



Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

SUBJECT: The Public Record
July 30 – August 5, 2010

DATE: August 6, 2010

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Notification letter from Verizon Wireless to Consumer Protection and Safety Division July 26, 2010 for Almaden and Camden of GTE Mobilnet of California Limited Partnership (U-3002-C), of San Jose, CA MSA.
- (b) Letter from Bellarmine College Preparatory President Paul G. Sheridan to Mayor Reed, dated July 27, 2010, regarding the position of the administration of Bellarmine College Preparatory on initial plans for a High Speed Rail project.
- (c) Letter from Santa Clara Valley Water District Chair/Board of Directors Richard P. Santos to Mayor Reed dated July 27, 2010 regarding the 2010 Environmental Enhancement Planning Grant Program Design Development of Upper Penitencia Creek Stream Enhancements.
- (d) Letter from Santa Clara Valley Water District Chair/Board of Directors Richard P. Santos to Mayor Reed dated July 27, 2010 regarding grant funding for 2010 Trail and Open Space District Grant Program Penitencia Creek Trail, Reach 1.
- (e) Letter from California High Speed Rail Authority CEO Roelof van Ark to Mayor Reed dated July 27, 2010 regarding Diridon Multi-Modal Transit Station Development.
- (f) Letter from James Jones on behalf of residents of Communications Hill to Mayor Reed and City Council dated July 30, 2010 opposing the closure of Fire Station #33.
- (g) Letter from David Wall to Mayor Reed and City Council dated July 30, 2010 regarding "Parking Control needed at 1045 North Tenth Street". (Photographs on file in the Office of the City Clerk)

- (h) Letter from David Wall to Mayor Reed and City Council dated July 30, 2010 regarding "Meet 'Scott', he recycles!". (Photograph on file in the Office of the City Clerk)
- (i) Two letters from Borina Trust and Borina Enterprises, LP General Partner and Trustee Julie Borina Driscoll to Mayor Reed and the City Council, dated July 30 and August 3, 2010 regarding "San Jose Police Auditor Looking to Moonlight". and supplemental comments.
- (j) Letter from Borina Trust and Borina Enterprises, LP General Partner and Trustee Julie Borina Driscoll to Mayor Reed and the City Council dated August 2, 2010 offering observations on the budget crisis.
- (k) Letter from David Wall to Mayor Reed and City Council dated August 5, 2010 regarding "The Ghetto Life: Update on the SCEP".
- (l) Letter from David Wall to Mayor Reed and City Council dated August 5, 2010 regarding "Legislation is needed: Toughen standards for vehicles 'parked' on the street".
- (m) Letter from David Wall to Mayor Reed and City Council dated August 5, 2010 regarding "California Department of Housing and Community Development Grants (HCD) are a waste".



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

Director of Transportation
Public Information Officer
San José Mercury News
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2010 AUG -2 P 2: 52

PUBLIC RECORD a

verizonwireless

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

July 26, 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 **Almaden and Camden** 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

Notification Letter
GTE Mobilnet of California Limited Partnership (U-3002-C)
July 26, 2010
Page 2

Attachment A

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

PROJECT LOCATION: Almaden and Camden - Mod

SITE NAME: Almaden and Camden
SITE ADDRESS: 1210 Golden Oak Way
LOCATION: San Jose, CA 95120
COUNTY: Santa Clara
APN: 577-10-014
COORDINATES: 37° 13' 56.44"/121° 52' 33.21" (NAD83)

1. PROJECT DESCRIPTION:

GTE Mobilnet of California Limited Partnership (U-3002-C) proposes the addition of three (3) panel antennas, six (6) diplexers, and (1) GPS antenna on the existing PG&E transmission tower.

ANTENNAS: Three (3) panel antennas
Six (6) Diplexers
One (1) GPS antenna
TOWER DESIGN: PG & E transmission tower
TOWER APPEARANCE: PG & E transmission tower
TOWER HEIGHT: N/A
BUILDING SIZE: 102' - 8"
OTHER: N/A

Notification Letter

GTE Mobilnet of California Limited Partnership (U-3002-C)

July 26, 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, First Floor
San Jose, CA 95113

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

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

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

4. LAND USE APPROVALS:

Type: Development Permit Adjustment
Issued: 2/10/10
Effective: 2/10/10
Agency: City of San Jose Dept. of Planning Bldg and Code Enforcement
Permit No.: UP-09-10
Resolution No.: N/A



PUBLIC RECORD b

Bellarmino College Preparatory

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

July 27, 2010

Dear Mayor Reed,

This letter is to inform you of the position of the administration of Bellarmine College Preparatory with regard to initial plans for the High Speed Rail and its potential infringement upon our campus.

While we realize that additional reports and analyses are forthcoming, we want to make known at this time our concerns over any plans that will negatively impact our campus and/or our programs.

In principle, based on the alternatives presented to date, Bellarmine favors the option that calls for an elevated system on the easternmost side of the existing railroad tracks, as this will have less of a construction impact on residential and school property, preserve our property, and generally be less disruptive to our academic and co-curricular programs. This also seems to be a better option as it relates to issues of air and noise pollution that would occur as the result of a tunnel alternative.

