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San Jose City Clerk

2012 JAN 26 A 9:44

verizonwireless

1120 Sanctuary Pkwy
Suite 150
MC: GASAS5REG
Alpharetta, GA 30009
(770) 797-1070

December 27, 2011

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 **San Jose State University**, 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) 797-1076.

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: San Jose State University - MOD

SITE NAME: San Jose State University
SITE ADDRESS: San Jose State University / Duncan Hall of Science
LOCATION: San Jose, CA 95192
COUNTY: Santa Clara
APN: N/A
COORDINATES: 37° 19' 57.08"/121° 52' 59.23" (NAD83)

1. PROJECT DESCRIPTION:

GTE Mobilnet of California Limited Partnership (U-3002-C) proposes to install Six (6) new antennas mounted to the rooftop, with new equipment cabinets located in existing room inside the building. Removing and replacing Three (3) existing antennas.

ANTENNAS: Six (6) Panels
TOWER DESIGN: N/A
TOWER APPEARANCE: N/A
TOWER HEIGHT: N/A
BUILDING SIZE: 116.5 ft
OTHER: N/A

3. BUSINESS ADDRESSES OF ALL LOCAL GOVERNMENT AGENCIES:

Cc: John Skyberg
Associate Director of Maintenance
San Jose State University
One Washington Square
San Jose, CA 95192-0010

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: University Approval
Issued: 09/27/2011
Effective: 09/27/2011
Agency: San Jose State University
Permit No.: N/A
Resolution No.: N/A



Ciall agus neart - Reason and Strength

January 22, 2012

TO: Dennis Hawkins, City Clerk
FROM: Martha O'Connell *M.O'Connell*
RE: Agenda Template for Boards and Commissions – **Open Forum Placement**

As you finalize your recommendations on an agenda template for City Boards and Commissions, please consider the following. **It is critical that the placement of Open Forum be at the beginning of the meetings of Boards and Commissions. This is an issue for those with disabilities and/or for those who use public transportation.**

The Human Rights Commission voted on May 21, 2009 to endorse and utilize this concept, pointing out “members of the public who take public transportation would feel safer leaving the meeting sooner rather than later” and that those who participate in Open Forum “do not take a significant amount of time.”

Other Commissions, such as the Senior Citizens Commission, the Disability Commission, and the Youth Commission, follow this sensitive and enlightened agenda placement.

Asking a citizen to wait for hours to give their Open Forum input at the end of a night meeting and then walk in the dark to a potentially unsafe location is something that can be easily avoided by placing Open Forum at the beginning of the meeting. In the cold and rain of winter, the situation is even worse. I join with those who have addressed this need for day meetings during your Public Hearing on January 18, 2012. I understand that some night meetings are necessary. All I reasonably advocate is that folks be given the opportunity to leave “sooner rather than later” and have a safer trip home.

Cc: Mayor and Council
Chair Senior, Youth, Human Rights and Disability Commissions



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2012 JAN 26 AM 10 30

Ciall agus neart - Reason and Strength

January 26, 2012

TO: Mayor and Council
 FROM: Martha O'Connell 
 RE: **Raising the Sales Tax While Failing to Cut the Costs of Boards and Commissions**

First, thanks to **Councilperson Constant** for being the sole vote at the Rules Committee meeting of January 25, 2012 against the insane idea to try and raise the San Jose City's sales tax at a time when folks are really hurting. The sales tax is the most regressive tax there is, hurting the poor and the seniors the most. This is Economics 101.

At the same time as this hike in taxes is being considered, there are some members of the City Council who apparently are opposed to any sort of reasonable consolidation of City Boards and Commissions. This is outrageous. The Council should be taking any and all reasonable actions to **STOP SPENDING MONEY** !

On 8-17-11, the Senior Commission submitted a lengthy report recommending cuts in Commission staff to save money. They also outlined each and all of their action items for a period of several years. It is clear that the Senior Commission has made continual recommendations to the City Council, through the Rules Committee, as is their charge per the Ordinance.

It does not take a brain surgeon to be able to document that some of these Boards and Commissions do little. They make few, if any recommendations. The public is not in attendance at their meetings, as they listen to one interminable report after the other that leads to no action, and talk among themselves. Some of these folks jump from one Commission to the other, serving fifteen to twenty years. They have spoken out against each Councilperson being able to appoint one person to the Boards and Commissions lest they lose their own little position. The proof of my assertions is contained in the Public Record section of the Rules Committee, the minutes of each Board and Commission, and the makeup of the Boards and Commissions.

It is outrageous to ask that the citizens of San Jose pay additional monies without seriously considering what can be done to substantially reduce the cost of Boards and Commissions. The Boards and Commissions are supposed to be acting in an advisory capacity to the Council. Period.

