

# Memorandum

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

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

**SUBJECT:** The Public Record  
February 19-26, 2010

**DATE:** February 26, 2010

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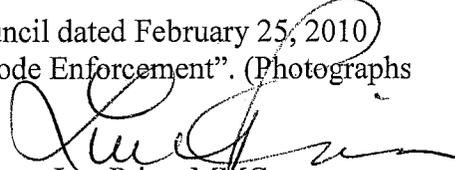
**ITEMS TRANSMITTED TO THE ADMINISTRATION**

**ITEMS FILED FOR THE PUBLIC RECORD**

- (a) Letter from Senior Citizens Commission Chair Frances Jones to Mayor Reed and City Council dated February 16, 2010 endorsing Option #2 for the City's Parks and Affordable Housing Exemption Policy.
- (b) Notice of Pacific Gas and Electric Company's Application for 2009 Energy Resources Recovery Account Compliance Review and for Recovery of Costs of the Market Redesign and Technology Upgrade Initiative to State, County and City Officials, dated February 17, 2009.
- (c) Notification letter from Verizon Wireless to Consumer Protection and Safety Division dated February 18, 2010 for Blossom Hill & Monterey of GTE Mobilnet of California Limited Partnership (U-3002-C), of San Jose, CA MSA.
- (d) Letter from Santa Clara Valley Water District Director Richard P. Santos to Mayor Reed dated February 22, 2010, regarding the Silicon Valley Annual Anti-Litter/Anti-Graffiti Campaign to be held on March 20, 2010.
- (e) Notice of San Francisco Public Utilities Commission Alameda Watershed Habitat Conservation Plan Update to City Clerk Lee Price received on February 17, 2010.
- (f) Email from Executive Officer Bruce H. Wolfe, California Regional Water Quality Control Board to City Clerk Lee Price received on February 25, 2010 noticing the Public Hearings and Filing of Draft Environmental Document to amend the Water Quality Control Plan for the San Francisco Bay Basin.
- (g) Letter from David S. Wall to Mayor Reed and City Council dated February 25, 2010 regarding "City reduces employee workforce while fattening up management positions".
- (h) Letter from David S. Wall to Mayor Reed and City Council dated February 25, 2010 regarding "The Ghetto Life: Update on the SCEP". (Photographs on file in the Office of the City Clerk)

Honorable Mayor and City Council Members  
February 26, 2010  
Subject: The Public Record: February 19-26, 2010

- (i) Letter from David S. Wall to Mayor Reed and City Council dated February 25, 2010 regarding "Manuel's Garden irreparably damaged by Code Enforcement". (Photographs on file in the Office of the City Clerk)



Lee Price, MMC  
City Clerk

LP/np

Distribution: Mayor/Council  
City Manager  
Assistant City Manager  
Assistant to City Manager  
Council Liaison  
Director of Planning  
City Attorney  
City Auditor  
Director of Public Works  
Director of Finance  
Public Information Officer  
San José Mercury News  
Library



**SENIOR CITIZENS COMMISSION**

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

February 16, 2010

Mayor Chuck Reed  
Members of the San José City Council  
City Hall  
200 East Santa Clara Street  
San José, CA 95113

Dear Honorable Mayor Reed and City Council:

By a unanimous vote, the Senior Commission has endorsed option #2 for the City's Parks and Affordable Housing Exemption Policy. This vote came after careful review by the Commission's Housing and Human Services Sub-Committee.

While the Senior Commission is cognizant of the of the need for more, or enhanced, park amenities, the current exemption provides a significant incentive for the development of affordable housing and is part of the City's State certified Housing element.

Affordable housing is a critical need for seniors in the City of San Jose. We urge the continued exemption for Affordable Housing from payment of the Parkland Dedication/Park Impact fees.