We have invested a great deal of time and resources over the years to improve our campus and, by extension, improve the College Park neighborhood. Due to our location and physical constraints, encroachment upon our athletic fields would leave Bellarmine in a position of having no alternative, which is unacceptable for our high school that serves 1,600 students each day.

Bellarmino, a Jesuit institution and the oldest high school in the state of California, has been at its present site in the College Park area of San Jose since 1925. Through the past decades, Bellarmine and its alumni have played a critical role in the fabric of the wider community and beyond. Great strides have been made to ensure that we continue to offer facilities and programs of the utmost quality to serve present and future students. We are very concerned that alternatives that infringe upon our campus in any way will greatly have a negative impact on the quality of experiences we are able to offer our students.

We look forward to following the planning of the High Speed Rail project and we appreciate your consideration of our concerns. We would be glad to meet with you anytime to discuss our position further.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul G. Sheridan", followed by a horizontal line.

Paul G. Sheridan, S.J.
President

Jesuit Education Since 1851

960 West Hedding Street, San Jose, California 95126 | www.bcp.org | PH 408.294.9224 | FX 408.297.2072



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San Jose City Clerk

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

2010 AUG -4 P 3: 57

July 27, 2010

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

Subject: 2010 Environmental Enhancement Planning Grant Program
Design Development of Upper Penitencia Creek Stream Enhancements

Dear Mayor Reed:

On behalf of the Santa Clara Valley Water District (District) Board of Directors, I am pleased to announce that the City of San Jose has been selected to receive grant funding for the Design Development of Upper Penitencia Creek Stream Enhancements under the Clean Safe Creek and Natural Flood Protection Program's Environmental Enhancement Planning Grant Program. This project will support the District in its mission to create or restore 100 acres of tidal and/or riparian habitat by the year 2016, and further the District's watershed stewardship mission, which complements our water supply and natural flood protection work.

The District Board of Directors considered all grant project proposals on June 15, 2010, and made its decision based on recommendations developed by staff and its Environmental Advisory Committee (EAC), a group of stakeholders and citizens representing various environmental interests in Santa Clara County. To provide funding, the District will be working with your staff to prepare the appropriate agreements that will facilitate progress on these projects.

If you have any questions, please contact Ms. Ann Draper, Watershed Stewardship Division, at (408) 265-2607, extension 2665, or adraper@valleywater.org.

Sincerely,

Richard P. Santos
Chair/Board of Directors

cc: Board of Directors (7)
M. Klemencic, A. Draper, S. Dharasker, B. Mendenhall

bm:mf
0721f-l.docx

BOARD OF DIRECTORS

ROSEMARY C. KAMEI,
DISTRICT 1
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DISTRICT 2
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VICE CHAIR, DISTRICT 4
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CY MANN,
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BEAU GOLDIE
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CLERK OF THE BOARD



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TELEPHONE (408) 265-2600
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www.valleywater.org
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2010 AUG -4 P 1:10

July 27, 2010

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

Subject: 2010 Trail and Open Space District Grant Program
Penitencia Creek Trail, Reach 1

Dear Mayor Reed:

On behalf of the Santa Clara Valley Water District (District) Board of Directors, I am pleased to announce that the City of San Jose has been selected to receive grant funding for the Penitencia Creek Trail, Reach 1 under the Clean Safe Creeks Natural Flood Protection's Trail and Open Space Grant Program. This project will support the District in its mission to support new public access to 70 miles of trails and open space by the year 2016.

The District Board of Directors considered all grant project proposals on June 15, 2010, and made its decision based on recommendations developed by staff and its Environmental Advisory Committee (EAC), a group of stakeholders and citizens representing various environmental interests in Santa Clara County. To provide funding, the District will be working with your staff to prepare the appropriate agreements that will facilitate progress on these projects.

If you have any questions, please contact Ms. Ann Draper, Watershed Stewardship Division, at (408) 265-2607, extension 2665, or adraper@valleywater.org.

Sincerely,



Richard P. Santos
Chair/Board of Directors

cc: Board of Directors (7)
M. Klemencic, A. Draper, S. Dharasker, B. Mendenhall

bm:mf
0721c-l.docx

BOARD OF DIRECTORS
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VICE CHAIR, DISTRICT 4
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DISTRICT 5
TONY ESTREMER,
AT LARGE
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AT LARGE

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Judge Quentin L. Kopp*
Lynn Schenk
*past chair

ARNOLD SCHWARZENEGGER
GOVERNOR



FLY CALIFORNIA
Without ever leaving the ground.
San Jose City Clerk



CALIFORNIA HIGH-SPEED RAIL AUTHORITY
2010 AUG -4 P 1:10 PUBLIC RECORD e

July 27, 2010

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

Subject: Diridon Multi-Modal Transit Station Development

Dear Mayor Reed:

It has come to my attention that the City of San Jose's Department of Transportation, in cooperation with the Santa Clara Valley Transportation Authority, will be submitting an application for federal TIGER II grant funds to support the further planning and development of the Diridon Multi-Modal Transit Station. I would like to offer the California High Speed Rail Authority's wholehearted support for this effort and propose our assistance.

