



# Memorandum

**TO:** Honorable Mayor &  
City Council

**FROM:** Dennis Hawkins, CMC  
City Clerk

**SUBJECT:** The Public Record  
December 16 – January 5, 2012

**DATE:** January 6, 2012

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## ITEMS TRANSMITTED TO THE ADMINISTRATION

### ITEMS FILED FOR THE PUBLIC RECORD

- (a) Notification letter to Mayor Reed and the City Council from the Law Offices of Daniel W. Baker dated December 15, 2011 regarding the application of Bay Star Shuttle, Inc. filed with the California Public Utilities Commission.
- (b) Notification letter to Mayor Reed and the City Council from Pacific Gas and Electric Company dated December 19, 2011 regarding filing of Testimony to Recover the Cost of Seismic Studies Recommended by the California Energy Commission (A.10-01-014).
- (c) Notification letter to Mayor Reed and City Council from Donna Grider, City Clerk of Palo Alto, dated January 3, 2012 regarding the re-organization of the Palo Alto City Council
- (d) Letter to Mayor Reed and the City Council from David Wall dated December 14, 2011 regarding "Use part of the \$1 Million dollar surplus in the Parking Fund to fund the ECO PASS!"
- (e) Letter to Mayor Reed and the City Council from David Wall dated December 16, 2011 regarding "Initiate civil proceedings against Graffiti criminals for cost recovery and deterrence"
- (f) Letter to Mayor Reed and City Council from David Wall dated December 16, 2011 regarding "Just another funding idea to save the ECO PASS (to keep your vision GREEN!)"
- (g) Letter to Mayor Reed and the City Council from David Wall dated December 19, 2011 regarding "Waving of 'liquidated damages' to facilitate NMTC funding for EIC? STUPID!"
- (h) Letter to Mayor Reed and the City Council from David Wall dated December 19, 2011 regarding "Christmas comes early for Applegate Johnson. City Attorney rescues City at great cost!"
- (i) Letter to Mayor Reed and the City Council from David Wall dated December 19, 2011 regarding "Waving of 'liquidated damages' to facilitate NMTC funding for EIC?"
- (j) Letter to Mayor Reed and the City Council from David Wall dated December 20, 2011 regarding "Santa Claus, adhering to section 411 of City Charter, delivers ECO PASS to Airport."
- (k) Letter to Mayor Reed and the City Council from David Wall dated December 20, 2011 regarding "Is there an incomplete and or intentional misrepresentation of 'street sweeping' to Council?"
- (l) Letter to Mayor Reed and the City Council from David Wall dated December 21, 2011 regarding "Procedure to 'waive impounded car fees' for victim of crime is needed."

Honorable Mayor and City Council Members

January 6, 2012

Subject: The Public Record: December 16, 2011 – January 5, 2012

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- (m) Letter to Mayor Reed and the City Council from David Wall dated December 21, 2011 regarding "Prevailing and Living Wage Ordinance should be 'repealed' to stimulate economy."
- (n) Letter to The Office of the Commissioner of Baseball from David Wall dated December 22, 2011 regarding "Enjoy the Holidays because 'spring training' is almost here! Watch & Protect the San Jose Giants!"
- (o) Letter to Mayor Reed and the City Council from David Wall dated December 21, 2011 regarding "LAST CALL FOR ECO PASS IN 2011. YO 'GREEN MANN', VO BIST DU?"
- (p) Letter to Mayor Reed and the City Council from David Wall dated December 25, 2011 regarding "While YOU are celebrating Christmas, SJPD & SJ Fire were saving at least one (1) life!"
- (q) Letter to Mayor Reed and the City Council from David Wall dated January 4, 2012 regarding "San Jose Police Officer Jonathan Cook (#3886) & 'Team' save a life on Christmas Night!"
- (r) Letter to Mayor Reed and the City Council from David Wall dated January 4, 2012 regarding "San Jose Police Officer Sjon Tol (#4121) & 'Team' save a life on Christmas Night!"
- (s) Letter to Mayor Reed and the City Council from David Wall dated January 4, 2012 regarding "San Jose Police Officer Michael Katherman (#3900) & 'Team' save a life on Christmas Night!"
- (t) Letter to Mayor Reed and the City Council from David Wall dated January 4, 2012 regarding "San Jose Police Officer Steven Carlson (#3853) & 'Team' save a life on Christmas Night!"
- (u) Letter to Mayor Reed and the City Council from David Wall dated January 4, 2012 regarding "San Jose Police Officer Alan Coker (#3906) & 'Team' save a life on Christmas Night!"
- (v) Letter to Mayor Reed and the City Council from David Wall dated January 5, 2012 regarding "ECO PASS funding from the \$440,000 liquidated damages from Fire Station 19 scandal?"
- (w) Letter to Mayor Reed and the City Council from David Wall dated January 5, 2012 regarding "Request for investigation of Applegate-Johnson settlement/EIC Contract."
- (x) Letter to Mayor Reed and the City Council from David Wall dated January 5, 2012 regarding "San Jose Fire Engineer Martin Mora & 'Team' save a life on Christmas Night!"
- (y) Letter to Mayor Reed and the City Council from David Wall dated January 5, 2012 regarding "San Jose Fire Fighter Jesse Allread & 'Team' save a life on Christmas Night!"
- (z) Letter to Mayor Reed and the City Council from David Wall dated January 5, 2012 regarding "San Jose Fire Fighter Sergio Arellano & 'Team' save a life on Christmas Night!"
- (aa) Letter to Mayor Reed and the City Council from David Wall dated January 5, 2012 regarding "San Jose Fire Fighter Sean Lovens & 'Team' save a life on Christmas Night!"