Sincerely,

Frances Jones,  
Chair, Senior Citizens Commission

/LB

**NOTICE OF PACIFIC GAS AND ELECTRIC COMPANY'S APPLICATION FOR 2009 ENERGY RESOURCE RECOVERY ACCOUNT COMPLIANCE REVIEW AND FOR RECOVERY OF COSTS OF THE MARKET REDESIGN AND TECHNOLOGY UPGRADE INITIATIVE**

On February 12, 2010, Pacific Gas and Electric Company (PG&E) filed an application with the California Public Utilities Commission (CPUC) requesting changes to its electric rates effective January 1, 2011.

Each year, PG&E is required to file an Energy Resource Recovery Account (ERRA) Compliance Review application demonstrating that certain electric procurement activity from the previous year complies with the standards and objectives detailed in PG&E's Long-Term Procurement Plan (LTPP). Typically, the ERRA Compliance Review applications do not affect customer rates unless there is an adverse finding made during the CPUC's review process.

However, in this year's 2009 ERRA Compliance Review application, PG&E is including a request that will affect customer rates. The inclusion of the rate recovery request was provided by CPUC Decision 09-12-021. Specifically, the request seeks to recover in rates the costs PG&E has incurred to comply with the mandated Market Redesign and Technology Upgrade (MRTU) initiative.

The MRTU initiative, which was developed by the California Independent System Operator and approved by the Federal Energy Regulatory Commission, was launched on March 31, 2009. The MRTU changed the manner in which electricity is procured and sold by participants in newly redesigned markets in California. Costs presented in this application represent actual costs to implement MRTU that were incurred by PG&E through December 31, 2009.

The total electric revenue (the total amount PG&E collects in rates from all customers) requirement request is \$18.3 million. PG&E requests that electric rates designed to recover this amount become effective on January 1, 2011.

**Will rates increase as a result of this application?**

Yes, approval of this application will increase electric rates for bundled service customers (those who receive electric generation as well as transmission and distribution service from PG&E) and for customers who purchase electricity from other suppliers (e.g., direct access and community choice aggregation) by less than one percent. The 2011 revenue requirement of \$18.3 million will increase PG&E's bundled system average rates, relative to current rates, by 0.15 percent in 2011.

**THE CPUC PROCESS**

The CPUC's Division of Ratepayer Advocates (DRA) will review this application. The DRA is an independent arm of the CPUC, created by the Legislature to represent the interests of all utility customers throughout the state and obtain the lowest possible rate for service consistent with reliable and safe service levels. The DRA has a multi-disciplinary staff with expertise in economics, finance, accounting and engineering. The DRA's views do not necessarily reflect those of the CPUC. Other parties of record will also participate.

The CPUC may hold evidentiary hearings where parties of record present their proposals in testimony and are subject to cross-examination before an Administrative Law Judge (ALJ). These hearings are open to the public, but only those who are parties of record can present evidence or cross-examine witnesses during evidentiary hearings. Members of the public may attend, but not participate in, these hearings.

After considering all proposals and evidence presented during the hearing process, the ALJ will issue a draft decision. When the CPUC acts on this application, it may adopt all or part of PG&E's request, amend or modify it, or deny the application. The CPUC's final decision may be different from PG&E's application.

**FOR FURTHER INFORMATION**

To request a copy of the application and exhibits or for more details, call PG&E at 1-800-PGE-5000.

For TDD/TTY (speech-hearing impaired), call 1-800-652-4712

Para más detalles llame 1-800-660-6789

詳情請致電 1-800-893-9555

You may request a copy of the application and exhibits by writing to:

Pacific Gas and Electric Company  
MRTU Application  
P.O. Box 7442  
San Francisco, CA 94120.

You may also contact the CPUC's Public Advisor with comments or questions:

Public Advisor's Office  
505 Van Ness Avenue, Room 2103  
San Francisco, CA 94102  
1-415-703-2074 or 1-866-849-8390 (toll free)  
TTY 1-415-703-5282, TTY 1-866-836-7825 (toll free)  
E-mail to [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov)

If you are writing a letter to the Public Advisor's Office, please include the name of the application to which you are referring. All comments will be circulated to the Commissioners, the assigned Administrative Law Judge and the Energy Division staff.

