

Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

SUBJECT: The Public Record
July 23 – July 29, 2010

DATE: July 30, 2010

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Notification letter from T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a/ T-Mobile (U-3056-C) to Consumer Protection and Safety Division dated July 12, 2010 for T-Mobile Site No. SF14989A.
- (b) Notification letter from T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a/ T-Mobile (U-3056-C) to Consumer Protection and Safety Division dated July 12, 2010 for T-Mobile Site No. SF15106A.
- (c) Letter from U.S. Department of Housing and Urban Development Community Planning and Development Division Acting Director Maria Cremer and Fair Housing and Equal Opportunity Division Director Charles E. Hauptman to Mayor Reed, dated July 13, 2010, regarding Program Year 2010 Consolidated Plan/Annual Action Plan submitted for the City of San José as reviewed and approved by HUD.
- (d) Email from Wayne Martin to Elected City/County Officials dated July 20, 2010, regarding "Use of iPad-like Devices by Government Employees/Officials".
- (e) Letter from J. Nadler, Santa Clara University extending an invitation to attend the Markkula Center for Applied Ethics Public Sector Roundtable on August 6, 2010 "Pensions, Promises, and the Public Good".
- (f) Email from Almaden Valley Community Association President Jerry Mungai to Mayor Reed and Councilmembers dated July 21, 2010, regarding binding arbitration for safety officers.
- (g) Letter from David Wall to Mayor Reed and City Council dated July 23, 2010 regarding "The Ghetto Life: Update on the SCEP".

- (h) Letter from Santa Clara County Cities Association President David Casas dated July 28, 2010, offering an invitation to attend an event "Sustainable Cities" produced by the Bay Area Climate Collaborative (BACC) and Silicon Valley Leadership Group on Thursday September 2, 2010.
- (i) Letter from City Attorney Richard Doyle to the Children's Discovery Museum Board of Directors Chair, Lisa Sobrato Sonsini, dated July 29, 2010 responding to her letter of July 9, 2010 regarding repair and maintenance issues at the Children's Discovery Museum.
- (j) Letter from David Wall to Mayor Reed and City Council dated July 29, 2010 regarding "The Ghetto Life: Update on the SCEP". (Photographs on file in the Office of the City Clerk)
- (k) Letter from David Wall to Mayor Reed and City Council dated July 29, 2010 regarding "Cost per Enplanement (CPE) gets no help and no love from Council".
- (l) Letter from David Wall to Mayor Reed and City Council dated July 29, 2010 regarding "Has Major League Baseball (MLB) offered a 'Bribe' to San José Government Officials?"



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
Library

T-Mobile

T-MOBILE WEST CORPORATION a
Delaware Corporation
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520

RECEIVED
San Jose City Clerk

PUBLIC RECORD a

July 12, 2010

2010 JUL 23 A 11: 56

Anna Hom

Consumer Protection and Safety Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C).
Notification Letter for T-Mobile Site No. SF14989A:**

This letter provides the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California (CPUC) that with regard to the project described in Attachment A:

- (a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.
- (b) No land use approval is required because

A copy of this notification letter is being sent to the local government agency identified below for its information. Should the Commission or the local government agency have any questions regarding this project, or if anyone disagrees with the information contained herein, please contact Joni Norman, Senior Development Manager for T-Mobile, at (925) 521-5987, or contact Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at 415-703-2699.

Sincerely,



Joni Norman

Sr. Development Manager

T-MOBILE WEST CORPORATION a Delaware corporation

Enclosed: Attachment A

CC:

Debra Figone, City Manager, City of San Jose, 200 East Santa Clara Street, San Jose, CA 95113
Joseph Horwedel, Planning Director, 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

July 12, 2010

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ATTACHMENT A

1. Project Location

Site Identification Number: SF14989A

Site Name: Oak Grove High School

Site Address: 285 Blossom Hill Road, San Jose 95123

County: Santa Clara

Assessor's Parcel Number: 690-09-006

Latitude: 37° 15' 20.49" N

Longitude: 121° 49' 17.91" W

2. Project Description

Number of Antennas to be installed: Three (3)

Tower Design: Stadium Tower Light Standard

Tower Appearance: Match existing stadium tower light standards

Tower Height: 81' - 0"

Size of Building: 275 sq. feet.