As you are aware the Diridon Station is a vital component of the California High Speed Train (HST) project and central to our ability to link the high speed system to the Bay Area. We are pleased and impressed with the level of commitment that the City of San Jose continues to show to the development of the Diridon Station area through its local efforts including the development of the Diridon Master Plan to identify appropriate land uses in and around the Diridon Station which will continue to encourage transit use.

We believe securing TIGER II funds to further this endeavor is an appropriate next step in the Diridon Station development process and we would like to support your effort by committing \$200,000.00 in matching funds toward the further planning and development of the station facility. The City of San Jose and the California High Speed Rail Authority have enjoyed a long standing positive relationship and participating in this attempt at securing essential funding is consistent with our interest in developing both public and private partnerships to assist in the completion of the HST project.

Like the HST project itself, the development and expansion of the Diridon Station will be an extremely complex and multi-year effort requiring extraordinary cooperation and commitment on the part of the operators and local agencies that will be served by the expanded transit facility. Securing these vital federal dollars will be an important part of this process and I look forward to working with you and your staff toward the successful development of a world-class transit facility in San Jose.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roelof van Ark'.

Roelof van Ark, Chief Executive Officer
California High Speed Rail Authority

July 30, 2010

Mayor Chuck Reed
San Jose City Council
200 E. Santa Clara Street
San Jose, CA 95113

Dear Mayor & City Council,

As residents of Communications Hill we are deeply troubled by your decision to close Fire Station #33. As you may be aware, Communications Hill has been a frequent location of several major grass fires over the last several years. Our unique community is difficult to reach and our narrow roads are challenging to navigate—all of which lead to increased response times if Station #33 is closed.

On Thursday, July 22, 2010 our community was invited to attend a meeting hosted by the Fire Department to discuss the temporary “de-funding” of Station #33. We heard several troubling things at this meeting, including a dramatic increase in response times to our neighborhood and that the City violated its Council Policy regarding station closures. Specifically we were informed of the following:

1. The current response times at the top of the Communications Hill ranges between 2-3 minutes. **With the closure of the Station #33 our response times would go to 9 minutes under optimum conditions (ie. no traffic, department not responding to other calls, etc.).** We were also told this does not meet the City’s goal of an 8 minute response.
2. We were told that the station would be “de-funded” until 50% of the housing units of the Communications Hill Specific Plan was completed. **Those of us who have followed the development proposals for the Hill know that the best case timeline is no sooner than five years and likely much longer.** We question whether the Council understood when voting to close Station #33 they were closing it for five or more years.
3. We were told that the Fire Department was meeting with us due to a policy proposed by Councilmember Pierluigi Oliverio (see attached). **We researched the policy that pertains to “any proposed closure, sale and/or relocation of a fire station” and have found that, in fact, this policy was not followed in several areas:**
 - “An information memorandum will be listed on the City website and the San Jose Fire Department website.” We know of no postings on the Fire Department’s website.
 - “The City will have at least two public community meetings at least two weeks apart.” **There were no community meetings prior to the adoption of the City budget. In fact, our first meeting was not until**

last week.

- “The City will mail notices of the community meetings to all businesses and residences located within the primary service area of the fire station in question.” Again, we’ve had one meeting noticed by mail, which occurred nearly a month after the budget was adopted.

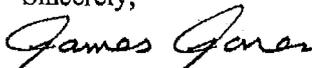
We are troubled by the City’s complete failure to follow its own policies on community outreach, which based on the outreach policy, was obviously passed to provide communities such as ours specific input into the potential loss of life saving services. While we appreciate the Fire Department telling us we have nothing to worry about because we have good building materials, we also know that something as simple as an ember coming through a open window can render those protections meaningless. Further, building materials are no fix to medical response for a heart attack after you quadruple the response times.

What makes this more frustrating is that the construction of the fire station, and the purchase of both the Engine and the specialized truck were paid for by the development—which means it was paid for by us. Now, it’s being taken away and we’ll be left with a vacant building hoping the next grassfire doesn’t reach our homes.

Finally, given the City’s complete disregard for its public outreach policy, and that our Councilmember has been precluded from discussing this issue due to a conflict of interest, we wish to determine whether the City Manager’s Office, Fire Department, Mayor’s Office or Council Offices’ had known that the policy was not followed prior to the budget being adopted. To that end, we are submitting a separate Public Records Act request which we’ve attached to this letter.

In light of your flawed process, and in light of the intolerable risk to our safety, we respectfully urge you to appropriate the funds necessary to keep Fire Station #33.

Sincerely,


James Jones

Cc: City Clerk

David S. Wall
P.O. Box 7621

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San Jose City Clerk

July 30, 2010

2010 JUL 30 P 3:32

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

Re: Parking Control needed at 1045 North Tenth Street

*A concerned citizen informed me of an immediate need for Parking Control's enforcement presence to protect public safety during my investigating the whereabouts of the **outstanding** "Jazz / Rhythm and Blues Band" (which was playing in a warehouse across from San José Metals (North Tenth Street) as mentioned in last week's SCEP report). The band has been identified as "**Touch and Go**". Several photographs were taken to illustrate the safety hazard to the public.*

As the photographs depict, three vehicles that were "parked" in violation of the posted "NO STOPPING AT ANY TIME" street sign (which has yet to be recycled by Scott). The initial photos were taken (07.26.10) in front of T&A Supply, Inc. @ 1045North Tenth Street (across from San José Metals).