David S. Wall

RECEIVED
San Jose City Clerk

January 26, 2011

2012 JAN 26 P 12: 35

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

Re: Request #2 for an investigation into the \$400,000 lost by the Office of City Manager.

The Applegate-Johnson scandal is too costly to “chuck it up to a mistake!”

Who, including the City Manager, are responsible for the loss of \$400K in “FREE MONEY?”

I request that the Council conduct a thorough, public investigation and produce a report that accurately documents the Applegate-Johnson scandal associated with Fire Station No. 19; the accrual of \$400,000 in “Liquidated damages” then the waiver of such for participation with the New Market Tax Credit lenders to receive a \$4,500,000 loan for the ridiculously insane Environmental Innovation Center (EIC).

It should also be noted that at the [Rules and Open Government Committee meeting; Wednesday, (01.25.12); Item D: Legislative Update; D (2) (a): “Overview of Federal Action Relevant to Local Government Interests – 2011 Year-End Analysis and 2012 Forecast. (Refer to attached memorandum from City’s federal advocacy firm of Patton Boggs, LLP)], on page 38 of the “Patton Boggs” report, there was commentary on the New Market Tax Credits (NMTC). “Congress left town without renewing the program which expired on December 31.” The report went on to say that Congress might retroactively “extend” the program. Then again, it might not.

Who at the Office of the City Manager (besides the City Manager and Assistant City Manager) are responsible; for the \$400,000 loss of liquidated damages from the Fire Station No. 19 scandal, the lack of paying attention to the requirements to participate in the NMTC program (a program that Congress let expire), to pursue a ridiculously insane Environmental Innovation Center purposed by two high level city employees who are no longer with the city?

This should get the investigation “rolling.”

Respectfully submitted,

David S. Wall
01, 26, 12

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Cc: City Attorney / City Auditor / Manager

David S. Wall

PUBLIC RECORD e

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San Jose City Clerk

January 26, 2011

2012 JAN 26 P 12:37

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

Re: (Week #4): City Manager has yet to publically "Thank" City Attorney for "bailout" on EIC!

The City Manager's "Thank-You" to the Attorney should be public and in writing for all to hear & see.

City Manager continues to "refuse" to "Thank" the City Attorney for bailout of EIC!

There have been two (2) "public opportunities"; City Council Meeting and at the "Rules Committee."

The lack of appropriate etiquette by the City Manager to give "Thanks" redefines "Shame!"

The Applegate Johnson, Inc. settlement as it fully appears on the City Council Meeting Agenda for [Tuesday, (01.10.12); Consent Calendar, (Item 2.7)] is a glaring testament that the throwing away of \$440,000 "Free dollars" let me repeat, "Free dollars" is why the city's finances are in the bottom of a roadside ditch.

The City Manager somehow refuses to take personal and professional responsibility for the loss of \$440,000 dollars from the Applegate-Johnson scandal. The City Manager was given ample time at the [City Council Meeting, Tuesday; (01.24.12) during "Open Forum" and at Wednesday's Rules and Open Government Committee; (01.25.12); Item F: "Public Record"] where a citizen allocated enough time in his presentation for the City Manager to tender, "Thanks to the City Attorney, for the bailout to attain New Market Tax Credit funding for the ridiculously insane Environmental Innovation Center due to substandard and incompetent management decisions."

The Assistant City Manager, who is also snively "mute" on this issue, should be actively "throwing the city manager under the Applegate-Johnson bus" and thereby deflecting any and all inquiries into his "lack of performance" thereby saving his job.

Don't forget the performance of the two (2) Deputy City Managers in the inquiry process.

My hero, Mr. Lew Wolff says,

"Performance is relatively simple to measure, and performance is what counts."

I say,

"The Piper must be paid and the only acceptable currency is Regime change!"

Respectfully submitted,

Cc: City Attorney / City Auditor / Manager

David S. Wall
01.26.12

David S. Wall

PUBLIC RECORD P

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San Jose City Clerk

2012 JAN 26 P 12: 35

January 26, 2012

The Office of the Commissioner of Baseball

Allan H. (Bud) Selig, Commissioner
245 Park Avenue, 31st Floor
New York, NY 10167

Re: Bribery at elections

Dateline: Thursday, (01.26.12), San José, California

I hope this letter finds you well, in good health and ready for the 2012 baseball season.

Enclosed is a copy of a letter I wrote to; [Mayor Reed and Members San José City Council, dated: (07.29.12); "*Has Major League Baseball (MLB) offered a bribe to San José Governmental Officials?*"]

The letter as you can see is straightforward enough where the conduct of MLB and the Mayor of San José is chronicled in articles appearing in the San José Mercury News. The news articles are listed in the aforementioned enclosure.