3. Business Addresses of all Governmental Agencies

City of San Jose Debra Figone, City Manager 200 E. Santa Clara St. San Jose, CA 95113	City of San Jose Joseph Horwedel, Planning Director 200 E. Santa Clara St. San Jose, CA 95113	City of San Jose Lee Price, City Clerk 200 E. Santa Clara St. San Jose, CA 95113
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4. Land Use Approvals

Date Zoning Approval Issued: May 13, 2010

Land Use Permit #: AD10-356

T-Mobile

T-MOBILE WEST CORPORATION a
Delaware Corporation
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520

PUBLIC RECORD b

RECEIVED
San Jose City Clerk

July 12, 2010

2010 JUL 23 A 11: 56

Anna Hom
Consumer Protection and Safety Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C).
Notification Letter for T-Mobile Site No. SF15106A:**

This letter provides the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California (CPUC) that with regard to the project described in Attachment A:

(a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.

(b) No land use approval is required because

A copy of this notification letter is being sent to the local government agency identified below for its information. Should the Commission or the local government agency have any questions regarding this project, or if anyone disagrees with the information contained herein, please contact Joni Norman, Senior Development Manager for T-Mobile, at (925) 521-5987, or contact Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at 415-703-2699.

Sincerely,



Joni Norman
Sr. Development Manager
T-MOBILE WEST CORPORATION a Delaware corporation

Enclosed: Attachment A

CC:

Debra Figone, City Manager, City of San Jose, 200 East Santa Clara Street, San Jose, CA 95113
Joseph Horwedel, Planning Director, 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

July 12, 2010

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ATTACHMENT A

1. Project Location

Site Identification Number: SF15106A

Site Name: Saint Julies Church

Site Address: 366 Saint Julie Drive, San Jose 95119

County: Santa Clara

Assessor's Parcel Number: 704-08-058

Latitude: 37° 13' 36.2" N

Longitude: 121° 48' 10.8" W

2. Project Description

Number of Antennas to be installed: Three (3)

Tower Design: Monopole

Tower Appearance: Monopole with radome, meeting city slim line monopole definition.

Tower Height: 50'- 0"

Size of Building: 275 sq. feet.

3. Business Addresses of all Governmental Agencies

City of San Jose Debra Figone, City Manager 200 E. Santa Clara St. San Jose, CA 95113	City of San Jose Joseph Horwedel, Planning Director 200 E. Santa Clara St. San Jose, CA 95113	City of San Jose Lee Price, City Clerk 200 E. Santa Clara St. San Jose, CA 95113
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4. Land Use Approvals

Date Zoning Approval Issued: June 7, 2010

Land Use Permit #: SP09-063



U.S. Department of Housing and Urban Development
Community Planning and Development – 9AD
600 Harrison Street, 3rd Floor
San Francisco, CA 94107-1387
www.hud.gov
espanol.hud.gov

JUL 13 2010

Honorable Chuck Reed
Mayor of San Jose
200 East Santa Clara Street, 18th Floor
San Jose, CA 95113

Dear Mayor Reed:

SUBJECT: Program Year 2010 Consolidated Plan/Annual Action Plan
City of San Jose, California

The Consolidated Plan and Annual Action Plan submitted for the City of San Jose has been reviewed and approved by HUD. The grant assistance that is being approved along with the Action Plan is as follows:

Community Development Block Grant	\$10,896,115
HOME Investment Partnership Act	\$ 4,664,977
Emergency Shelter Grant	\$ 442,295
Housing Opportunities for Persons with AIDS	\$ 871,489
TOTAL:	\$16,874,876

For the above programs, we are forwarding copies of the Grant Agreement and Funding Approval forms, along with guidance and/or conditions applicable to each program, to Leslye Krutko, Director, Housing Department, for execution as your designee. Ms. Krutko should sign each of these forms, retain one copy for the City's records and return the remaining two copies to the HUD San Francisco Office. Within three weeks of our receipt of your executed grant agreement, the City should be able to draw these funds through the Integrated Disbursement and Information System (IDIS).

Furthering fair housing is one of the Department's highest priorities. Included in your Annual Action Plan was a certification that your jurisdiction will affirmatively further fair housing, which means that the City will (1) conduct an analysis to identify impediments to fair housing choice within your community, (2) take appropriate actions to overcome the effects of any impediments identified through that analysis and (3) maintain records reflecting the analysis and actions. Your jurisdiction should update its analysis of impediments (AI) periodically. Actions and milestones your jurisdiction plans to accomplish to overcome the effects of impediments to fair housing choice should be included in each Annual Action Plan. The source and amount of all funding for the actions to affirmatively further fair housing should also be noted in the Annual Action Plan. The results of actions taken during the program year to address impediments identified in your AI should be reported in the Consolidated Annual Performance Evaluation Report (CAPER) submitted to HUD.