The photos were taken from the perspective of proceeding south bound North Tenth Street depicting a "NO STOPPING AT ANY TIME" street sign in the foreground followed by a "silver / pewter" colored truck, a black truck and a red car.

Another perspective shows a chain link fence in the foreground the red car and San José Metals across the street. This photo was taken in the parking lot of T&A Supply, Inc. @ 1045North Tenth Street (across from San José Metals).

The final perspective was taken as I exited the T&A Supply, Inc. parking lot illustrating the creation of a "blind spot" that shields oncoming vehicle traffic from detection.

The "blind spot" created by the illegally parked cars is at issue and results in a public safety hazard.

Results from a cursory investigation indicate the owners of the three vehicles belong to employees at San José Metals.

Please direct Parking Control or SJPD to rectify this parking problem which creates a public safety hazard.

Photographs were delivered to the City Clerk, City Attorney and Councilmember Liccardo's Office for this area is in District 3.

Respectfully submitted,

David S. Wall
07.30.10

PHOTOGRAPHS ON FILE IN THE OFFICE OF THE CITY CLERK
///

Cc: City Attorney / City Auditor / City Manager

David S. Wall
P.O. Box 7621

PUBLIC RECORD *hi*

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San Jose City Clerk

2010 JUL 30 P 3: 34

July 30, 2010

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

Re: Meet "Scott", he recycles!

On Thursday, (07.26.10), 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 1613 hours and found seventeen (17) stolen and abandoned shopping carts. *A 21% increase as to the number of stolen and abandoned shopping carts from last week is hereby recorded.*

During my reporting of the aforementioned, "Scott", was proceeding northbound on North Tenth Street towards San José Metals, a recycler of metals, plastics and glass.

As you can see in the photograph, taken on the aforementioned date and a short time after 1613 hours, "Scott" was in possession of a "NO STOPPING AT ANY TIME" street sign which was still attached to the pole which appeared to be six (6) or seven (7) feet long.

"Scott" was very happy to see me for we have often discussed the finer arts of "recycling" either at this locale or in my neighborhood as he "helps himself to recyclables" on trash and recyclable set out night.

"Scott" informed me that this "sign" (and pole) was "all aluminum" and he was going to make some money. He then proceeded in the direction of San José Metals; I finished my **SCEP** report and left the scene.

Since the inception of the **SCEP** report back in July of 2008, I have personally observed many types of "questionable materials" transported by *stolen shopping carts* to the two recyclers in the area of North Tenth Street @ Horning Street. But, a "NO STOPPING AT ANY TIME" street sign was the first intact "street sign" I have ever observed.

This is but another example of a "stolen shopping cart" utilized to transport "ill gotten gains" to a recycle center.

I did show this photograph to a resident of District 10 who laughed as he remarked, "Look, this guy is cleaning up the City". He also mentioned the pole was probably galvanized steel.

Respectfully submitted,

David S. Wall
07.30.10

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

Cc: City Attorney / City Auditor / City Manager

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San Jose City Clerk
2010 AUG -4 P 1:10

JULIE BORINA DRISCOLL
GENERAL PARTNER AND TRUSTEE
BORINA TRUST AND BORINA ENTERPRISES, LP
P. O. Box 3750
Saratoga, CA 95070-1750
(408) 768-4191
julieboridriscoll@sbcglobal.net

July 30, 2010

cc: FBI—San Jose & San Francisco
SJ Police Chief R. Davis
SJ Police Auditor La Doris Cordell
Attorney—Special Needs

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

REFERENCE: “San Jose Mercury News,” Friday, July 30, 2010 edition,
“Local News,” first page—“San Jose Police Auditor
Looking to Moonlight”

Dear Mayor Reed and the San Jose City Council,

This letter is written in strong support of granting Retired Judge LaDoris Cordell to perform an invaluable Community Service, outlined in the reference article, because she has the unique stature of judicial experience and legal expertise, to command a level of unique respect by ALL in the Community, oversee matters from a legal perspective, to include lawyers, like no other individual. In the following scenario outlined, the situation occasionally does involve the work scope of the San Jose Police.

The topic in this letter does involve the City of San Jose Police, as it is the SJPD who are the first called upon when there are welfare checks performed on citizens. This involves a disabled person who is handicapped and has health challenges. As it turns out, there are few or no lawyers who are experts in ADA laws. A question of where do those who are handicapped and/or disabled receive legal representation, when they need it? Invaluable would be the expertise of now City of San Jose Police Auditor, La Doris Cordell, to bring the situation, which also involves millions of dollars, to a resolution. Key qualifications in Community assistance is that she is a lawyer and former Judge. This letter is in support of former Santa Clara County Superior Court Judge, current City of San Jose Police Auditor, La Doris Cordell, “moonlighting.” I believe that because of her exceptional qualifications and legal background, both educationally and professionally, as well as her unique background and depth of legal expertise, working with the Community, she would perform an invaluable service to the City of San Jose and County of Santa Clara, which very few have the background to perform to effectiveness. High legal competence is needed to “sift through” and streamline legal complexities.*

I relate a true situation whereby, Police Auditor Cordell would, very most likely, be hired by my family's trust to address and resolve a situation. The situation evolves to involve *several million dollars on a long-term calculational basis, which could have provided for "bloodline" relatives, as our Family Protection Trust* is drafted to provide through the generations. Within this trust are two *Special Needs Trusts*, I now oversee. One of my siblings has benefitted through occasional welfare checks by the SJP, for which we are grateful, supplemented by caring family members who have enabled her to live independently as possible, given significant health challenges on a daily basis.