Honorable Mayor and City Council Members  
January 6, 2012  
Subject: The Public Record: December 16, 2011 – January 5, 2012  
Page 3 of 3

- (bb) Letter from David Wall to Mayor Reed and City Council dated January 5, 2012 regarding "Are some of ESD's Senior Staff going to quit the city for Sunnyvale? Succession plans?"



Dennis Hawkins, CMC  
City Clerk

DH/tld

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

NOTICERECEIVED  
San Jose City Clerk  
2011 DEC 15 10:23a

On December 15, 2011, the Application of Bay Star Shuttle, Inc. was filed with the California Public Utilities Commission, seeking a passenger stage corporation certificate to perform an on-call, door-to-door service on a 24-hours per day, seven days per week basis between points in San Francisco, Sonoma, Alameda, Contra Costs, Santa Clara, San Mateo and Marin Counties, on the one hand, and the San Francisco, Oakland and San Jose International Airports, on the other hand. The service will be performed over the most convenient routes between the airports and points of origins and destinations within the proposed service area and will be provided with airport-type shuttle vans. The proposed fares to be assessed the public for this service are set forth in Exhibit "D" of the Application. A copy of the Application and related exhibits will be furnished by applicant upon receipt of a written request for such documents. Please direct the request to Daniel W. Baker, 3643 Baker Lane, Lafayette, CA 94549.

This Notice is issued pursuant to Rule 21(k) of the Commission's Rules of Practice and Procedure.)

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San Jose City Clerk  
2011 DEC 28 A 10:40

**NOTIFICATION OF PACIFIC GAS AND ELECTRIC COMPANY FILING OF TESTIMONY TO RECOVER THE COST OF SEISMIC STUDIES RECOMMENDED BY THE CALIFORNIA ENERGY COMMISSION (A.10-01-014)**

On November 30, 2011, at a hearing at the California Public Utilities Commission (CPUC), the administrative law judge granted a motion by Pacific Gas and Electric Company (PG&E) to re-open application No. 10-01-014 regarding Funding for Diablo Canyon Seismic Studies. Key parties, including the Division of Ratepayer Advocates and The Utility Reform Network were in attendance. At the conclusion of the hearing, the administrative law judge instructed PG&E to file updated Testimony to support a request for additional funding for the seismic studies, and to notify customers about how this request will impact rates.

On December 9, 2011, PG&E filed updated Testimony with the CPUC requesting to recover additional funding, through rates, for costs associated with enhanced seismic studies at, and in the vicinity of, Diablo Canyon Power Plant (DCPP). The study was recommended by the California Energy Commission in its report, "An Assessment of California's Nuclear Power Plants: AB 1632 Report." The California Energy Commission proposes updating the seismic studies at, and in the vicinity of, DCPP using 3-D geophysical seismic reflection mapping and other advanced techniques.