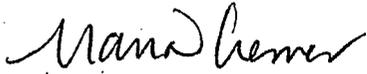
The Office of Fair Housing and Equal Opportunity (FHEO) additionally had the following comments:

- The City indicates that it is in the process of developing an Analysis of Impediments to Fair Housing Choice (AI) document of its own, which it expects to complete within the "September/October 2010 timeframe." FHEO requires as a condition of approval here that the recipient submit a copy of its completed AI by October 31, 2010, and that if new impediments are identified recipient must amend its Consolidated Plan accordingly to address those new impediments with corresponding actions.
- In the next AAP, identify the specific locations of the affordable housing developments within the program area to ensure that the City is affirmatively furthering fair housing within and without minority concentrated areas. See 24 CFR 91.225, 570.601 and Westchester Rulings
- In the next AAP, provide a detailed plan on how the City will communicate with Limited English Proficient (LEP) persons about the availability of housing services and programs within its jurisdiction.
- The plan should describe whether written notices, advertisements, flyers, etc will be published in languages other than English, and whether its facilities are accessible to persons with disabilities. (See 24 CFR 91.220, 91.225, 570.486, 570.601, ADA, and HUD Guidance on LEP Persons (Federal Regulation 1/22/07).
- Since the City indicates that it will be using CDBG and/or HOME funds to develop new housing units, the city is reminded of the new construction requirements of the Federal Fair Housing Act and Section 504 of the Rehabilitation Act of 1973.
- The standard-form Certifications fail to specifically reference compliance with Section 109 of the Housing and Community Development Act of 1974, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended. The city is reminded that its program must be administered in compliance with all applicable federal civil rights laws, and including Sections 109 and 504, and their respective implementing regulations at 24 CFR Parts 6 and 8.

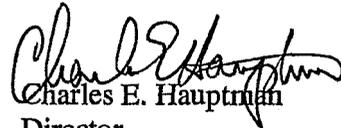
Please note that the performance reports for the FY 2009 Annual Action Plan will be due on **September 30, 2010**, and should include accomplishments compared to performance goals.

We look forward to working with you over the coming year to accomplish the housing and community development goals set forth in the City's Annual Action Plan and five-year Consolidated Plan. If you have any questions, please contact Winston Moy, Community Planning and Development Representative, at (415) 489-6586.

Sincerely,



Maria Cremer
Acting Director
Community Planning
and Development Division



Charles E. Hauptman
Director
Fair Housing and
Equal Opportunity Division

cc:
Debra Figone, City Manager, 17th Floor
Leslye Krutko, Director, Housing Dept., 12th Floor, w/encls

GRANTEE: City of San Jose, California

PROGRAM: FY 2010 Community Development Block Grant (CDBG)

PROGRAM NO.: B-10-MC-06-0021

Enclosed is the Grant Agreement and Funding Approval (three copies of HUD-7082) which constitutes the contract between the Department of Housing and Urban Development and the City of San Jose for the CDBG program. Please sign these forms (three original signatures), retain one copy for your records, and return the remaining two copies to the San Francisco HUD Field Office.

Upon receipt of the executed Grant Agreement, the funds can then be accessed through the Integrated Disbursement and Information System (IDIS). If there is a need to add individuals authorized to access IDIS, an IDIS Access Request Form must be prepared, notarized, and returned to this office with the Grant Agreement. Also, if there is a need to establish or change the depository account to which these grant funds are to be wired, a Direct Deposit Sign-up Form (SF-1199A) must be completed by you and your financial institution and mailed to this office.

Certain activities are subject to the provisions of 24 CFR Part 58 (Environmental Review Procedures for the CDBG program). Funds for such activities may not be obligated or expended unless the release of funds has been approved in writing by HUD. A request for the release of funds must be accompanied by an environmental certification.

The Special Condition in your Grant Agreement and Funding Approval concerning the review procedures under Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, and HUD's implementing regulations at 24 CFR Part 52, restricts the obligation or expenditure of funds for the planning or construction of water or sewer facilities until the completion of the review process and receipt of written notification of Release of Funds from HUD. Because you have not submitted your Consolidated Plan for review under E.O. 12372, we assume you do not propose to use funds for activities subject to review. However, the condition requires that in the event you amend or otherwise revise your Consolidated Plan to use funds for the planning or construction of water or sewer facilities you must receive a written Release of Funds from HUD before obligating or expending funds for such activities.

GRANTEE: City of San Jose, California

PROGRAM: FY 2010 Home Investment Partnership Act (HOME)

PROGRAM NO.: M10-MC060215

Enclosed is the Funding Approval and HOME Investment Partnership agreement (three copies of HUD-40093) which constitutes the contract between the Department of Housing and Urban Development and the City of San Jose for the HOME program. Please sign these forms (three original signatures), retain one copy for your records, and return the remaining two copies to the San Francisco HUD Field Office.