Summarizing, the situation involves trust administration processes in 2008, incorporating most or all of the aforementioned. A "reputable real estate brokerage firm," was hired, at the recommendation of a trusted land use attorney, to sell a property, owned through 50+ years with my late Uncle's family. All "channels" were cleared, in textbook form, to sell this one property, as multiple family trusts have their complications when intertwined. Meeting with attorneys, they concurred with this sale from every perspective. Two comparative market evaluations in 2007/2008, priced the property in the \$2M range. Intentions were to meet very critical timing, year-end 2008, IRS estate tax deadlines, as a goal.

~ October, 2008, a meeting occurred with 3 VPs/a CCIM from this "reputable global real estate brokerage" firm. Promises to have deal all "wrapped up" by year-end, 2008, seemed easy, as all three VPs concurred. I brought in a \$1.6M offer for the property, entrusting the CCIM to "work." CCIM said she would. Later, in 2009, it was discovered she approached the buyer year-end 2008 and "disappeared." The sale opportunity was lost, as were year-end, 2008, buyers. ***Picture taken of property to be posted on official global website. CCIM sends picture for "approval" for website use.*** I discovered in December that the property was misrepresented as "Office Building for Sale" for \$2.1M, on the website during listing and the photo which was approved, was not on the website. (Misrepresentation term is confirmed, as a property listing this past week, advertised a building only on Winchester, site of a Baskin-Robbins, Little Cesar—there is a difference of building and property, versus building only). Later, I found out that the CCIM/VP approached the buyer who extended the offer and then, disappeared. ***These two actions in essence, led to a sabotage of sale, during critical year-end, 2008, timing when cash investors were fairly plentiful and seeking to invest. In 2009, the property plummeted to \$945K, placing Aunt and myself, on opposite sides.*** No longer can she sign an offer, as she has fiduciary duties as a Trustee to her children. ***Meanwhile, those under Special Needs Trusts do not have full funding accessible that helps provide for their well-being.* (Please refer to the first paragraph on page one, for reference how the SJP can be involved, as the SJP do perform welfare checks as a scope of City of SJ services to the Community—sometimes, special supplemental funding can be very critical in the quality of life for a Special Needs Trust beneficiary). It is eggregious that a globally reputable real estate brokerage firm would "mockery" a property to "trip up" a sale during critical, cash investor, 2008, IRS estate tax timing, but its true.***

I must add that our professional legal, appraisal, accounting team, in their respective roles, with other professionals, proceeded like clockwork to have the work completed in a very timely manner. The experts performed their work with excellence. ***By summer 2009, our IRS estate taxes were paid in full.*** It was concluded it does no collective good for any trust to accumulate penalties and interest. However, the following is the impact of the “sales sabotage” brought about by the “reputable real estate firm,” licensed to perform by year-end, 2008. (In honesty, other factors did intertwine, to include grieving processes by my family, who lost our mother in 2008, as well as my Aunt, who lost her husband in 2007, but there is no excuse for the “reputable brokerage real estate firm” to misrepresent a property on an official website, nor not take an offer in hand, fail to work it as promised to whatever fruition level, then meet to provide status and options, year-end, 2008). 2009—property values plummeted as did the opportunity, to almost half.

The main point to remember is that this one property, entrusted to the “reputable real estate brokerage firm,” would have been the only one that needed to be sold for IRS estate tax purposes. (SNT’s could have had other property designated then, that commands income to fund their trusts for several hundred thousands of dollars).

BIG TIME, LONG-TERM DAMAGES—FOR FAMILY PROTECTION TRUST NEED TO SELL TWO, MAYBE THREE PROPERTIES INSTEAD OF JUST ONE:

Impact: Property sale dominos—my beautiful 50+ year-old duplex on the northeast corner of Williams and Zarick, red roof, which I renovated as an heirloom, designated property to myself from my parents, needed to be sold. Later, a beautiful executive home, 426 S. Cypress. built in 2005 was sold, instead. (Sales price of both: \$1,325,000).

The real, actual income of these two properties was **\$2,400.00** for the duplex, owned for 50 years, per month and **\$2,800.00** for the executive home. Lifespan of duplex is estimated to be **30 more years**, while the lifespan of the executive home is expected to be **50+ years**. **Multiplied, this spin off has cost the family trust nearly \$4 million dollars in long-term calculation, using 30 and 50 years, with very stable income actuals which means not calculating in rental increases of the two—just current actuals.** ***Still counting, as when income is depleted, more property needs to be sold to compensate for the income lost. Financial hardship, never experienced in a lifetime.***