A copy of PG&E's 2009 ERRA Compliance MRTU application and exhibits are also available for review at the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102, Monday-Friday, 8 a.m.-noon.

PUBLIC RECORD   5

PUBLIC RECORD C

**verizon**wireless

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

February 18, 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](mailto:alh@cpuc.ca.gov)

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

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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 L. Agricola of Verizon Wireless at (770) 797-1049.

Very truly yours,

  
**Chrissy L. Agricola**  
Verizon Wireless  
MTS Network Compliance

**Attachment A**

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

**PROJECT LOCATION: Blossom Hill & Monterey - I/B**

SITE NAME: Blossom Hill & Monterey  
SITE ADDRESS: 20 Shenado Place  
LOCATION: San Jose, CA 95101  
COUNTY: Santa Clara  
APN: 690-06-061  
COORDINATES: 37° 15' 30.49"/121° 48' 34.73" (NAD83)

**1. PROJECT DESCRIPTION:**

GTE Mobilnet of California Limited Partnership (U-3002-C) proposes the construction and maintenance of a new wireless telecommunication facility consisting of nine (9) panel antennas, and two (2) GPS antennas mounted to the rooftop with screening to match that already existing, plus an equipment shelter on the ground level.

ANTENNAS: Nine (9) panel antennas  
Two (2) GPS antennas  
TOWER DESIGN: N/A  
TOWER APPEARANCE N/A  
TOWER HEIGHT: 41' 3' to top of screening  
BUILDING SIZE: 33' 3.5"  
OTHER: One (1) equipment shelter

**3. BUSINESS ADDRESSES OF ALL LOCAL GOVERNMENT AGENCIES:**

Cc: Joseph Horwedel  
Acting Director  
City of San Jose  
200 E Santa Clara Street, 2<sup>nd</sup> Floor Tower  
San Jose, CA 95113

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

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

Pamela Foley  
President  
San Jose Unified School District  
855 Lenzen Avenue  
San Jose, CA 95126

**4. LAND USE APPROVALS:**

Type:	Development Permit Adjustment
Issued:	5/19/09
Effective:	5/19/09
Agency:	City of San Jose Planning Department
Permit No.	AD09-477
Resolution No.:	N/A

PUBLIC RECORD 

5750 ALMADEN EXPWY  
SAN JOSE, CA 95118-3686  
TELEPHONE (408) 265-2600  
FACSIMILE (408) 266-0271  
www.valleywater.org  
AN EQUAL OPPORTUNITY EMPLOYER

February 22, 2010

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

Subject: Silicon Valley Annual Anti-Litter/Anti-Graffiti Campaign

Dear Mayor Reed:

On February 18, 2010, a letter was sent from Richard P. Santos, Director of the Santa Clara Valley Water District and Co-Chair of the Anti-Litter/Anti-Graffiti Volunteer Committee, providing details about an all-out effort to remove litter and graffiti from Santa Clara County (copy enclosed).

Please note that the phone number listed in this letter was mistyped. The correct number to call for information is (408) 277-3208.

Sincerely,



Michele L. King  
Clerk/Board of Directors

Enclosure

cc: Council Member Pete Constant, City of San Jose  
Council Member Ash Kalra, City of San Jose  
Council Member Sam Liccardo, City of San Jose  
Council Member Kansen Chu, City of San Jose  
Council Member Nora Campos, City of San Jose  
Council Member Pierluigi Okiverio, City of San Jose  
Council Member Madison Nguyen, City of San Jose  
Council Member Rose Herrera, City of San Jose  
Council Member Judy Chirco, City of San Jose  
Council Member Nancy Pyle, City of San Jose  
Debra Figone, City of San Jose  
Katy Allen, City of San Jose  
Joe Horwedel, City of San Jose  
Scott Johnson, City of San Jose  
Lee Price, City of San Jose