GRANTEE: City of San Jose, California

PROGRAM: FY 2010 Emergency Shelter Grants (ESG)

PROGRAM NO.: S-10-MC-06-0021

Enclosed are three copies of the Grant Agreement which constitutes the contract between the Department of Housing and Urban Development and the City of San Jose for the ESG program. Please sign these forms (three original signatures) retain one copy for your records, and return the remaining two copies to the San Francisco HUD Field office.

1. Obligation and Expenditure Deadlines

Section 576.35 of the ESG regulations requires that all of your ESG grant amounts be obligated by 180 days and expended by 24 months after the date of this letter. Any grant amounts that are not obligated and expended by these dates may be recovered and reallocated for use in accordance with 24 CFR 576.45 of the final streamlined regulations published in the Federal Register on October 2, 1996. These deadlines represent maximum time periods. Every effort should be made to obligate and expend these funds within the established time periods.

*2. Environmental Clearance Requirement

It should also be noted that funds may not be obligated or expended for activities or projects that have not been previously environmentally cleared. They may be obligated or expended only after the grantee has complied with the environmental regulations at 24 CFR Part 58.

3. Homeless Management Information System (HMIS)

ESG funds may be used to fund a Continuum of Care's Homeless Management Information System (HMIS). The funds may be used to implement and operate a Continuum of Care's HMIS system among homeless services providers and ESG-funded homeless prevention programs. HMIS costs may be considered an eligible activity as an essential service, operation, or administration expense. ESG funds may not be used for planning costs.

HUD is currently in the process of developing standards for participation in local Homeless Management Information System (HMIS) and the collection and reporting of client-level information by homeless providers. Recipients of ESG funds will be expected to participate in a local Continuum of Care's HMIS in order to ensure that the Congressional goal that localities collect an array of unduplicated data on the number and characteristics of homeless persons can be met.

4. Certification – Discharge Coordination Policy

Due to a revision in the McKinney-Vento Act in 2001, a new certification was added requiring each State and local government grantee to create a discharge coordination policy. Governmental grantees must develop, to the maximum extent practicable and where appropriate, practices and protocols to insure that publicly funded institutions, such as health care facilities, foster care or other youth facilities, and correction programs do not discharge persons to the streets or otherwise result in homelessness for this vulnerable population.

In conjunction with a grantee's new discharge coordination policy, State or local government grantees may use ESG homeless prevention funds to provide short-term assistance to very low-income families who are discharged from publicly funded institutions or facilities such as health care, foster care or other youth facilities, or correction programs and institutions. The acceptable uses of ESG homeless prevention funds are described in the ESG regulations [24 CFR 576.21(a)(4)].

5. Reporting Requirements

Identifying ESG Projects – “The Shelter is the Project” (C04MK05 Screen) -- All ESG projects must use the Matrix Code 03C - “Homeless Facilities (not operating costs)” in the initial project set-up process under the Consolidated Plan software. ESG grantees should use the five Matrix Codes for ESG *activities*, but must use only the Matrix Code 03C for ESG *projects*. The same Matrix Code 03C can also be used for identifying an activity involving rehabilitation of a shelter. (Refer to IDIS LIVE Issue 52, June 2002, for specific guidance on ESG Project and Activity setup procedures. You can find the IDIS LIVE issue at <http://www.hud.gov/offices/cpd/systems/idis/resources/live/archive/2001.cfm>).

Reporting Beneficiaries & Accomplishments -- ESG grantees must report the beneficiaries and accomplishments for the whole project under just **ONE** activity. If an ESG project has more than one activity, then all the beneficiaries and accomplishments information should be totaled and reported only under the first activity (that is, the activity with the lowest activity number) under that project. The ESG completion path in IDIS begins with the ESG Housing and Services (C04ME01) screen and continues through the ESG Funding (C04ME06) screen.

*All other statutory requirements (e.g., activity spending caps, continued use requirements, matching funds, etc.), still apply.

GRANTEE: City of San Jose, California

PROGRAM: FY 2010 Housing for Persons with AIDS (HOPWA)

PROGRAM NO.: CAH10-F004

Enclosed are three copies of the HOPWA Performance Grant Agreement, which constitutes the contract between the U. S. Department of Housing and Urban Development and the City of San Jose for the HOPWA program. The agreement has been updated to reference HOPWA performance measures in establishing annual output goals and reporting on client housing outcomes. Please sign these agreements (three original signatures), retain one copy for your records, and return the remaining two copies to the San Francisco HUD Field Office.

Please note, under a permanent change in the AIDS Housing Opportunity Act by the Department's Appropriation Act for FY 2001, the procedure for conducting a HOPWA environmental review is revised for all HOPWA projects. This change was requested to allow for the assumption of environmental responsibilities by States and local governments, similar to other HUD programs. That section authorizes responsible entities (including units of general local governments, States, Indian tribes, and Alaska native villages) to perform the environmental review for proposed HOPWA projects in accordance with 24 CFR Part 58.