PG&E is asking the CPUC through this Testimony for CPUC approval to recover costs of up to \$64.25 million for enhanced seismic studies at DCPP, an increase of approximately \$47.5 million from the original request. This increase is primarily due to the expanded scope of seismic studies. The offshore and onshore areas that will be studied using 3-D and 2-D techniques have more than doubled. This expansion is consistent with the safe operation of DCPP, and with PG&E's commitment to supporting the activities necessary to ensure seismic safety. It is also responsive to comments and feedback from the Independent Peer Review Panel established by the CPUC in Decision 10-08-003 and to information from other stakeholders, including the United States Geological Survey.

**Will rates increase as a result of this application? Yes, approval of this application will increase electric rates for bundled service customers (those who receive electric generation as well as transmission and distribution service from PG&E) by less than one percent. Using the 2012 revenue requirement of \$37.4 million (highest single year), the bundled system average rate will increase 0.3 percent in 2012, relative to current rates, and would not have a significant impact on individual customer rates.**

**FOR FURTHER INFORMATION**

To request a copy of the application and exhibits or for more details, call PG&E at 1-800-743-5000

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

Para más detalles llame al 1-800-660-6789

詳 情 請 致 電 1-800-893-9555

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

Pacific Gas and Electric Company  
Diablo Canyon Seismic Studies Testimony  
P.O. Box 7442, San Francisco, CA 94120

**THE CPUC PROCESS**

The CPUC's Division of Ratepayer Advocates (DRA) will review the Testimony.

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

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

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

If you would like to learn how you can participate in this proceeding or if you have comments or questions, you may contact the CPUC's Public Advisor as follows:

Public Advisor's Office 505 Van Ness Avenue Room 2103 San Francisco, CA 94102	1-415-703-2074 or 1-866-849-8390 (toll free) TTY 1-415-703-5282 or 1-866-836-7825 (toll free) Email to <a href="mailto:public.advisor@cpuc.ca.gov">public.advisor@cpuc.ca.gov</a>
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If you are writing a letter to the Public Advisor's Office, please include the number of the application (10-01-014) to which you are referring. All comments will be circulated to the Commissioners, the assigned Administrative Law Judge and the Energy Division staff.

A copy of PG&E's Seismic Studies Testimony and Application is also available for review at the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102, Monday-Friday, 8 a.m.-noon and on the CPUC's website at [www.cpuc.ca.gov/puc](http://www.cpuc.ca.gov/puc).



## NOTICE OF CITY COUNCIL REORGANIZATION

The City Council of the City of Palo Alto, California at a Special Meeting held on January 3, 2012, reorganized as follows:

**Yiaway Yeh, Mayor**

**Greg Scharff, Vice Mayor**

**Pat Burt, Councilmember**

**Sid Espinosa, Councilmember**

**Karen Holman, Councilmember**

**Larry Klein, Councilmember**

**Gail Price, Councilmember**

**Greg Schmid, Councilmember**

**Nancy Shepherd, Councilmember**

Dated this 4 day of January 2012

Donna Grider, MMC  
City Clerk  
City of Palo Alto  
250 Hamilton Avenue  
Palo Alto, CA 94301

David S. Wall

PUBLIC RECORD d

RECEIVED  
San Jose City Clerk

2012 DEC 14 P 12:50

December 14, 2011

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

**Re: Use part of the "\$1 Million dollar surplus in the Parking Fund" to fund the ECO PASS!**

**ECO PASS is part of City Hall's traffic mitigation obligations.**

**Time is running out for employees to use ECO PASS!**

**Don't embarrass the city any further, fund the ECO PASS!**

*Respectfully submitted,*

David S. Wall  
12.14.11

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Cc: City Attorney / City Auditor / Manager

David S. Wall

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San José City Clerk

2011 DEC 16 P 3:18

December 16, 2011

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

**Re: Initiate civil proceedings against Graffiti criminals for cost recovery and deterrence.**

**Graffiti criminals should be sued in civil court for damages wrought from their criminal acts.**

**Attorneys know how to keep "Hollow Judgments" alive for decades.**

**It is past time to "punish and deter" graffiti criminals.**

*First, I would like to thank Mayor Reed and the San José Police for their efforts in rounding up the four (4) graffiti criminals described and identified in the news media. GOOD JOB!*

As a taxpayer, I would like the Office of the City Attorney to be directed to file the appropriate litigation, be it jointly or severally, to sue the individual or group of these criminals to recover costs. This form of cost recover should be made public policy and made known to the public. There are significant costs in pursuit of this public policy determination.