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February 18, 2010

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

Subject: Silicon Valley Annual Anti-Litter/Anti-Graffiti Campaign

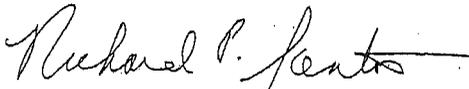
Dear Mayor Reed:

The Silicon Valley Anti-Litter/Anti-Graffiti Campaign holds an annual event on the third Saturday in March in an all-out effort to remove litter and graffiti from Santa Clara County. This year's annual event will be held on March 20, 2010. San Jose City Council Member Nora Campos is the Chair of the Silicon Valley program, with many other elected officials and volunteers participating.

I know many of you hold similar events at different dates, but by joining forces on that day, we can all make a major impact on the beautification of the entire Santa Clara County.

If you have any questions concerning this program, please call (408) 277-2308, and any staff member can assist you.

Sincerely,



Richard P. Santos, Director  
Santa Clara Valley Water District  
Co-Chair, Volunteer Committee  
Cell: (408) 234-7707

cc: Council Member Pete Constant, City of San Jose  
Council Member Ash Kalra, City of San Jose  
Council Member Sam Liccardo, City of San Jose  
Council Member Kansen Chu, City of San Jose  
Council Member Nora Campos, City of San Jose  
Council Member Pierluigi Oliverio, City of San Jose  
Council Member Madison Nguyen, City of San Jose  
Council Member Rose Herrera, City of San Jose  
Council Member Judy Chirco, City of San Jose  
Council Member Nancy Pyle, City of San Jose  
Debra Figone, City of San Jose  
Katy Allen, City of San Jose  
Joe Horwedel, City of San Jose  
Scott Johnson, City of San Jose  
Lee Price, City of San Jose  
Board of Directors (7)

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**BOARD OF DIRECTORS**  
ROSEMARY C. KAMEI,  
DISTRICT 1  
JOE JUDGE,  
DISTRICT 2  
RICHARD P. SANTOS,  
CHAIR, DISTRICT 3  
LARRY WILSON,  
VICE CHAIR, DISTRICT 4  
PATRICK S. KWOK, P.E.,  
DISTRICT 5  
TONY ESTREMER, A,  
AT LARGE  
CY MANN,  
AT LARGE

**BEAU GOLDIE**  
CHIEF EXECUTIVE OFFICER  
**MICHELE L. KING**  
CLERK OF THE BOARD





## SFPUC ALAMEDA WATERSHED HABITAT CONSERVATION PLAN UPDATE

IMPORTANT UPDATE

PUBLIC RECORD

San Francisco Public Utilities Commission Alameda Watershed Habitat Conservation Plan  
Revised Draft Chapters One through Three Now Online

The Alameda Watershed HCP will address SFPUC activities and conservation actions within the SFPUC-owned portion of the Alameda watershed and will provide coordinated mitigation of impacts to natural resources.

Revised draft chapters one through three are now available online at [www.sfwater.org](http://www.sfwater.org). Some prior stakeholder comments on the HCP are also posted.

Chapter one defines the scope of the Alameda Watershed HCP and describes the regulatory context for the HCP. It also describes the methodology for selecting the eighteen covered species.

Chapter two presents the evaluation and selection of covered activities. These activities are associated with operations and maintenance of the

water supply system in the study area, lease/permitting and easements, and HCP implementation.

Chapter three defines the physical and biological setting for the Alameda Watershed HCP. Data collection methods to define baseline conditions and the baseline conditions are presented.