HOPWA recipients may not commit or expend any grant or nonfederal funds on project activities (other than exempted under §58.34 or excluded under §58.35(b)) until HUD has approved the Recipient's request for release of funds (RROF) (form HUD 7015.15) under Part 58. HUD cannot release funds if the recipient or any other party commits grant funds for activities not listed in 24 CFR 58.34 or 58.35(b) before the Field Office approves form HUD 7015.15.

After the close of the year, grantees must provide HUD and the public with their actual accomplishments by submitting a Consolidated Annual Performance and Evaluation Report (CAPER) and in providing complete data for the program year in Integrated Disbursement and Information System (IDIS). Together, the two reports provide for complete annual information on the use of program and other funds. These reports will include information on accomplishments and data on beneficiaries, activities and expenditures. The *HOPWA Performance Summary Charts for End of Program Year Reporting* (see enclosure), provide an improved way to report on the amount of housing assistance and costs for this assistance, that is provided in connection with these HOPWA resources. The chart is supplemental to the narratives and other information provided in the CAPER and must be used in reporting on activities during the term of this grant agreement.

New HOPWA performance report forms are being developed and will be issued later this year. These reports will provide more information regarding program outputs and outcomes in assisting HOPWA recipients. New CAPER procedures will also be issued. Once these changes are implemented, IDIS will be updated. Please see the following website for more details on these proposed changes:

<http://www.hud.gov/offices/cpd/aidshousing/programs/2005proposedreqs.cfm>.

Elected City/County Officials

Subject: Use of iPad-like Devices by Government Employees/Officials

Date: 07.20.10

Elected Government Officials:

A recent letter in the local Palo Alto papers by someone complaining about Redwood City's planning to give its Council members iPads, demonstrates the problem that we, as a society have, when confronted with new technologies. While this letter's writer complained about the \$600 cost as an example of government waste, such arguments fail to appreciate the externalities associated with packet preparation, which justify the use of this kind of equipment.

That City's management's argument about Council Packets costing time and material, which could be better otherwise spent doing other jobs, seems to have his obvious to some, but not to this letter writer. Perhaps more cost data would have better made the point: paper costs anywhere from \$3-\$4 a ream. If a council packet turns out to be half a ream, that's about \$2 dollars in paper cost, plus the cost of toner per packet. However, there are less visible costs to consider, such as the time spent copying, collating and delivering these materials. Assuming that three to five people are involved in this process, costing perhaps \$55-\$75 per hour (in organizational costs), spending up to 5 hours, the preparation of paper Council packets can cost from \$500 to \$1900 per Council session. Assuming 40 Council sessions a year, this means that the paper packets cost the taxpayers from \$20,000 to \$75,000 a year vs the \$600 per iPad.

Additionally, digitally formatted documents allow iPad-like devices to hold hundreds of packets, which otherwise would be too heavy, and too cumbersome, to carry around. iPad-like devices offer more convenience than small laptops/netbooks, due to their smaller size, lighter weight and (presumably) longer battery lifetimes. Hundreds and hundreds of digitally-formatted documents do not weigh a single ounce.

One can easily envision that the capabilities of personal computing will immigrate to the e-book readers, blurring the lines between personal computing that we know now, and mobile computing, which would see the fusion of our cell phones and various computing capabilities of larger computers. It would not be hard to expect sophisticated search capabilities to appear on iPad-like devices that would allow people (like Council Members) to quickly identify all of the documents on his/her e-reader where references to a given topic can be found.

This opens the door to the digitization of all government documents. While this process has been moving along for a while now, there does not seem to be any systemic approach to the full digitization of all government records. Given that most government agencies have retention schedules, it would not be that hard to model the storage costs vs the digitization costs to determine if the intuitive belief that digitized documents are less

costly to store, and offer full on-line access to everyone—which is currently not the case with paper documents.

iPad-like devices also reinforce the need to a fully functional video/audio storage regimen for public meetings, such as City Council meetings, and boards/commission meetings. While current PC technology supports replay of these digital public records (video streams), iPad-like devices will make reviewing these records more convenient, providing that they are on-line and appropriately formatted. Virtually every government agency should be reviewing its record retention schedules, including digital formatted records which have most likely been ignored in the past.

The iPad (V.1) must be seen in terms of evolutionary. This world of tablet PCs will see devices with more capability, and lower price, than the current iPad, appear quickly. There are no doubt problems with the iPad software/hardware that will be encountered by early adopters that will drive solutions for a better, less expensive hardware and more effective software. Local governments could offer insights to product developers about usability and effectiveness of these devices in an institutional setting, which might not be seen by retail customers just buying e-books and steaming video.

