



Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

SUBJECT: The Public Record
March 6-12, 2009

DATE: March 13, 2009

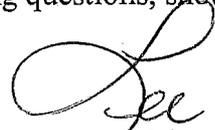
ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Notification letter from Verizon Wireless to Consumer Protection and Safety Division dated February 25, 2009 for Hwy 85 and Snell GTE Mobilnet of California Limited Partnership (U-3002-C), of San Jose, CA MSA
- (b) Email from Bille Barewald to City Clerk Lee Price received February 28, 2009 regarding Mercury News Editorial/Fluridation.
- (c) Letter from Mark Hinkle to Mayor Reed and City Council dated March 6, 2009 expressing his opposition to the 25 cent tax on all carryout-supermarket bags.
- (d) Letter from David S. Wall to Mayor Reed and City Council dated March 11, 2009 regarding "The Ghetto life: Update on the SCEP".
- (e) Letter from David S. Wall to Mayor Reed and City Council dated March 11, 2009 regarding "Police Command staff personnel need Civil Service Protection".
- (f) Letter from David S. Wall to Mayor Reed and City Council dated March 11, 2009 regarding "Community and Economic Development Committee is replete with Special Interests".
- (g) Letter from David S. Wall to Mayor Reed and City Council dated March 12, 2009 regarding "President Obama mentions "Water Shortage" in California".
- (h) Letter from David S. Wall to Mayor Reed and City Council dated March 12, 2009 regarding "Sunshine Reform task Force's "work product" should be rejected, in toto".

Honorable Mayor and City Council Members
March 13, 2009
Subject: The Public Record March 6-12, 2009

- (i) Letter from David S. Wall to Mayor Reed and City Council dated March 10, 2009 regarding "You should be able to answer the following questions, should they be asked".



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
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2009 MAR -6 P 3: 26


verizonwireless

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

February 25, 2009

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 **Hwy 85 and Snell** 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 Alice Silverthorn of Verizon Wireless at (770) 797-1062.

Very truly yours,



Alice Silverthorn
MTS Network Compliance

Attachment A

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

PROJECT LOCATION: Hwy 85 and Snell – I/B

SITE NAME: Hwy 85 and Snell
SITE ADDRESS: 5685 Snell Avenue
LOCATION: San Jose, CA 95123
COUNTY: Santa Clara
APN: 687-26-026
COORDINATES: 37° 14' 54.50"/121° 49' 51.70" (NAD83)

1. PROJECT DESCRIPTION:

GTE Mobilnet of California Limited Partnership.(U-3002-C) proposes the addition of one (1) generator.

ANTENNAS: N/A
TOWER DESIGN: N/A
TOWER APPEARANCE: N/A
TOWER HEIGHT: N/A
BUILDING SIZE: N/A
OTHER: N/A

Notification Letter
GTE Mobilnet of California Limited Partnership (U-3002-C)
February 25, 2009
Page 3

3. BUSINESS ADDRESSES OF ALL LOCAL GOVERNMENT AGENCIES:

Cc: Joseph Hordewel
Community Development
(408) 535-7800
200 East Santa Clara Street
San Jose, CA 95113

Les White
San Jose City Manager
(408) 535-3500
200 East Santa Clara Street
San Jose, CA 95113

Lee Price
City Clerk
(408) 535-1260
200 East Santa Clara Street
San Jose, CA 95113

4. LAND USE APPROVALS:

Type:	Permit Adjustment
Issued:	06/26/07
Effective:	06/26/07
Agency:	City of San Jose Community Development Department
Permit No.:	Approval #AD07-390/Project # PD01-097
Resolution No.:	N/A

From: Bille Barewald [mailto:barewald@cityofsanjose.org]
Sent: Saturday, February 28, 2009 6:13 PM.
To: City Clerk
Subject: Mercury News Editorial/ Fluoridation

Dear Councilmembers:

After the Mercury News wrote a long editorial "Fight tooth decay: Fluoridate our drinking water", this is the letter that I sent to them, which they did not print. Our website www.nofluoride.com and Dr. Paul Connett's website www.fluoridealert.org has information that you are probably not aware of, including many medical professionals and scientists who oppose fluoridation. Please take a look at the information on those websites and I think you will agree that there are better ways to address dental problems.

