ACHIEVE THE TMDL AND RELATED HABITAT ENHANCEMENT PLAN

DISCUSSION

The San Francisco Bay Regional Water Quality Control Board (San Francisco Bay Water Board) adopted Resolution No. R2-2008-0103 on December 10, 2008 establishing a TMDL for sediment in Sonoma Creek, and an implementation plan to achieve the TMDL and related habitat enhancement plan. Due to significant erosion and sedimentation in the Sonoma Creek Watershed, the narrative water quality objectives for sediment and settleable material are not being met, and the following beneficial uses are impaired: cold freshwater habitat, wildlife habitat, fish spawning, recreation, and preservation of rare and endangered species. In addition, channel incision has caused habitat simplification, which has reduced the quantity and quality of spawning and rearing habitat for salmonids and other native aquatic species. Channel incision is a controllable water quality factor that is contributing to a violation of the narrative water quality objective for population and community ecology.

The goals of the Sonoma Creek Watershed Sediment TMDL and Habitat Enhancement Plan (Plan) are to:

- Conserve the steelhead trout population,
- Restore water quality to meet water quality standards, including attaining beneficial uses,
- Enhance the overall health of the native fish community,
- Protect and enhance habitat for native aquatic species, and
- Enhance the aesthetic and recreational values of the creek and its tributaries

To achieve these goals, specific actions are needed to:

1. Reduce sediment loads, and fine sediment in particular, to Sonoma Creek and its Tributaries,
2. Attain and maintain suitable gravel quality in freshwater reaches of Sonoma Creek and its tributaries,
3. Reduce and prevent channel incision,
4. Reduce erosion and sedimentation,
5. Repair large sources of sediment supply (e.g., landslides), and
6. Enhance channel complexity (e.g., by adding and encouraging retention of large woody debris and restoring riparian vegetation)

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Field assessments and sediment load modeling provide credible estimates of average rates of sediment delivery to Sonoma Creek. The average annual sediment load to the freshwater reach of Sonoma Creek is estimated to be 117,000 tons per year, or 360 tons per km² per year. The natural background sediment delivery rate to Sonoma Creek is 52,000 tons per year, or 160 tons per km² per year. Therefore, the current sediment delivery rate is estimated to be 225 percent of the natural background rate.

The Sonoma Creek sediment TMDL is established at 65,400 tons per year, which is approximately 125 percent of natural background load. Natural background load depends upon natural processes, and varies significantly. Therefore, the TMDL and allocations are expressed both in terms of sediment mass and percent of natural background. The percentage based TMDL, applies throughout the watershed. In order to achieve the TMDL, controllable sediment delivery resulting from human actions needs to be reduced by approximately 81 percent from current proportion of the total load. TMDL attainment will be evaluated at the limit of tidal influence in the Sonoma Creek watershed, which approximates the downstream boundary of freshwater habitat for steelhead. Sonoma Creek has several tributaries that join the main stem below the tidal limit; therefore, several points will be used to evaluate TMDL attainment. These points are: main stem Sonoma Creek just downstream of the Fowler/Carriger Creek confluence, and the freshwater portions (above tidal influence) of Schell, Ramos, Carneros, and Merazo Creeks. Attainment of the TMDL will be evaluated over a five to ten year averaging period. The TMDL equal to 125 percent of natural background load, can be achieved if human-related sources are reduced to the level of the allocations. To demonstrate attainment of applicable allocations, responsible parties must demonstrate that they are in compliance with required implementation measures and any applicable waste discharge requirements (WDRs), WDR waiver conditions, or National Pollutant Discharge Elimination System permits. The allocations are to be attained within 20 years from the effective date of the TMDL.