Given the vast sea of government documents, being able to reduce the costs of maintaining these documents and offering them to everyone for very little costs, makes it clear that a government use of iPad-like devices is a win-win for everyone.

Wayne Martin
Palo Alto, CA

Note-Please include this email in the public record for your town.



**Santa Clara
University**

Markkula Center
for Applied Ethics

**You are invited to attend the
Markkula Center for Applied Ethics
Public Sector Roundtable
Friday, August 6, 2010
11:30 a.m. to 2 p.m.
"Pensions, Promises, and the Public Good"**

As cities face staggering deficits and the potential for drastic cuts in employees and services, public pensions are one of the most important and complex components of the financial crisis.

Large and small cities, counties, and special districts are all seeking ways to fulfill commitments while balancing dwindling budgets and continuing to provide high-quality service to constituents.

Join us on Friday, August 6 for a discussion of the legal, practical, and ethical dilemmas of this timely topic.

Guest speakers will include experts in employee relations, retirement benefits, and public finance. As always, the comments and questions of our participants will make this an informative and lively discussion.

This quarter only, we will be meeting in a new location, the Harrington Learning Commons (also known as the library).

Upon entering the main gate of the University, stop at the guard station to obtain a parking pass, and directions to the Learning Commons. Once inside, signs will direct you to our meeting room.

Space is limited, so please respond today, by email to JNadler@scu.edu.

From: Jerry Mungai

Sent: Wednesday, July 21, 2010 8:45 AM

To: District2; Chirco, Judy; District4; District7; The Office of Mayor Chuck Reed; Office of Councilmember Nancy Pyle; District5; District1; Oliverio, Pierluigi; Herrera, Rose; District3

Subject: Almaden Valley Community Association resolution regarding binding arbitration for safety officers

During the past nine years the City of San Jose has experienced budget deficits in both good and bad economic times. Expenses continue to outpace revenues with employee compensation expenses representing over 70% of total expenses. A major cause for this dilemma is the comparably generous defined benefit pensions and the related requirement that taxpayers pay the difference between pension obligations and pension investments' earnings. Next year's budget includes over \$50 million dollars to cover pension investment shortfalls. These are dollars that could be used to improve our parks, roads and libraries; or even to hire additional safety officers.

In November 1980 city residents voted to deny sworn safety officers (i.e. police officers and fire fighters) the right to strike; but also required these officers and the city to submit to binding arbitration whenever the two parties were unable to resolve their differences in labor disputes. This arrangement has resulted in many binding arbitration decisions that have long-term unfavorable financial consequences for the city and it's residents.

City employee compensation plans have not kept up with economic realities. Many changes are required to bring compensation in line with those found in the private sector. A place to start is to eliminate binding arbitration for sworn safety officers. If these employees are dissatisfied with their jobs, they have the right to resign and go elsewhere. However, it is not easy to leave behind a job and accumulated lucrative pension benefits. To remedy this issue the employees should have a portable defined CONTRIBUTION pension plan. If they are unhappy with employment conditions, they can move to another job and take their pension funds with them.

A way to eliminate binding arbitration is for a majority of the San Jose City Council to agree to place on the November 2010 ballot a proposal to be voted upon by the voters an initiative that (a) eliminates binding arbitration for safety officers and (b) substitutes contributory pension plans for the current defined pension plans.

On July 12, 2010, the Almaden Valley Community Association (AVCA) board of directors unanimously voted to ask the city council to place such a proposal on the November ballot.

The agreed upon resolution is shown below:

The City of San Jose (City) has an unsustainable employee and retiree compensation and benefits cost structure that results in pay and defined benefits more generous than those found in the private sector and that rises at a higher rate than the City's revenues. These pay and benefit costs result from a requirement that fire fighters, peace officers, and City management submit to binding arbitration in the event of contract negotiation impasses; and arbitration awards have resulted in salary and benefits that exceed the City's ability to pay.

The Almaden Valley Community Association (AVCA) Board of Directors urges the San Jose City Council to place on the November 2010 ballot propositions that (a) call for the immediate elimination of binding arbitration as a way to resolve salary and benefit disputes between the City, fire fighters, and peace officers; AND (b) initiate a portable defined contribution retirement plan for all employees who begin employment with the City effective 60 days after the date the proposition is approved by a majority of voters in the November 2, 2010, general election.

AVCA believes these measures represent a first step towards addressing the currently unsustainable employee compensation model.