Dear Editor:

Regarding your editorial advocating fluoridation for San Jose, you left out some important facts. I am a registered nurse, who has read the science. The American Dental Association, 11/9/06, sent an e-gram to dentists warning against infant formula being reconstituted with fluoridated water. That warning alone should end all fluoridation. The National Kidney Foundation recently withdrew its approval of fluoridation for kidney patients. A lawsuit is gathering over the relationship found, in a Harvard study, between fluoride and bone cancer (osteosarcoma), especially in young boys. In fluoridated areas, 32 % of children will have some level of dental fluorosis. Those damaged teeth are a barometer of the harm being done to the rest of the body. The outrageous cost of fluoridation could be better spent on vouchers for dental care for the poor.

Regards,

Billie Barewald

Mountain View Citizens for Safe Drinking Water

[.....]

PUBLIC RECORD C

	<p>Mark Hinkle Life Saver Pool Fence of Northern California 17545 Chesbro Lake Drive, Morgan Hill, CA 95037 Tel: 866-90-FENCE (3-3623)</p>
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Mayor Chuck Reed
San Jose City Council
200 East Santa Clara Street
San Jose, California 95113

Facsimile: (408) 292-6423

Dear Mayor and Council members:

I am a small business owner and former Chairman of the Libertarian Party of California. I want to express my extreme opposition to the proposed 25-cent tax on all carryout-supermarket bags.

I firmly believe that this is the wrong time to increase any tax. California and the nation are in economic distress, and it could be months or years before the economy fully recovers. As stores close and lay-offs increase, neither individuals nor businesses are able to carry a higher tax burden.

California already has earned an unenviable reputation as a bad place to do business. Companies face extensive and complicated regulations, raising both the costs and hassles of making a living. The bag tax would impose yet another unfunded mandate, requiring firms to train their employees, collect the tax, and prove to the county that they've complied.

Please don't levy this tax on customers of our local business owners.

Most sincerely,

Mark WA Hinkle

Mark Hinkle

CC: Santa Clara County Board of Supervisors

Mark W.A. Hinkle

David S. Wall
Post Office Box 7621
San José, California 95150
Phone / Facsimile (408) - 295 - 5999

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March 11, 2009

2009 MAR 11 P 1:27

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 Monday, (03.09.09) approximately 1520 hours I ventured over to North Tenth Street @ Horning Street to "take the pulse" of the SCEP (Shopping Cart Entitlement Program). I arrived on station and found fourteen (14) stolen and abandoned shopping carts *A 7% decrease of theft of shopping carts from last Monday is hereby recorded.*

The garbage at this locale was minimal. Garbage along the railroad tracks is increasing due to the ever presence of the criminal element who need to be incarcerated in a Military Stockade in the deep desert.

The breakdown of ownership of the stolen and abandoned shopping carts is as follows;

Unmarked (3), Fry's Electronics (2)*, DaI Thanh Supermarket (2), Safeway (1), Michaels (1), Home Depot (1), Orchard Supply Hardware (1)**, Ralph's (1), Mi Pueblo (1), and 99 Ranch market (1).

*A person in the possession of stolen property was queried politely as to what stolen shopping cart he had in his immediate possession. The gentleman, wearing a blonde, ill-fitting toupee responded, "I have a Fry's cart." (That is a Fry's Electronics stolen shopping cart.)

**The stolen and abandoned Orchard Supply Hardware shopping cart was defaced with black paint so as to obscure the ownership of the shopping cart so if stopped by POLICE, "ownership of the shopping cart" could not be ascertained. The thief did a "poor paint job".

special note the overall cleanliness of Shopping carts in stores should be addressed by some government agency. Unsuspecting customers may use excrement coated shopping carts without knowledge.

Welfare Check of the Railroad Tracks Resident(s) undertaken.

A "welfare check" to establish the status of any and all occupant(s) along the railroad tracks proceeding Northbound, approximately one hundred and twenty (120) yards on the railroad tracks from North Tenth Street @ Horning Street; *was* carried out.