What is troubling of late is another article published by the San José Mercury News; [*"Bud Selig says A's future now on front burner"*, by: Mark Purdy dated: (01.12.12)]. I have also included this two (2) page article for your perusal.

This article is consistent with the "bribery at elections theme" referenced in my letter dated (07.29.10), but, I do not know if you made the "comments" in the San José Mercury News article or if you were "miss-quoted."

The salient portion of the aforementioned San José Mercury News Article, "*Selig indicated that he would not allow an election to proceed unless the Giants agree to stay out of that process in terms of supporting an anti-ballpark campaign.*" This raises the issue of "bribery at elections."

Congratulations are in order on your two (2) year extension as MLB Commissioner. Of course, your salary of \$22 million a year does make those cold dreary days in New York a little bit more palatable.

Please protect the Minor Leagues, especially the San José Giants!

Respectfully submitted,

David S. Wall
01.26.12

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Cc: Mayor Reed and Members City Council
City Attorney / City Auditor / San José Police

David S. Wall

RECEIVED
San Jose City Clerk

July 29, 2010

2010 JUL 29 P 1:18

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

Re: Has Major League Baseball (MLB) offered a "Bribe" to San José Government Officials?

Or...is it the other way around? Or...is it just harmless "business negotiations"?

According to "BLACKS LAW DICTIONARY", SIXTH EDITION, pages 191-192, 869, 1393;

Bribe, "Any money, goods, right in action, property, thing of value, or any preferment, advantage, privilege or emolument, or any promise or undertaking to give any, asked, given, or accepted, with a corrupt intent to induce or influence action, vote or opinion of person in any public or private capacity. See e.g. Calif. Penal Code § 7. A gift, not necessarily of pecuniary value, bestowed to influence the conduct of the receiver. See also Bribery; kickback; Solicitation of bribe."

Bribery, "The offering, giving, receiving, or soliciting of something of value for the purpose of influencing the action of an official in the discharge of his or her public or legal duties... The term now, however extends to many classes of officers and is not confined to judicial officers; it applies both to the actor and receiver, and extends to voters, legislators, sheriffs, and other classes. All persons whose official conduct is connected with the administration of the government are subjects; including persons acting under the color of office..."

Bribery at elections, "The offense committed by one who gives promises or offers money or any valuable inducement to an elector, in order to corruptly induce the latter to vote in a particular way or to abstain from voting, or as a reward to the voter for having voted in a particular way or abstained from voting. See 18 U.S. C.A. § 597."

Kickback (p.869), "Payment back by the seller of a portion of the purchase price to buyer or public official to induce purchase or to purchase or to improperly influence future purchases or leases..."

Solicitation of bribe (p. 1393), "Asking, or enticing, or requesting of another to commit crime of bribery..."

Now apply these aforementioned definitions with reference to all actions and conduct associated with bringing the Oakland Athletics (herein the "A's") Major League Baseball team to San José, as appears and is fully contained within various articles in The San José Mercury News; ["Reed not waiting on MLB" (Friday, 07.23.10) By Tracy Seipel, Bruce Newman, and John Woolfolk], ["MLB: Reed batting out of turn" (Saturday, 07.24.10) By Tracy Seipel], ["Baseball's brass offer incentive to delay vote" (Wednesday, 07.28.10) By Tracy Seipel], ["In reversal, city delays A's ballpark vote until spring" (Thursday, 07.29.10) By Tracy Seipel], and other related articles, official actions by public officials, business entities, *et al*, and *In toto*. Then formulate your own opinion.

Personally, I do not; suggest, imply, characterize and or mischaracterize in any fashion, impugn by any and all means; any wrong doing of any kind, by any person, persons, entities and or associates living or dead.

Respectfully submitted,

David S. Wall
07.29.10

Cc: City Attorney / City Auditor / City Manager

The Mercury News

MercuryNews.com

Mark Purdy: Bud Selig says A's future now on front burner

By Mark Purdy
Mercury News Columnist

Posted: 01/12/2012 07:38:50 PM PST

Updated: 01/12/2012 09:58:47 PM PST

SCOTTSDALE, Ariz. -- Bud Selig stood on a resort hotel patio overlooking Paradise Valley, one of this area's wealthier enclaves. Life was good for him Thursday morning. Selig had just agreed to stay on for two additional years as Major League Baseball commissioner, extending his term through 2014 at a reported \$22 million per year.

Yet the man was not basking or planning a celebratory Tahiti snorkel vacation. Speaking with reporters after the annual MLB owners' winter meeting, Selig firmly declared the next task at the top of his "to-do" list. It was a settlement of the Oakland A's ballpark situation -- and specifically, whether they can pursue a stadium project in San Jose over objections from the San Francisco Giants, who claim Santa Clara County as their exclusive territory.