Implementation measures for grazing lands and vineyards constitute an agricultural water quality control program and therefore, consistent with California Water Code requirements (Section 13141), requiring a cost estimate. The cost estimate includes the cost of implementing all sediment control and stream channel restoration measures specified in the implementation plan, and is based on costs associated with technical assistance and evaluation, project design, and implementation of actions needed to achieve the TMDL. In estimating costs, the San Francisco Bay Water Board assumed that owners of agricultural businesses (e.g., grape growers and ranchers own 75 percent of total land area on hillside parcels, and 95 percent of the land along the length of Sonoma Creek and its tributaries. Based on these assumptions, an estimate of total cost for program implementation for agricultural sources could be \$1.3- to- 2.3 million per year throughout the 20-year implementation period. However, considering potential benefits to the public in terms of ecosystem functions, aesthetics, recreation, and water quality, San Francisco Bay Water Board staff concluded that at least 75 percent of the cost of these actions can be financed with public funds. The total cost to agricultural businesses associated with efforts to reduce sediment supply and enhance habitat in Sonoma Creek is therefore \$300,000- to- \$600,000 per year.

In collaboration with stakeholders in the watershed, San Francisco Bay Water Board staff will develop a detailed monitoring program to assess progress of TMDL attainment and to provide a basis for reviewing and revising TMDL elements or implementation actions. As an initial milestone, by fall 2011, the Water Board and watershed partners will complete monitoring plans to evaluate: a) attainment of water quality targets; and b) suspended sediment and turbidity conditions. Initial data collection, based on the protocols established in these monitoring plans

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is anticipated to begin in the winter of 2011-2012. These monitoring plans will assess channel response and progress toward achieving water quality targets, further evaluate potential impacts of suspended sediment and related turbidity, assess whether required sediment reduction measures are undertaken, evaluate the effectiveness of selected sediment reduction measures, and evaluate the effectiveness of recommended habitat enhancement measures and the progress towards the goals of the Habitat Enhancement Plan. Results of progress or anticipated studies that enhance understanding of the population status of steelhead trout in the Sonoma Creek watershed, and/or factors controlling those populations, may also trigger changes to the plan and TMDL.

The scientific basis of the Sonoma Creek Watershed Sediment TMDL, as presented in the Staff Report, was evaluated by two peer reviewers, who concluded that the scientific basis of the proposed Basin Plan amendment is based on sound scientific knowledge, methods, and practices.

POLICY ISSUE

Should the State Water Board approve the amendment to the Basin Plan to establish a TMDL for sediment in Sonoma Creek No. R2-2008-0103?

FISCAL IMPACT

San Francisco Bay Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL WATER BOARD IMPACT

Yes, approval of this resolution will amend the San Francisco Bay Water Board's Basin Plan.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Basin Plan as adopted under San Francisco Bay Water Board Resolution No. R2-2008-0103.
2. Authorizes the Executive Director or designee to submit the amendment adopted under San Francisco Bay Water Board Resolution No. R2-2008-0103 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL.

State Water Board action on this item will assist the Water Boards in reaching Goal 1 of the Strategic Plan Update: 2008-2012 to implement strategies to fully support the beneficial uses for all 2006-listed water bodies by 2030. In particular, approval of this item will assist in fulfilling Action 1 to prepare, adopt, and take steps to carry out Total Maximum Daily Loads, designed to meet water quality standards, for all impaired water bodies on the 2006 list.

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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2010-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY REGION TO ESTABLISH TOTAL MAXIMUM DAILY LOAD (TMDL) FOR SEDIMENT IN SONOMA CREEK AND AN IMPLEMENTATION PLAN TO ACHIEVE THE TMDL AND RELATED HABITAT ENHANCEMENT GOALS

WHEREAS:

1. An updated Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) was adopted by the San Francisco Bay Regional Water Quality Control Board (San Francisco Bay Water Board) on January 21, 2004, approved by the State Water Resources Control Board (State Water Board) on July 22, 2004, and approved by the Office of Administrative Law (OAL) on October 4, 2005.
2. On December 10, 2008, the San Francisco Bay Water Board adopted an amendment to the Basin Plan, Resolution No. R2-2008-0103, to establish a TMDL for sediment in Sonoma Creek, and an implementation plan to achieve the TMDL and related habitat enhancement goals.
3. The San Francisco Bay Water Board found that the analysis contained in the Final Project Report, along with the California Environmental Quality Act (CEQA) substitute environmental documentation for the proposed Basin Plan amendment, including the CEQA Checklist, the staff report, and the responses to comments prepared by San Francisco Bay Water Board staff, and Resolution R2-2008-0103 adopted by the San Francisco Bay Water Board complies with the requirements of the State Water Board's certified regulatory CEQA process, as set forth in the California Code of Regulations, Title 23, section 3775 et seq.
4. The scientific basis for the TMDL, was subjected to an independent, external peer review, pursuant to the requirements of Health and Safety Code section 57004. Water Board staff revised the proposed Basin Plan amendment in response to the comments provided by the reviewers, or provided a written response that explained the basis for not incorporating other proposed changes. The peer reviewers' responses confirmed that the rulemaking portions of the TMDL and implementation plan are based on sound scientific knowledge, methods, and practices.
5. The State Water Board finds that, in amending the Basin Plan, the San Francisco Bay Water Board complied with the requirements set forth in sections 13141, 13240, 13242, 13245, and 13246 of the Water Code. The State Water Board also finds that the regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code section 11353, Subdivision (b).
6. The San Francisco Bay Water Board found that adoption of this amendment is consistent with the State Antidegradation Policy (State Water Board Resolution No. 68-16) and Federal Antidegradation Policy (40 C. F. R. §131.12).
7. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. The TMDL must also be approved by U.S. EPA.

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THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan as adopted under San Francisco Bay Board Resolution No. R2-2008-0103.
2. Authorizes the Executive Director or designee to submit the amendment adopted under San Francisco Bay Water Board Resolution No. R2-2008-0103 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on **TBD**.

Jeanine Townsend
Clerk to the Board

David S. Wall
P.O. Box 7621
San José, California 95150

PUBLIC RECORD d

RECEIVED
San Jose City Clerk

2010 FEB 18 P 3:48

February 18, 2010

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

Manuel's Garden is practically destroyed.

Manuel's pets look worried. I played with his dogs, again.

Manuel's physical health appears to be worsening from the atrocities wrought on him by Code.

Management of Code Enforcement should administratively eliminate substandard Inspectors.

On Monday, (02.15.10), 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 1601 hours and found ten (10) stolen and abandoned shopping carts. *A 41% decrease as to the number of stolen and abandoned shopping carts from last week is hereby recorded.*

The perennial garbage pile (herein PGP) continues to grow and the odors of; concentrated, stagnant human urine, fecal matter and their assorted residues are gently wafted into the nostrils of anyone who traverses this area and has the ability to discern the specific aromas.

Once again, in the presence of Manuel and another of his relatives; I played briefly with his pit bull dogs, especially "Luna". She is a "wiggly pit" happy to see anyone with the exception of the drunks or other assorted members of the criminal element. "King Kong" (not a pit bull dog) loves to beg for "treats".

Manuel gave me a copy of a complaint letter addressed to his uncle, the property owner, authored by a Code Enforcement Inspector. Manuel was complaining about the deterioration of his health concerning the egregious and unwarranted government intrusion upon the peaceful use and enjoyment he gained from his garden and the company of his pets. His relative also voiced similar concerns while all of us stood in the shadow of a "twenty yard end dump" containing some of Manuel's cherished possessions such as his "potted plants". The "copy of Code Enforcement's complaint letter" has been forwarded to the administration.

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

DaI Thanh Supermarket (2), FoodMaxx (2), Safeway (1), Senter Foods (1), Costco (1), Office Depot (1),
"Unmarked" (1) and PW Markets #3 (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" and are potential reservoirs of microbial agents waiting to spread contagion(s).

Railroad property continues to be a cesspool, open sewer and habitat for the criminal element.

Respectfully submitted,

David S. Wall
02.18.10

Cc: City Attorney / City Auditor / City Manager

From: Leah Willson

Sent: Thursday, February 18, 2010 3:58 PM

To: City Clerk

Subject: libraries

After the tons of money spent to upgrade SJ libraries how ludicrous will it look to close them now?