Alameda Watershed Habitat Conservation Plan content and information are available at [www.sfwater.org](http://www.sfwater.org). The project manager is Joanne Wilson, SFPUC Natural Resources and Lands Management Division, (650) 652-3205, [jwilson@sfwater.org](mailto:jwilson@sfwater.org)

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The initial AWHCP draft chapters one through three have been revised based on comments from federal and state agencies and the public. The SFPUC is posting these revised draft chapters to their website to allow those tracking development of the AWHCP to be aware of changes to date. These revised draft chapters do not represent either the final administrative draft chapters or the public draft chapters, since information is still being collected and analyses have yet to be completed. The SFPUC is currently in consultation with U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the California Department of Fish and Game and anticipates presenting the draft HCP in its entirety through the public outreach process during the summer of 2010. We look forward to your comments at that time. The environmental review process (NEPA/CEQA) will also provide opportunities for formal public comment.

-----Original Message-----

From: ]  
[mailto:  
Sent: Thursday, February 25, 2010 11:22 AM  
To: Price, Lee  
Subject: Addition of Water Bodies and Their Beneficial Uses to the Basin Plan

This is a message from the California Regional Water Quality Control Board, San Francisco Bay Region (2).

NOTICE OF PUBLIC HEARINGS and NOTICE OF FILING A DRAFT ENVIRONMENTAL DOCUMENT to amend the Water Quality Control Plan for the San Francisco Bay Basin

NOTICE IS HEREBY GIVEN that the San Francisco Bay Regional Water Quality Control Board (Water Board) intends to consider an amendment to the Water Quality Control Plan for San Francisco Bay Basin (the Basin Plan) during public hearings on May 12 and June 9, 2010. Specifically, the Water Board will consider the ADDITION OF SURFACE WATER BODIES AND BENEFICIAL USES TO CHAPTER TWO OF THE BASIN PLAN

The proposed amendment would:

1. Designate beneficial uses to surface water bodies already listed in the Basin Plan that have not yet been explicitly designated
2. Identify additional surface water bodies, and designate their beneficial uses, to better represent all the surface water bodies in the region
3. Update text and maps in Chapter 2 of the Basin Plan

Action on the proposed amendment will be taken in accordance with a regulatory program certified under Section 21080.5 of the Public Resources Code as exempt from the requirement to prepare an environmental impact report under the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) and with other applicable laws and regulations.

The Water Board will hold two public hearings on the proposed Basin Plan amendment:

DATES: May 12, 2010 and June 9, 2010  
TIME: 9:00 a.m. (approximate)  
LOCATION: Elihu M. Harris State Building, 1st Floor Auditorium  
1515 Clay Street, Oakland, CA 94612

Staff Contact: Jan OHara (510) 622-5681, johara@waterboards.ca.gov

Mailing Address:

Attention Jan OHara  
SF Bay Regional Water Quality Control Board  
1515 Clay Street, suite 1400  
Oakland, CA 94612

A public workshop to explain the amendment will be held 2:00-4:00 pm, March 11, 2010, at the State Building, Room 12, 1515 Clay Street, Oakland. The workshop is intended to allow interested parties to learn more about the proposed amendment before the close of the public comment period.

The proposed amendment and supporting staff report are attached, and are available at [http://www.waterboards.ca.gov/sanfranciscobay/basin\\_planning.shtml#amendments](http://www.waterboards.ca.gov/sanfranciscobay/basin_planning.shtml#amendments).

Written copies are available upon request.

The 45 day public comment period for the proposed amendment expires at 5:00 p.m. on April 12, 2010. All written comments are due by this date and time to the staff contact. Additionally, all evidence, testimony, and exhibits to be offered at the May hearing must be submitted in writing by this date to the staff contact identified above.

Non-evidentiary policy statements to be made at the May hearing need not be submitted in advance.

The Water Board will receive oral testimony on the proposed amendment at the May hearing. At the conclusion of the May hearing, in response to written comments and testimony received, the Water Board may recommend that staff make changes to the proposed amendment to be presented for its consideration at the second hearing, in June.