The aforementioned are actual damages. Hypothetically, if one had to sacrifice the two buildings sold, anyway, a beautiful custom home in the South County could have been built for **cash, at \$1,325,000.00**, to be used legally as a Bed and Breakfast, a home away from home for students in a private high school who may commute by train and wish to have extra-curricular on their college applications, a day care, or an adult care facility. ***A legitimate business that could provide for a Family Protection Trust with two Special Needs trusts, in the six figure category on an annual basis, while it provides Morgan Hill and Santa Clara County with a strong, tax revenue base. Very easily, it could provide \$200,000.00 to \$300,000.00 annually, if not much more.***

CRITICAL FACTOR AND NEED IN LEGAL RESOLUTION PROCESSES:

Attorneys decision-making leading to effective resolution could be hindered by professional boundaries. In essence, when lawyers are "in conflict" or find themselves within ethical boundaries, this can stymie decision making processes. Situation is unresolved, it goes nowhere, because the attorneys are professionally hindered to transmit matters through these professional barriers, or some, may not have the professional capability to navigate or negotiate their way through these barriers. This is where the experience and legal background of Retired Judge LaDoris Cordell, would be invaluable to the Community. She has the knowledge of a Judge to perform mediations, arbitrations and legal expertise that could result in ethically credible legal resolutions. (NOTE: Once there was a JAMS Office, which consisted of retired Judges, in approximately the 1990's—performing a service of highly experienced mediation and arbitration in the Community—is believed to no longer exist). Affordability is a factor.

Bringing several lawyers together that leads to a final decision is one example whereby, as the aforementioned situation, SJ Police Auditor Cordell's legal background and expertise as a mediator would be invaluable, while combining the work of the SJPD in efforts whereby well-being checks are performed upon certain individuals. This is not an easy task to coordinate, as often, lawyers can be on opposite sides or "in conflict." *My issue is in the multi-million dollar category and it is perpetual, in that there is perpetual economic effects to my family trust. It affects the handicapped/disabled, which can affect their well-being on a long-term basis. Issue remains open since 2008. An issue where it seems that no one cares. Police Auditor Cordell could assure this matter receives full attention, possibly, by bringing about with her respect level, certain attorneys to TALK to each other, resolve a standstill situation, as it does intertwine well-being, laws, rights and finances, occasionally a matter that the SJPD becomes involved, through welfare checks. I think that the disabled need someone in their corner to help them through the legal challenges, while suffering enough with health.* I relate this true situation whereby, Police Auditor Cordell would, very most likely, be hired by my family's trust to address and resolve this situation. The situation evolves to involve several million dollars on a long-term calculational basis, which could have provided for "bloodline" relatives, as our Family Protection Trust is drafted to provide through the generations. **I do not want my family on the streets begging for needs.**

Life is very complex and complicated, especially with certain individuals within the San Jose Community. It takes a unique individual to address matters of a high complexity level, who has the professional legal expertise, background and the wisdom of a Retired Judge to adequately address certain matters to effectiveness, **WHICH WILL BE RESPECTED BY ALL IN THE COMMUNITY—to include attorneys.** I would strongly support and hope that our Mayor and City of San Jose Council will support, Retired Judge LaDoris Cordell, to "moonlight." Thank you for your consideration.



Mayor Chuck Reed

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San Jose City Clerk

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julieboridriscoll@sbcglobal.net
August 3, 2010

cc: FBI—San Jose & San Francisco
SJ Police Chief R. Davis
SJ Police Auditor La Doris Cordell
Attorney –Special Needs

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

REFERENCE: Letter to Mayor Reed and the San Jose City Council,
dated July 30, 2010 (to this Supplemental Correspondence, 8/3)

Dear Mayor Reed and the San Jose City Council,

This letter supplements the reference letter of July 30, 2010, which involves the disposition of a property owned along Winchester Boulevard in the Winchester Business District—under Councilman Pete Constant's jurisdiction, District 1, and, also, within an area shared by jurisdictional boundaries, with Councilman Oliverio's District 6.

Compartmentalizing and focusing on principles and issues, your consideration, please, would be appreciated to evaluate the following perspectives to support Retired Judge La Doris Cordell, City of San Jose Police Auditor, in serving the City of San Jose and Community, in the capacity of a mediator, arbitrator and/or other capacity whereby, her legal background and expertise would be invaluable in streamlining through legal complexities to a resolution Justice and resolution where otherwise there may not be.

One major factor is that there needs to be, in times of budget limitations especially, an effective means to justice and/or resolution easily available for the Community. Less and less people are able to afford specialized attorneys for \$400-\$500.00 per hour, much less process or see a case, A-Z, to fruition. I believe that with her legal background, Retired Judge Cordell could quickly streamline effectively, virtually any legal process, at a reasonable cost to parties involved. Her stature would command respect by all. It can be a nightmare when, through inability to pay, as has been indirectly witnessed, attorneys drop clients in the midst of a case, with client sent scurrying for legal representation from one lawyer to another, in the search of attempting to retain one who is willing to resume the case. Justice can really become elusive. Wrongdoing then, can become perpetuated.