Regards,

Jerry Mungai

President, AVCA

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

PUBLIC RECORD *g*

RECEIVED
San Jose City Clerk

July 23, 2010

2010 JUL 23 P 1:32

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, (07.22.10), I ventured over to North Tenth Street @ Horning Street to “take the pulse” of the SCEP (Shopping Cart Entitlement Program). I arrived on station at approximately 2043 hours and found fourteen (14) stolen and abandoned shopping carts. *A 200% increase as to the number of stolen and abandoned shopping carts from last week is hereby recorded.*

The perennial garbage pile (PGP) has been removed 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 left “untouched”. Perhaps this iconic and statuesque festering health hazard is really another “Public Art” piece costing the taxpayers millions. (If so, this piece of trash art would be consistent with the other pieces of “artistic trash” that is routinely hoisted on the public as a result of recommendations made by “goofy art cows” often seen grazing at City Hall.)

The “perennial growing debris field” (PGDF) along the railroad tracks is still present. I did not visit the encampments this week.

The travel trailer, “*The Golden Falcon*” CA # JT 9621 is still present. This trailer has been used as a residence, but no one was present at the time of this report. I do not believe this trailer has moved for several weeks, including this one. It is located on South East Horning Street @ North Tenth Street.

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

“Unmarked” (5), Mi Pueblo (2), Trader Joe’s (1), Safeway (1), Grocery Outlet (1), WalMart (1), **Mercado Suvianda (1)**, OSH (1), Walgreens (1) and (1) 96-gallon, blue, “Allied Waste Services” garbage container (serial # 9895 292 1646), that is still full of putrefying garbage.

The “**Mercado Suvianda shopping cart**” could be considered a “collector’s item” with reference to this business entity going “belly up” in bankruptcy proceedings (and fleecing the San José taxpayers for a cool \$500,000 in the process).

*“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).

An *outstanding* “Jazz / Rhythm and Blues Band” was playing in a warehouse across from San José Metals (North Tenth Street). Further investigation into this matter is warranted.

Respectfully submitted,

David S. Wall
07.23.10

Cc: City Attorney / City Auditor / City Manager

Wednesday, July 28, 2010

Dear Colleagues,

I'm sending you information about an interesting event being held on **Thursday, September 2**, which I think would be beneficial for you to attend. It's called Sustainable Cities, and it's produced by the **Bay Area Climate Collaborative (BACC)** and **Silicon Valley Leadership Group**.

Watch for the invitation and opportunity to register next week, but in the meantime, mark your calendar for Sustainable Cities, the business / government networking and information sharing event that brings together:

- o Local and regional policy makers: elected officials, city leaders, and nonprofit / organizational leaders who support and advocate for sustainability
- o Leading clean tech companies that offer solutions to help local governments advance sustainability goals and improve their financial situation

Learn how clean tech and energy companies are working with cities, using new technologies and creative financing models, to drive energy efficiency and reduce operation costs while building a sustainable environment.

Learn what other cities are doing throughout the country in the race to become the green city of the future.

Watch for your invitation and opportunity to register and participate in Sustainable Cities, organized with the generous sponsorship of Technology Credit Union and Intero Real Estate.

Let's keep the conversation going!

For more information, contact event organizer Tawnya Lancaster at (408) 205-1618 or tlancaster@lancaster-group.com or Director of the Bay Area Climate Collaborative (BACC), Rafael Reyes, at rreyes@baclimate.org.

Sincerely,



David Casas
President, Santa Clara County Cities Association



Office of the City Attorney
RICHARD DOYLE, CITY ATTORNEY

July 29, 2010

Lisa Sobrato Sonsini
Chair, Board of Directors
Children's Discovery Museum
180 Woz Way
San Jose, CA 95110

Re: Children's Discovery Museum

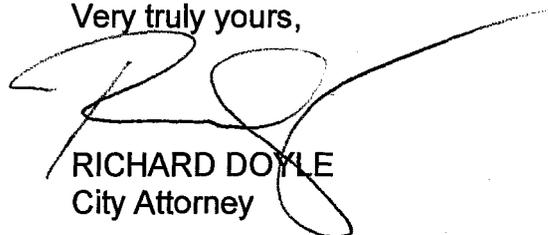
Dear Ms. Sonsini:

Thank you for your letter of July 9, 2010 regarding the various repair and maintenance issues at the Children's Discovery Museum (CDM). We appreciate you identifying with greater detail the specific items that remain as yet unresolved at the CDM. While we may still have some disagreements with regard to the responsible party for some of the outstanding items, rather than exchange further correspondence, we would like to accept your suggestion to meet with City and Redevelopment Agency representatives to discuss the situation and try to come up with a mutually acceptable solution to resolve these issues.

I have forwarded your letter to the City Manager and the Executive Director and will contact you to set up a meeting once the appropriate individuals have been identified.