The Water Board will not take action on the proposed amendment until the June hearing.

Prior to the June hearing, Water Board staff will release any proposed changes to the proposed Basin Plan amendment and/or staff report, along with written responses to all comments received during the public comment period and the May hearing. Oral public testimony at the June hearing will be limited to comments on changes to the Basin Plan amendment the Water Board or its staff may propose subsequent to the February 24, 2010, version. At the conclusion of the June hearing, the Water Board will consider adoption of the proposed Basin Plan amendment, including changes to the proposed amendment that are consistent with the general purpose of the proposed amendment and are a logical outgrowth of the evidence and testimony received.

The public hearings will be conducted in accordance with 23 Cal. Code of Regs. 649.3. Time limits may be imposed on oral testimony at the public hearings; groups are encouraged to designate a spokesperson. All exhibits presented at the hearings, including charts, graphs, and other testimony must be left with the Water Board. They will become part of the administrative record.

A map and directions to the hearing are available online at [www.waterboards.ca.gov/sanfranciscobay/direction.htm](http://www.waterboards.ca.gov/sanfranciscobay/direction.htm). The hearing location is accessible to persons with disabilities. Individuals who require special accommodations are requested to contact Executive Assistant Mary Tryon, (510) 622 2399, [mtryon@waterboards.ca.gov](mailto:mtryon@waterboards.ca.gov), at least 5 working days before a meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Bruce H. Wolfe  
Executive Officer

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

PUBLIC RECORD 9

RECEIVED  
San Jose City Clerk

February 25, 2010

2010 FEB 25 P 3: 35

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

**Re: City reduces employee workforce while “fattening up” management positions?**

**Is “Reorganization” underway at ESD?**

**Does the City Manager condone any changes at ESD?**

**Is yet another “Division Manager” position being created at ESD?**

Here are some pertinent questions for YOU;

1. Specifically, has ESD instituted any form of “reorganization” within the department?
2. Has the City Manager authorized any form of “reorganization” as referenced in question #1?
3. Have two (2) sectors of ESD; “Research and Regulations” and “Compliance” merged with the “Office of Sustainability” to create a “new” ESD entity known as “Legislation, Policy and Grants”?
4. Was this “merger” or “reorganization” done so to create and justify a “new Division Manager position”, if so, what is the name of this “new Division Manager position” and is there an organization chart depicting the new entity?
5. Have the Chief Deputy City Manager and the City Manager “approved”, in any fashion, personnel movements, reassignments or otherwise that could constitute “reorganization” and or a merger of any ESD entities?
6. Does the City Manager condone practices within the City organization defining “constructive dismissal”?
7. Will the Tributary Agencies, represented by the Treatment Plant Advisory Committee (TPAC), be required to pay any of their tax money to support this new entity?
8. Is there a management doctrine referred to as, “the Rule of Three” practiced within the City of San José? If so, please describe “the Rule of Three”, briefly.

*Respectfully submitted,*

*David S. Wall*

02.25.10

Cc: City Attorney / City Auditor / City Manager  
Members TPAC

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

PUBLIC RECORD h

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San Jose City Clerk

February 25, 2010

2010 FEB 25 P 3: 33

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 Code Enforcement impotent as to stopping theft of "shopping carts" despite City Ordinance?**

**Garbage festers as San José braces for title change.**

**San José -"Capital of Silicon Valley" is now; San José -"Capital of Slums of Silicon Valley".**

**Does S.J. City Council care about "stolen and abandoned shopping carts"? Of course not.**

On Monday, (02.22.10), 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 1135 hours and found eight (8) stolen and abandoned shopping carts. *A 20% 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. The signs of a collapsing local economy, a void in the leadership of the city approaching, if not surpassing, the width and depth of the "Grand Canyon" in size and scope as well as the odors of; concentrated, stagnant human urine, fecal matter and their assorted residues are present in evidence at this locale.