There was one (1) interview this week.

"Hector's" hooch remains "flattened" to the ground. No one was in visible sight. Garbage in this area is noteworthy. The only interview was with the aforementioned man in the blonde, poorly fitting toupee and he did not say much, except the declaratory statement concerning being in possession of stolen property.

One (1) of Manuel's chickens was loose at the time on the railroad tracks. It was a "black chicken". I've never seen a "black chicken" before. I guess I need to get out more.

Respectfully submitted,

**Cc: City Attorney / Auditor / City Manager / Chief of Police
Director PBCE**

David S. Wall
03.11.09

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2009 MAR 11 P 1:28

March 11, 2009

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

Re: POLICE Command Staff personnel need Civil Service Protection

The San José Police Command Staff personnel need Civil Service protection to stave off the undue, unwarranted and corrupt influences that municipal politicians hoist upon them that serve to materially interfere with the suppression of the criminal element.

The "at-will employment contracts" of the Chief and Assistant Chief of Police and all other Command Staff personnel must be eliminated.

All too often, local politicians try to "climb a particular political ladder" at the expense of law enforcement and our society. One way this is evidenced is through the conferring of "special treatment" by manipulating the law and law enforcement that favors one group over society as a whole.

Municipal politicians can thereby have a deleterious affect to Police; policies, procedures and promotions. Further, the interference of the Office of the City Manager exacerbates and compounds the unnecessary and avoidable detriment to the good and desired work of the Police.

The issue of preferential treatment of Illegal Aliens is one example. The 647(f) "Drunk in Public" farce is another. The list goes on and on.

The only way to take the "politics out of police work" is to shield the Police Command staff from politically corrupt and self serving practices.

"Bad Cops" are dealt with swiftly in concordance with the laws of the land, both civilly and criminally.

The last thing the San José Police Command staff needs are; municipal politicians once elected and who have no idea how to control the criminal element, then "play one group over another" through the misuse of laws to further their own careers and pocket books.

Provide the San José Police Command Staff personnel the requisite Civil Service protection from the corrupt influences of local politics.

Respectfully submitted

David S. Wall
03.11.09

Cc: City Attorney / Auditor / City Manager
SJPD / SJPOA

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2009 MAR 12 P 3: 38

March 12, 2009

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

Re: Community and Economic Development Committee is replete with "Special Interests".

I was present and gave testimony today (Thursday 03.12.2009) at the **Community and Economic Development Committee** (herein "Committee") **"SPECIAL MEETING"**.

The main thrust of the "Special Meeting" was, "to conduct a special meeting to discuss the City's policies relating to the contracting for services"

The "Committee" roster is a matter of public record. But, sitting at the table as participants in the discussion and public policy formulation were special interest groups.

Chief amongst them were representatives associated with organized labor such as The South Bay Labor Council.

Whereas, the "Special Meeting" was interesting, the real action and flavor of the gathering of special interests was evidenced during the "morning break period" by the interaction of the majority of San José Council Members with a representative of The South Bay Labor Council.

Never before, have I ever witnessed so much hugging and familiar embracing, likened to affections tendered to a long lost love or to the immediate return of a sinful prodigal child that occurred today between San José Council Members with a representative of The South Bay Labor Council. Normally, such reminisces of fealty are confined "to a wink and a nod", in my opinion.

There was not one citizen representing the public chosen to participate at the table. Why?

There was one interesting comment made by a South Bay Labor Council representative, who was impaneled to participate and is also on the Sunshine Reform Task Force (SRTF) concerning the issue of criminal background checks.

This participant gave an example of a vendor doing business with a government agency whose employees had felony convictions and this fact was problematic concerning contracting for services. Councilmember Kalra mentioned the conviction of Bernard Madoff.

I testified to several matters including a matter of record, "that no one was asked concerning any criminal convictions concerning Membership on the SRTF or the Public Intoxication Task Force".

I guess no concern is given to felonious convictions; past, prior or concurrent in the formulation of Public policy in the City of San José.