Please call if you have questions.

Very truly yours,



RICHARD DOYLE
City Attorney

cc: Mayor and City Council ✓
Debra Figone, City Manager
Harry Mavrogenes, Executive Director, Redevelopment Agency

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

PUBLIC RECORD 8

July 29, 2010

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

* photos for
Clerk, ATTORNEY, MAYOR-DEW

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 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.*

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" with its' contagion spilled forth onto the ground.

The "perennial growing debris field" (PGDF) along the railroad tracks is still present. I did not visit the encampments this week. A train was "a comin' northbound" and my knee hurt too much to traverse the tracks, however, I counted five persons in the vicinity of the encampments at a distance.

The travel trailer, "The Golden Falcon" CA # JT 9621 is still present. This trailer has been used as a residence, but no one was present at the time of this report. I do not believe this trailer has moved for several weeks, including this one. It is located on South East Horning Street @ North Tenth Street.

Questions poised to a neighbor indicates the occupant "causes NO trouble" in the neighborhood.

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

"Unmarked" (3), Safeway (3), **Mercado Suvianda (2)**, Trader Joe's (2), WalMart (2), World Market (1), Costco (1), Dollar Tree (1), Walgreens (1), Region Supermarket (1) and (1) 96-gallon, blue, "Allied Waste Services" garbage container (serial # 9895 292 1646), check out the photos.

The "**Mercado Suvianda shopping carts**" could be considered "collector's items" with reference to this business entity going "belly up" in bankruptcy proceedings (and fleecing the San José taxpayers for a cool \$500,000 in the process). The Council should repent on their knees and beg the taxpayers' forgiveness.

*"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).

An **outstanding** "Jazz / Rhythm and Blues Band" which was playing in a warehouse across from San José Metals (North Tenth Street) last week has been identified as "**Touch and Go**". A cursory investigation into this matter revealed this band plays throughout the bay area.

PHOTOGRAPHS O; FILE IN THE OFFICE OF THE CITY CLERK

Respectfully submitted,

Cc: City Attorney / City Auditor / City Manager

David S. Wall
07.29.10

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

PUBLIC RECORD

k

July 29, 2010

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

Re: Cost per Enplanement (CPE) gets no help and no love from Council.

Mayor meets with Airline executives. No action. No flights. No nothing (but Mayoral CO₂).

“Prevailing and living wage, the communists’ mill stone, mentally retards the speed of business”.

Director of Aviation should not be held responsible for communist inspired ideology by Council.

“The Prevailing and living wage ordinances”, San José’s entitlement program that would bring a smile to Vladimir Illyich Lenin’s dead and rotted face, should be considered “the communists’ mill stone” hung around the neck of Mayor Reed’s adage of, “San José moves at the speed of business”.

San José does not “move at the speed of business”. San José moves at the speed of special interest lethargy, the speed of acquired mental retardation, and the speed of innovation in reverse, if it moves at all. Personally, I am impressed that elected officials can even say “business” while keeping a straight face.

But, let us accentuate the positive. If the world’s uneducated population wants to live in the bay area we should preserve the species from justifiable economic extinction right? We need this element to live amongst us and to reinforce that going to school, hard work and making a positive contribution to society is nothing but hyperbole that life is really just a ‘free ride’, a human right damn it. That is communist blather. Personally, the aforementioned should be permitted to rot like the dinosaurs, we need the oil.

Yet, not one Councilmember, to my knowledge, has ever greeted a group of school kids to City Hall with, “You don’t have to study, you don’t have to work hard or worry. We will provide you with a “prevailing and living wage”, from their vote buying, pandering lips. (Not to forget inclusionary housing, subsidized housing and a host of other taxpayer giveaways.)

So “San José moves at the speed of business” embracing a \$1.3 billion dollar debt at the airport in the holistic afterglow of “everything for everybody”, where just a few pays for “everything for everybody”. You cannot run an airline or an airport for very long touting this unrealistic view of global economics.

Just don’t blame the Director of Aviation for the airport’s economic demise.

Blame the airport’s demise on second hand smoke from the marijuana someone is smoking during executive session. Blame the airport’s demise on “a piece of undigested cheese or beef” that has resulted in a flatulent, the odor of which causes minds to be bogged. Blame the airport’s demise on anything but the truth.

The truth is that nothing of any substance is being brought to bear on significant reductions in Cost Per Enplanement (CPE) with the airlines reminding You that there are some Americans left in this country.

And also remember, in polite society, it is rude to bogart.

Respectfully submitted,

David S. Wall
07.29.10

Cc: City Attorney / City Auditor / City Manager

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

PUBLIC RECORD *l*

July 29, 2010

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 EDITON, 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