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

DaI Thanh Supermarket (1), McKee Oriental Market (1), WalMart (1), Trader Joe's (1), Best Buy (1), Mi Pueblo (1), Albertson's (1), and "Unmarked" (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).

**One (1) interview this week**

I was able to talk to Hector this week at his hooch. He was doing fine and was picking up garbage around his house adjacent to the "tracks". Hector asked me how I was doing and I replied, "I'm doing just fine. Is there anything I can do for you?" Hector asked me for a couple of bucks. As I pulled out my wallet to accommodate Hector's request, Hector peered momentarily at my wallet and asked me for more. His requests were accommodated but I cautioned Hector about not being to "greedy". He just smiled, looked and pointed skyward with his finger and said, "Thank-you Lord Jesus". I then said to Hector, "Proper response."

I then bade farewell to hector and resumed my neighborhood watch patrol.

*Respectfully submitted,*

*David S. Wall*  
02.25.10

Cc: City Attorney / City Auditor / City Manager

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

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

PUBLIC RECORD

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San Jose City Clerk

2010 FEB 25 P 3: 38

February 25, 2010

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

**Re: Manuel's Garden irreparably damaged by Code Enforcement.**

**Lord Jesus and the Holy Mother threatened.**

**Holy Cross parishioner's garden has been desecrated by Code Enforcement.**

**Code Enforcement attempts to repent and atone for sins.  
(It is good to repent and atone for sins.)**

Dateline Friday (02.19.10) Manuel's Garden...

On the aforementioned date, I was summoned by Manuel to be a guest in his garden. I was also asked to fend off the evil from Code Enforcement Officials who were to come to his garden and dictate the edicts of an apparent cold and depraved heart City of San José.

I arrived early and Manuel permitted me to take photographs of his garden. When I saw the statue of the Holy Mother and that of Lord Jesus in Manuel's Garden, I asked Manuel if Code Enforcement made any mention of God's presence in his garden. Manuel told me that Code Enforcement told him that everything; the Holy Mother, all potted plants, his dogs, his chickens and even Lord Jesus had to go because the city called them "blight".

Manuel then picked a beautiful flower from a tree and said that this tree along with his peach tree, bamboo and rosemary bush had to be cut down as well. I photographed Manuel holding the flower. Manuel then put the flower at the feet of the Holy Mother and I said we must pray so that the Holy Mother would intercede for us to her son, our Lord Jesus Christ for help in this matter.

Manuel, a parishioner at Holy Cross Church (on Jackson @ N. 13<sup>th</sup> Street) and me paused for a moment of prayer and I also included "thanks to the Honorable and venerable Office of the City Attorney".

Within a few moments, Manuel's niece arrived. Then two Code Enforcement Officials arrived. The Code Enforcement Officials are known to me and both were involved with another complaint that was also mishandled in my neighborhood.

Manuel's niece and the Code Enforcement Officials toured the property. Manuel and I did not participate in the tour, we sat in the garden comforting his dogs, the vicious pit bull dogs I have previously written about were; "licking me to death" and trying to "beat me to death" by the happy wagging of their tails upon my person. I got to watch how a pit bull dog ate an "egg" from one of Manuel's chickens". Old "Luna" just licked that egg until it fractured then slurped up the yoke. Manuel then reached down and took the shell fragments away.

Shortly thereafter, one Code Enforcement Official told Manuel and me that his plants, pets and just about everything could stay.

The events surrounding the assault on Manuel's garden is, in my opinion, retaliation for all the stolen and abandoned shopping carts, the results of illegal dumping of garbage to wit Manuel was falsely accused and thus a "complaint" against an innocent property owner was conducted by Code.

Manuel's garden will never be the same in his lifetime. This should have never happened.  
Photographs are at the Office of the Attorney and City Clerk.

*Respectfully submitted,*

Cc: City Attorney / City Auditor / City Manager

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

*David S. Wall*  
02.25.10