The rationale is straightforward. These criminals are not deterred by the criminal justice system. An innovative methodology to punish and deter others from embarking on perpetrating acts of graffiti by pursuing civil litigation to recover damages would deter others and should be employed.

By suing the graffiti criminal in civil court for damages to the taxpayer (cost of Police, graffiti abatement, etc.) and tacking on "punitive damages" would be very popular with juries. By keeping any "Hollow Judgment alive for decades" would serve to insure deterrence, punishment and cost recovery, especially if the intent to sue and the actual civil proceedings were made "very public."

Graffiti criminals, if they do not die, get older just like everybody else. In doing so, they might win the lottery, receive an inheritance, actually make something useful of themselves and or invent something useful to society. If, at the time of their civil trial, a judgment is rendered against them and they are without current means to pay (Hollow Judgment), the Attorney should be directed to keep this judgment "alive" for as long as the law allows. Legislation should also be developed to keep such a judgment, until paid with interest, "alive in perpetuity."

Even in the case none of the above happens, a "pending civil judgment" will have significant and deleterious effects on graffiti criminals credit scores; should they decide to buy a house, car or even apply for a credit card. This is an additional layer of punishment that if made public would also serve to increase the level of deterrence.

The application of the Racketeering Influenced Corrupt Organization Act (RICO) is another matter for our legal professionals to consider when dealing with gangs.

*Respectfully submitted,*

Cc: City Attorney / City Auditor / Manager

*David S. Wall*  
 12.16.11

David S. Wall

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San José City Clerk  
2011 DEC 16 P 3:18

December 16, 2011

Mayor Reed and Members San José City Council  
200 East Santa Clara Street  
San José, California 95113-1905**Re: Just another funding idea to save the ECO PASS (to keep your vision GREEN!)****Have the City Manager “sort” all employees by the source of their funding for their positions.****It is possible to breakdown the cost of the ECO PASS program as a unit cost per employee.****It is possible to assign the unit cost of the ECO PASS to the FUND pertaining to the employee.****The cost of the ECO PASS could be integrated into the “overhead cost” of employee.****Many employees are on a variety of FUNDS throughout the city.***By integrating the cost of the ECO PASS as an “overhead cost” to other FUNDS, the General Fund would not have to bear the brunt of the ECO PASS as an ENFORCEABLE OBLIGATION.***Use part of the “\$1 Million dollar surplus in the Parking Fund” to fund the remainder.****The ECO PASS is part of City Hall’s traffic mitigation obligations.****Time is running out for employees to use ECO PASS!****I’ll come up with additional funding ideas later.***You might want to ask the Director of Finance to find the funding for the ECO PASS.***Here is a little trivia tidbit:*****As of December 7, 2011 (Pearl Harbor Day) the City has paid Renne, Sloan, Holtzman and Sakai LLP \$19,345.64 for legal services related to the “ballot measure.” That is money that should have gone first to pay the ENFORCEABLE OBLIGATION of the ECO PASS PROGRAM.***

December 7, 1941 is a day that lives forever in infamy. Many of our battleships got torpedoed on that fateful day in history. City employees are being “torpedoed” daily over this “ballot measure” and the loss of their ECO PASS. Don’t go down in history as the Mayor who sunk the GREEN VISION by the torpedo of shifting funds to a “ballot measure” instead of funding ***the ENFORCEABLE OBLIGATION of the ECO PASS PROGRAM.***

Truly, “Damn the torpedoes, full speed ahead”...and fund the ECO PASS!