Unilateral ownership would not have this letter being written on behalf of my family trust today. ***Unilateral ownership frankly, would have my own family trust in a better financial predicament today, as explained in the July 30, 2010 letter. These are facts.*** (Desire was to prevent* and find an amicable ending* to the dual 50/50 ownership interest on Winchester, with reasonable compensation for the property—to all or in part, fund 2 Special Needs Trusts and to fulfill IRS estate tax obligations initially due in 2008). The #1 property which I wished to sell during trust administration processes in 2008, was our long-owned family property on **1495 S. Winchester**, site of Swan Pools, because by sheer numbers of people, trusts have become complicated. Two comparative market appraisals were attained for approximately \$2M in 2007/2008. This property has been shared, by Grant Deed, with late Uncle and his family. Although a real blessing, in that we have had wonderful tenants for approximately 50 years, triple-net, trust complexities, by sheer number of family members, several with various input, brings about end results of stagnancy whenever decisions need to be implemented. ***Stagnancy can financially ruin or significantly impact the well-being of another family trust, as explained in my July 30, 2010 letter to you, whereby, two other properties were substituted and sold, which were not intended to be sold, in order to meet IRS/trust obligations. Long-term, as the calculations prove, financially, my family would have been much better off selling just Winchester, if it were under unilateral control, even with 50% proceeds.*** The property was initially purchased in the fifties by my late father, who brought in his brother on the property. Families and trusts have grown considerably since the fifties. In essence, just the way matters have evolved, unilaterally, the aforementioned property would have been sold in 2008, totally under my own control. I would have taken the \$1.6M offer in hand, sold it to a qualified buyer whose son is understood to be in medical school and who had the background of expertise, through his professional business affiliation, to transform the property to new construction. A perfectly “qualified” buyer. ***Aunt wished to list, year-end 2008, to see if we could get more and the sales sabotage occurred involving “reputable real estate brokerage firm.” * Attorneys have blamed Aunt, some family members upset, being affected, thoughts of suing communicated, etc****

If decisions are not easily made routinely at times, how will it be when the City of San Jose decides to redevelop the area along Winchester Business Corridor? Management can become quite cumbersome, unwieldy and, through a lot of discussion, reap no effective end results when ownership is not under unilateral control, especially when complicated with input from all sides. Attorney fees can become exorbitant for both sides at \$400.00 to \$500.00 per hour, plus more for Court processing fees, etc.

This is one area, whereby Retired Judge Cordell, would be so extremely valuable, in bringing about an ending which is appropriate and reasonable. Global corporations, at times, think they are “above the law,” with their antics, shenanigans and actions, that bring damage and harm to citizens simply because many will or cannot pursue corrective legal counteraction. Please consider our case and long-term effects, which were severely impacted by such a “globally reputable real estate firm.” Thank you.



Mayor Chuck Reed

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2010 AUG -5 P 2:10

August 2, 2010

cc: FBI—San Jose & San Francisco
SJ Police Chief R. Davis
SJ Police Auditor La Doris Cordell
Attorney—Special Needs Trusts

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

Dear Mayor Reed and the San Jose City Council,

Compartmentalizing on another matter, this is to acknowledge with understanding that the City of San Jose is undergoing a financial time of budget crisis and deficits, as well as layoffs in critical service areas. I wish to share the following to cultivate a better understanding in view of the entire collective picture, please. I will acknowledge it would seem, that at times, the timing of my letter is inappropriate, when the collective picture is analyzed with the national economic crisis, affecting many in society, so compartmentalization is important, on the focusing of principles and issues, pertinent to now and with the Winchester Blvd. property situation, insofar as the affect on the future. I will mention that in my lifetime, I have ***experienced lay-off conditions or conditions of just not having employment.*** I can express genuine and sincere empathy to those affected as I have “been there,” too. The knowledge that there will be 1 applicant chosen with 99 runner-ups for subsequent positions, has been experienced. The budget situation of figuratively, turning every cartwheel imaginable, jumping every imaginable hoop and it is still not enough, no matter how much education or experience one may have, is also a reality. Every position in employment has been cherished, as an extension of myself, ingrained in my every day being. Every day, it has been a part of my future, as experiences have cultivated valuable management capabilities, implemented daily. ***My ancestry were rooted in poverty***, enduring War-times and the Great Depression, when basic human needs, such as food, clothing, warm shelter in the winter, were very scarce. ***Risking lives as passengers on tattered boats from Europe, across expansive oceans***, they arrived in America to cultivate a better life. Results of lifetimes, representative of hard work, sacrifice, perseverance, is what I have been entrusted to manage, for the greater good of family members on a long-term basis. ***Evident as we observe, life is not easy for the younger generation.*** It is beneficial to preserve as much as we can, so they can have a better life, too, with whatever they may endeavor in life, to be supplemented by a family trust, history of which is “quilted” with many lifetimes of work, efforts, and perseverance intertwined. The “security blanket” in form of a family trust is truly and genuinely, a precious heirloom to cherish through the generations. A blessing to count.



David S. Wall
P.O. Box 7621

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San Jose City Clerk

August 5, 2010

2010 AUG -5 P 1:35

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 Thursday, (07.26.10), 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 1435 hours and found seven (7) 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 (PGP) has been removed, again by person(s) unknown. But the (1) 96-gallon, blue, “Allied Waste Services” garbage container (serial # 9895 292 1646), that is still full of putrefying garbage was found “over turned” and “rotated”, facing northward, parallel to Manuel’s fence line, with its’ contagion spilled forth onto the ground, behind the “Horning Street” railroad crossing control box. This indicates that a “lazy bastard”, a “lazy bastardette” or a combination thereof, refused to do their jobs. Perhaps, I will conduct a “neighborhood watch variation” of a “stakeout” and observe the lazy bastard(s), bastardette(s) or the combination thereof and excoriate their worthless rumps via the written word, words in the plural sense, and request for their eternal administrative condemnation at the “Rules and Open Government Committee”.