Respectfully submitted,

**Cc: City Attorney / Auditor / City Manager
Foreperson- Santa Clara County Grand Jury**

*David S. Wall
03.12.09*

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PUBLIC RECORD 9

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2009 MAR 12 P 3:38

March 12, 2009

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

Re: President Obama mentions "Water Shortage" in California.

I have said it many, many, many times; there is an acute water shortage. Cease and desist from permitting anymore housing projects.

Today (Thursday 03.12.2009), President Obama addressed "Business Roundtable Members" mentioning the low water level in Lake Mead (Nevada) and other states including the lack of water in California affecting the agriculture industry.

But yet, San José politicians know more than the President of the United States.

Building permits for housing projects can still be issued by the City of San José despite *Not having* a sustainable water supply.

I guess the brain trust of the United States is in San José.

Or, are "special interests" the real driving factor behind the housing development obscenities.

Cease and desist from permitting anymore housing projects.

Respectfully submitted,

David S. Wall
03.12.09

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///

Cc: City Attorney / Auditor / City Manager
Foreperson- Santa Clara County Grand Jury

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2009 MAR 12 P 3:39

March 12, 2009

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

Re: Sunshine Reform Task Force's "work product" should be rejected, *in toto*.

At the San José City Council meeting (Tuesday, 03.10.09) **Item 3.6** on the agenda was concerned with **"Implementation of Phase I of Sunshine Reform"**.

As appeared on the agenda;

"Recommendation: Accept report on implementation of Phase I of the City's Open Government (Sunshine Reform) initiatives. CEQA: Not a Project. (City manager's Office)"

My testimony before Council was to **"reject"** the aforementioned **"Recommendation"**.

There exists, **"agents"** as Members, *Sunshine Reform Task Force (SRTF)*, representing *special interest corporate entities*. Two (2) of them are hereby discussed.

The *San José Mercury News* and the *Metro* are two examples, *not all* examples. Both the aforementioned *special interest corporate entities* are newspapers. These "newspapers" sell advertising and charge subscribers for their services. These "newspapers", routinely publish "opinions" as to public policy that is discussed at SRTF meetings. Said "discussions" contain subject matter which is material in nature, content and direction in the formulation of public policy.

To allow *special interest corporate entities*, in the case of "newspapers", who in turn use their respective "bully pulpits" to pander their special interest corporate entities' opinions for their own respective purposes, including but not limited to; financial gain and undue political influence over events, be it concurrent or future, is a corruption, *to wit*, participation on any "publicly constituted body" should not be permitted as a matter of policy to protect the public's interests.

I assert this practice of including *special interest corporate entities*, in the formulation of Public policy, is a "MATERIAL CONFLICT OF INTEREST" and therefore the work product of the SRTF, *in toto*, is thereby irreparably tainted and should be rejected with extreme prejudice.

The San José City Council voted unanimously to retain the "work product" of the SRTF Phase I.

Respectfully submitted,

Cc: City Attorney / Auditor / City Manager
Foreperson- Santa Clara County Grand Jury

David S. Wall
03.12.2009

PUBLIC RECORD 1

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2009 MAR 10 P 2:31

March 10, 2009

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

Re: YOU should be able to answer the following questions, should they be asked.

What is the City of San José's financial commitment, to the Santa Clara Valley Water District (SCVWD) for ADVANCED WATER FILTRATION (AWF)?

What is the Tributary Agencies (whose Members comprise the Treatment Plant Advisory Committee (TPAC)) financial contribution to fund AWF?

Has the San José City Council taken any action, whatsoever, to ban the use of "water softeners" within San José?

Has the San José City Council taken any action, whatsoever, to insist or to solicit the ban of the use of "water softeners" within the locales represented by the Tributary Agencies?

What is the total quarterly operational cost of SBWR? If no quarterly data is available, what is the annual cost?

What is the total quarterly revenue generated from SBWR? If no quarterly data is available, what is the annual revenue generated?

Respectfully submitted,

David S. Wall
03.10.09

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///
///

Cc: City Attorney / Auditor / City Manager
Santa Clara Valley Water District / Members TPAC