*Respectfully submitted,**David S. Wall*  
12.16.11

Cc: City Attorney / City Auditor / Manager / Director Finance

David S. Wall

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San José City Clerk

2011 DEC 19 P 3:09

December 19, 2011

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

**Re: Waving of "liquidated damages" to facilitate NMTC funding for EIC? STUPID!**

**Could the "Liquidated Damages of \$440,000" fund more SJ Police and SJ Firefighters?**

**Have the City Manager explain the nuances of the New Market Tax Credit fiasco.**

- **What was the FUND(s) used to pay Applegate Johnson for the construction of Fire Station No. 19?**
- **How much "public art money" is set aside from this "public works project?"**
- **Who first notified the "city" (i.e., city engineer, contract compliance, etc.) of Applegate Johnson's non performance with contract obligation(s) triggering "liquidated damages?"**

***Explain who is responsible for the City Attorney having to rescue the EIC at great cost to the city.***

*["After executing the construction contract for the EIC project, the NMTC lenders informed the City for the first time that Applegate Johnson would need to comply with additional insurance and bond requirements. Although the additional insurance and bond requirements tend to be standard lender requirements in a private development, they are not typical requirements in public works contracts.*

*Applegate Johnson informed the City that it would provide the additional insurance and bond requirements only if the City waived its liquidated damages claim on the Fire Station No. 19 project. The City was at risk of losing the NMTC financing if Applegate Johnson did not agree to provide the additional insurance and bond requirements being mandated by the NMTC lenders. In addition to losing the financing, the City would have been at risk of incurring up to \$250,000 in costs from other parties, and of not being reimbursed for approximately \$120,000 in due diligence expenses. The NMTC lenders were requiring that the financing close on or before October 31, 2011.*

*Based on staff's representations that it would recommend approval of the settlement contained in this memorandum, Applegate Johnson - acting in good faith - proceeded to obtain the necessary additional insurance and bond requirements. The NMTC financing has since closed, resulting in the City obtaining the additional NMTC funding for the EIC project." (Council Agenda Item 2.7 (page 2): (01.10.12)]*

**THE CITY MANAGER SHOULD THANK THE CITY ATTORNEY(S) PUBLICALLY!**

**Who is going to address allegations of FRAUD?**

San José Taxpayers lose \$440,000 dollars for a boondoggle known as the EIC. **WHY?**

Cc: City Attorney / City Auditor / City Manager... **Respectfully submitted,**  
San José Police / San José Fire Department

*David S. Wall*  
12.19.11

David S. Wall

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San José City Clerk

2011 DEC 19 P 3:09

December 19, 2011

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

**Re: Christmas comes early for Applegate Johnson. City Attorney rescues City at great cost!**

**Council should "investigate" alleged \$440,000 "give-away" to Applegate Johnson, Inc.**

**Fire Station No. 19, liquidated damages and the "botched" EIC financing attempt.**

**Was the City Manager negligent to justify being removed from Office?**

**San José City Charter: SECTION 416. Investigations:**

"The Council may make investigations into the affairs of the City and the conduct of any City department, office, or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Disobedience of any subpoena or the refusal to testify upon other than constitutional grounds shall be punishable by contempt proceedings."

***You have been warned several times concerning the financial peril that the Environmental Innovation Center can bring to the City of San José by a sole citizen.***

The Office of the City Manager and other "DOES" as they are ascertained should be held to account with reference to the "waiving of \$440,000 in liquidated damages" owed the city via "untimely contract compliance" by Applegate Johnson's (Applegate) pertaining to the Fire Station No. 19 contract and the Office of the City Manager's "botched" EIC funding attempt.

**Why** was Applegate Johnson selected as the contractor for the Environmental Innovation Center (EIC) when performance on Fire Station No.19 after poor performance generating a claim by the city for \$440,000? Just being the "low-bidder" doesn't answer the question.

**Was** the Office of the City manager (Manager) negligent in not procuring a "contractor" for the EIC, prior to negotiating with the lenders represented as the New Markets Tax Credit (NTMC) as "required" for \$4,500,000 in financing for the EIC project?

**Was** the selection of "Applegate" made solely as the "contractor" for the EIC project out of "expediency and or convenience" to secure NMTC financing before October 31, 2011?

There are several more "questions" in relating to Fire Station No. 19 and the EIC.