The “perennial growing debris field” (PGDF) along the railroad tracks is still present. I did not visit the encampments this week. My knee hurt too much to traverse the tracks. There were two (2) persons, resembling vagrants in the vicinity of the encampments.

The travel trailer, “*The Golden Falcon*” CA # JT 9621 is still present, but has moved. “The Golden Falcon’s” new location is; on the north east side of North Eleventh Street, North of Horning Street. This trailer is used as a residence, but no one was present at the time of this report.

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

“Unmarked” (3), Zantotts (1), Costco (1), Trader Joe’s (1), World Market (1), and (1) 96-gallon, blue, “Allied Waste Services” garbage container (serial # 9895 292 1646).

*“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).

Public Safety Hazard on North Tenth Street *has not* been abated.

As reported last week, illegally parked vehicles were in front of, “T&A Supply, Inc., 1045 North Tenth Street”, in the parking strip, create a “blind spot” placing motorists and pedestrians in jeopardy. This week, a gold Toyota – Camary CA# 3DDH221 was similarly so parked. Please abate this safety hazard.

Respectfully submitted,

David S. Wall
08-05-10

Cc: City Attorney / City Auditor / City Manager

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San José, California 95150

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San Jose City Clerk

August 5, 2010

2010 AUG -5 P 1:34

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

Re: Legislation is needed: Toughen standards for vehicles “parked” on the street.

Current “WARNING SYSTEM”, does not deter and costs too much to enforce.

Municipal Regional Storm Drain Permit needs to have “parked vehicles off the street”.

The current Municipal Codes and Parking enforcement policies are “out of date”, “cost too much” and result in little deterrence of a reoccurring nuisance of those “who store their vehicles” on the public street.

The “seventy two (72) hour” time permit allowing a vehicle to be parked on the public street without being “moved” was never the result of an intelligent decision making process. The distance the vehicle was to have “moved” of just “one tenth of a mile” just frustrated the spirit and intent of the parking ordinance(s).

The aforementioned must change. Parking Control and Vehicle Abatement needs to be strengthened. “WARNINGS” are worthless. The offenders “game the system” by shifting their vehicles around a neighborhood instead of either getting rid of them or paying for appropriate storage off of the public street.

Some individuals in my neighborhood operate a “used car business” by storing several vehicles on the public streets for months. Said vehicles are licensed and registered but, constitute a “nuisance”, add to “blight” and materially interferes with “street cleaning”; an integral aspect of the Municipal Regional Storm Drain Permit.

Areas for discussion:

How to regulate “on street parking”, this MUST CHANGE combined with a costly deterrence function.

CODE ENFORCEMENT with reference to “neighbor car dealerships” and to “eliminate” them.

Respectfully submitted,

David S. Wall
08.05.10

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///
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Cc: City Attorney / City Auditor / City Manager

David S. Wall
P.O. Box 7621

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San Jose City Clerk
2010 AUG -5 P 1:37

August 5, 2010

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

Re: California Department of Housing and Community Development Grants (HCD) are a waste.

(HCD) Grants attempt to bailout imbecilic investors and Redevelopment Agency Projects.

Item 4.4 on the August 10th City Council Agenda entitled, "BEGIN Program Grants" illustrates why; the State of California has "no money", that buying votes is still a vigorously robust endeavor, that Highly paid and obnoxious administrators still have gainful employment as Firefighters are being laid off, that developers always get financial guarantees for their abjectly greedy and stupid financial escapades the results of which would ruin anyone else, are given millions of "borrowed money", in the name of the taxpayers to support this communist ideology crap.

Personally, I would not give a "penny" in any form to the following entities; "The 88" condominium development, "The Works" condominium development, "The Axis" condominium development, "The 360 Residences" condominium development and "The Villa Fontana" condominium development.

But, "Mayor Reed and the give-a ways", a band who toots the tune that communists and developers love to hear, are poised to give away roughly \$8, 376,500 taxpayers dollars to the aforementioned "condominium developments" to delay the financial collapse of High Density living projects that they so ineptly allowed to be built.

The "grant money" (borrowed money that ruins our economy) is to be used "to fund down payment assistance loans to first time home buyers" purchasing a condominium in one of the aforementioned condominium developments.

Of course, when these "first time home buyers" go into foreclosure, who is going to bail these people out? But, more importantly, where is the ethics with reference to working to save money for the twenty (20) percent down payment on these properties gone?

With this type of official conduct taking place, it is no wonder why these same folks created the "code of conduct" enforced at Council meetings. The "code of conduct", with reference to the aforementioned "give-a ways" of taxpayer monies; to appease communists, illegal aliens and others, prohibit calling the Council "jackasses" during the public meeting. Instead, one must refer to them as "your Honors".

Somehow, "jackasses" seems more appropriate and truthful than "your Honors".

Respectfully submitted,

David S. Wall
08.05.10

Cc: City Attorney / City Auditor / City Manager