"It's really on the front burner," Selig said.

In fact, for the last 48 hours here, you could almost feel heat radiating from that burner.

Wednesday afternoon, the eight-person MLB executive council spent almost 40 minutes in session with the special committee appointed by Selig in 2009 to examine the A's ballpark dilemma. Selig called the committee's report to the council "very comprehensive."

The A's issue never made it onto the agenda of Thursday morning's meeting at which all 30 owners participated. However, Selig said he still anticipated a decision soon, which would then require a 75 percent affirmative vote of those owners. Their next

scheduled meeting is set for May in New York. A vote could also be conducted by phone any time.

"I would say we're moving at a rather quick pace," Selig said.

What does that mean, exactly? If the long-awaited final dispensation of the A's situation were a baserunner for the team, would the deal now be rounding third base?

"Might as well use a baseball analogy," Selig agreed, with a shrug.

The good news is, we are finally moving beyond Selig shoulder shrugs, which the Bay Area has witnessed for more than five years on this issue. We have now moved into a phase of Selig square-shoulder-full-engagement. And history shows that when an issue does get his full attention, stuff happens. Often quickly.

Lew Wolff, the A's owner, reacted to Selig's remarks with optimism.

"I'm delighted to hear all that," Wolff said, "and I'm pleased that we're moving toward a decision."

Along those lines, another of Selig's comments here was extremely significant. It referenced the mechanics necessary to make a San Jose ballpark happen -- including a special ballot referendum that MLB has promised to partially finance. Selig indicated that he would not allow such an election to proceed unless the Giants agree to stay out of that process in terms of supporting an anti-ballpark campaign.

Here's why that's relevant: An organization called



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The Mercury News

MercuryNews.com

"Stand For San Jose," which the Giants admit supporting financially and is represented by a San Francisco attorney, has already filed a lawsuit challenging the environmental impact report for the proposed downtown San Jose ballpark site. Presumably, if MLB permits the A's to build such a ballpark, that lawsuit and any others backed by the Giants would vanish.

"Ultimately," Selig said, "when we get close to a resolution, we need to get everybody to sit and talk and avoid that. Get it settled."

Off that remark, it's easy to speculate that the decision is moving toward an A's southward move. After all, no resolution discussion would be necessary if the team is forced to stay in Oakland. And when would such a "sit and talk" confab occur? A good guess would be during spring training.

The A's and Giants' camps are both located in the Phoenix metropolitan area. Selig also owns a local residence. It would therefore be simple enough for him to invite owners of both teams over to his house for lemonade and reconciliation. This would follow Selig's traditional pattern. Throughout his nearly 20 years as commissioner, he has pushed owners toward consensus at every opportunity. Consensus would seem mandatory in this case. Otherwise, if the Giants choose to fight being outvoted on the territorial rights issue . . . well, Selig doesn't want to create an awkward situation of one MLB franchise spending money to defeat a ballot proposal supported by another MLB franchise -- in an election partially paid for by MLB itself.

Under baseball rules, individual franchises are not permitted to sue MLB. But the Giants could create legal quagmires by persuading their sponsors or A T&T Park loan holders to sue MLB. Alternatively, the Giants themselves could sue the City of San Jose, although the team apparently has decided to use the "Stand For San Jose" group as a surrogate.

One owner openly supportive of Wolff has been Jerry Reinsdorf of the Chicago White Sox, who last month said the A's should be permitted to move and were done in Oakland. Reinsdorf didn't backtrack on those statements here, but did say: "I probably shot my mouth off on that when I shouldn't have."

Trying to determine how an A's-Giants resolution might look is difficult. The most obvious template is the settlement received by Baltimore Orioles owner

Peter Angelos when the Montreal Expos were moved to within 40 miles of Angelos' franchise and became the Washington Nationals. As compensation, Angelos received guarantees from MLB on ticket revenue and franchise value.

Angelos was asked Thursday if he sees any parallels between that and the A's-Giants state of affairs.

"I don't have much knowledge about the situation," Angelos said. "But I wish them both luck."

William DeWitt Jr., the St. Louis Cardinals' board chairman, acknowledged that the A's-decision machinery is all being operated by Selig. The owners will follow his guidance on how to vote.

"It's really up to the commissioner," said DeWitt. "I know there's a process he's working through."

The process will not proceed much longer, one would hope. After all these years, the entire Bay Area deserves an answer -- the citizens of Oakland, the citizens of San Jose, the A's, the Giants, the team mascots Stomper and Lou Seal, the kids on Little League teams, bridge toll collectors, everybody.

Selig couldn't see us all from the resort patio here. But it was good to know he was thinking of us. At long last, we're off the back burner.

Contact Mark Purdy at mpurdy@mercurynews.com or 408-920-5092.



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