*Council should invoke SECTION 416 of the City Charter to investigate the "Applegate Connection."*

Cc: City Attorney / City Auditor / Manager... *Respectfully submitted,*

*David S. Wall*  
12.19.11

David S. Wall

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San Jose City Clerk

2011 DEC 19 P 3:10

December 19, 2011

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

**Re: Waving of "liquidated damages" to facilitate funding NMTC funding for EIC?**

**Could the "Liquidated Damages of \$440,000" fund more SJ Police and SJ Firefighters?**

**Have the City Manager explain the nuances of the New Market Tax Credit fiasco.**

- **What was the FUND(s) used to pay Applegate Johnson for the construction of Fire Station No. 19?**
- **How much "public art money" is set aside from this "public works project?"**
- **Who first notified the "city" (i.e., city engineer, contract compliance, etc.) of Applegate Johnson's non performance with contract obligation(s) triggering "liquidated damages?"**

*Respectfully submitted,*

*David S. Wall*  
12.19.11

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David S. Wall

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San José City Clerk

2011 DEC 21 P 3:26

December 20, 2011

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

**Re: Santa Claus, adhering to section 411 of City Charter, delivers ECO PASS to Airport.**

**Airport personnel receive ECO PASS, even though the airplanes pollute the environment.**

**Are the rest of city employees going to receive “lumps of coal” while trying “not” to pollute?**

**Are the rest of city employees second or third class employees as compared to the Airport?**

**Where is his Honor, “Das Green Mann?” Is he out “browning the world with his cow dung?”**

**Time is running out for employees to use ECO PASS!**

The city employees at the Airport either have or are about to receive their ECO PASS but sadly, the rest of city employeedom is getting ready to have to pollute the Downtown with their smoking vehicles.

How do the employees at the Airport receive their ECO PASS when city officials are first trying to make “slaves” out of them in an unreasonable attempt to achieve the illusive \$12 Cost Per Enplanement (CPE)? Doesn't the cost of the ECO PASS increase the CPE?

Secondly, how is the city skirting the alleged Valley Transportation Agency's variation of a “3 Musketeerian mandate” of, “An ECO PASS for ALL employees or none for ALL employees?”

The ECO PASS controversy is certainly shrouded in mysteries as it typifies pitting the conundrums of “attaining one with greenness” in contrast with “attaining one with cow dungedness.”

Currently and unfortunately, for Mayor Reed is indeed a good guy, his Honor is now walking in the world, dragging his ponderous chains of “cow dungedness” bet it “dried piles or fresh piles” of the odiferous trappings of non-performance to protect the environment.

Yet, all is not lost. There is still time for the Mayor to “come clean by becoming Green.”

***By making sure every city employee receives their ECO PASS, his Honor will start shedding the odiferous mantle of his cow dungedness.*** However, Mayor Reed will still have a large stink on his self by trying to explain why he is waiving \$440,000 of “liquidated damages” associated with the “***Applegate Connection***”, with reference to the administrative incompetence by the Office of the City Manager pertaining to; the New Market Tax Credit requirements for a \$4,500,000 loan to help fund the Environmental Innovation Center. ***The stink will only get worse by not invoking... Section 416 of the City Charter and have a “public investigation” into the EIC funding fiasco.***

Cc: City Attorney / City Auditor / Manager... *Respectfully submitted,*

David S. Wall  
12.20.11

David S. Wall  
P.O. Box 7621

San

RECEIVED  
San Jose City Clerk

2011 DEC 21 P 3: 24

December 20, 2011

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

**Re: Is there an incomplete and or intentional misrepresentation of “street sweeping” to Council?**

**Street Sweeping by “Green Team”-Not Effective, therefore is a waste of taxpayer’s money.**

**ESD top administrators should be “fired” for a number of reasons.**

**Check out the streets and gutters yourselves and ask, “Is the program successful?”**

**Signage alone will not solve the problem.**

**Parking Enforcement and NOT Parking Compliance will solve the problem in a big way.**

**Parking Enforcement will generate revenue and offset costs of program.**

**Do not under estimate the Municipal Region Storm Drain Permit “punishment” costs.**

While at my desk, looking out my front window, a “Green Team street sweeping truck” [CA# 8J16426 (Truck #631)] passed by my house. The driver had a cell phone glued to his ear. Parked cars on the street did preclude the sweeping of some sections of the street but, for the most part the driver just meandered down the center of the street with the cell phone still glued to his ear.

I went out to investigate. The “street sweeping job performance” was abysmal. Several “red zoned areas”, which included two (2) storm drains, were not even touched by the “street sweeper truck”.

*It is my sincere belief and opinion that the Transportation & Environment Committee has been befuddled into bewilderment from the Rasputinesque material misrepresentations and or bold faced lies as to the accomplishments or lack thereof, associated with the street sweeping program.*

A review of the “street sweeping program” is needed. Consider transferring the entire “street sweeping program” to the Department of Transportation AND change the mission of Parking Compliance to Parking Enforcement. In addition with enhanced enforcement bail schedules for “parking violations” coupled with enforcing regulations pertaining to vehicles who “leak and or deposit fluids of all sorts” on the streets, the city will begin to get a focus on the compliance aspects of the Municipal Regional Storm Drain Permit.

The entire cleaning aspects of the public streets and storm drain protection is such an embarrassment to the taxpayers that the solution requires immediate regime change at ESD and corresponding regime change at the Office of the City Manager.

When will Council end “excuse making” and “non-performance” by the responsible parties to improve an abysmal street weeping program?

*Respectfully submitted,*

Cc: City Attorney / City Auditor / City Manager / Director DOT

*David S. Wall*  
12.20.11

David S. Wall

RECEIVED  
San Jose City Clerk

2011 DEC 21 P 3: 24

December 21, 2011

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

**Re: Procedure to “waive impounded car fees” for victim of crime is needed.**

**Unique “quirk” in vehicle release increases suffering of crime victim.**

Dateline: “City Desk” [Monday, (12.19.11); (Approximately 1445 hours)]

While placing my signatures on written correspondence for the Public Record at the “City Desk”; two senior citizens, one who was a disabled person employing a “walker” for movement approached and asked me to listen to their story.

The female senior citizen was the disable person and she placed before me what appeared to be a “vehicle related ticket” and began to tell me her horrible story.

According to the testimony of the lady, her car had been stolen from her home in San Francisco. The car was found in San José by the Police and was then towed to a storage lot. She had been given a release of her vehicle by the Police at a cost of \$175.00. The car had been impounded for at least three (3) days at \$50.00 a day for storage fees. She wanted to know the procedure for having all the fees waived since she was a victim of criminal act.

I admit being perplexed on this one. Lucky for me, our Honorable Deputy City Manager Gurza was walking by the “City Desk” and I asked him if he knew the procedure to help this poor woman. Who, by the way, was poor because she is disabled and has no money to get her stolen car out of the impound yard.

Deputy City Manager Gurza was polite and helpful to the lady to the best of his abilities but, he too, did not know of the correct procedure. Deputy City Manager Gurza is to be thanked for his kindness and willingness to assist this poor, disabled citizen.

I suggested that the lady pay the all fees and fill out a claim form at the City Clerk’s office to see if she could get her money back that way. The lady did not want to do that because she had “no money” to pay all fees. I then suggested that the lady call 311, the San José Police “non-emergency” dispatch line; identify her call as a “non-emergency” and ask to speak to the on duty Police Officer to find out if the Police knew a procedure to remedy this very unique and horrible problem.

Since I am at the “City Desk” periodically, I would like to know if there exists a procedure that I might convey to the next victim of crime who has their vehicle at an impound yard, a way to relieve their suffering as the original crime adds compounded misery. If there is “no policy and or procedure” to address this type of “problem”, it is time to “invent one.”

*Respectfully submitted,*

David S. Wall  
12.21.11

Cc: City Attorney / City Auditor / City Manager



David S. Wall

RECEIVED  
San Jose City Clerk

2011 DEC 22 P 3:44

December 22, 2011

**The Office of the Commissioner of Baseball**Allan H. (Bud) Selig, Commissioner  
245 Park Avenue, 31st Floor  
New York, NY 10167**Re: Enjoy the Holidays because "spring training" is almost here! Watch & Protect the San José Giants!**

Dateline: Thursday, (12.22.11), San José, California

Before 2011 slips into the ages, I thought I would give you "Thanks" for all of your efforts to ensure baseball was well managed and imparted the magic that only this sport can bring to generation after generation. "Thanks" for all your efforts to promote and preserve MLB!

It was a tough year for you and MLB especially with the curve ball by the L.A. Dodgers, you still ~~hit~~ made sure the season went smoothly and thereby pleasing the fans. (Maybe not with the sports writers, but not to worry, those folks would eat their own young if somebody paid them enough.)

Now the only unresolved problem that MLB still has to resolve is what to do with the Oakland Athletics (A's). From my perspective, MLB should leave the A's in Oakland, but a "regime change", with respect to the ownership of the team should voluntarily occur and need be, by the swift sword of MLB.

**Oakland's, "Coliseum City" is the best plan on the table.**

Mayor Quan's letter to you, dated December 9, 2011, and the "Coliseum City" plan that is contained therein, trumps anything that is currently being offered by San José. Oakland's established and improved transportation infrastructure is superior to that of San José; whose commitment to funding street repairs and infrastructure requirements is as shameful as their "unfunded pension liabilities." Traffic in San José will be nightmarish. Plus, the Oakland plan protects the Minor Leagues such as the San José Giants.

The San José Plan is nothing more than a Trojan Horse- where the horse is ready for the glue-factory. The innards of the horse are the intellectually worn out politicians and special interest groups who have no money. Also remember, the voters of San José don't like buying land for \$25.1 million to then have politicians "gifting the land" to your friend of many years an "option" to buy the land for a scant \$6.9 million.

Also being discussed as part of the "land deal of the century" is a scenario that might occur in the future. What if MLB decides to allow the A's to move to San José, the stadium land deal passes, the stadium is built but, the A's fail to draw enough crowds, and your friend of many years, sells his team. Next, your friend of many years decides to tear down the stadium. Remember, your friend of many years will still own the land. Then, as land owner, your friend of many years builds more housing, restaurants, hotels and makes a couple of cool billions of dollars in the process. All made possible by MLB.

**Protect the San José Giants and the Minor Leagues for the "Good and Love of the Game!"**

As this letter fades into the ages, my cat "Buddy" is asleep in front of the glowing fireplace. My cat is a "baseball cat" who keeps me company in the orchard as I tend to the trees while listening to MLB on the radio. It is really cool to have the "Battle of the Bay" between the A's and S. F. Giants. Please keep it that way. I have included a photo of "Buddy". Happy Holidays and Merry Christmas!

Cc: Mayor Reed and Members City Council...*Respectfully submitted,*  
City Attorney / City Auditor / San José Police

David S. Wall  
12.22.11

David S. Wall

RECEIVED  
San Jose City Clerk

2011 DEC 22 P 3:43

December 22, 2011

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

**Re: LAST CALL FOR ECO PASS IN 2011. YO "GREEN MANN, VO BIST DU?"**

**Don't go down in history as the COW DUNG MANN who hates the environment.**

**"Spare the Air", fund the ECO PASS and don't be COW DUNG MANN.**

**It would be sad to have SJ kids refer to you as COW DUNG MANN, as they cough & wheeze.**

**Time is running out for employees to use ECO PASS!**

The city employees, beaten up by pay reductions, having to pay for their own retirement all because of Council's apparent ineptitude still want to help preserve the environment.

City employees need their ECO PASS to help Mother Nature.

How can you look Mother Nature "in the eye" as **COW DUNG MANN?**

**Embrace your "greenness" GREEN MANN!**

**Or, forever bear the moniker of shame as the COW DUNG MANN!**

**I HOPE YOU WON'T START 2012 AS COW DUNG MANN!**

**Merry Christmas GREEN MANN!**

*Respectfully submitted,*

*David S. Wall*  
12.22.11

///  
///  
///

Cc: City Attorney / City Auditor / Manager

David S. Wall

RECEIVED  
San Jose City Clerk

2012 JAN -3 P 3:52

**VIA FIRST CLASS MAIL**

December 25, 2011

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

**Re: While YOU are celebrating Christmas, SJPD & SJ Fire were saving at least one (1) life!**

**San José Police exhibit compassion and professionalism in thwarting a potential suicide.**

**San José Fire exhibits compassion, professionalism and provides prompt, expert medical aid.**

Dateline: Christmas Night (12.25.11) in the San José, District 3 slum.

\*\*\*Due To City Hall Closure, this letter is being sent "via first class mail" and will be posted on The Public Record, with additional "Thank-you letters to all Police Officers and Fire Fighters" who discharged their duties with distinction when city hall resumes operations.

This letter will serve to briefly inform you of activities that transpired on; [Christmas Night: (12.25.11), at approximately (1905 hours)], until formal individual letters are written.

A disturbance occurred during "neighborhood watch" that required; several San José Police units, San José Fire Engine 1C and EMS ambulance to thwart a potential suicide attempt; to render immediate first aid to a bleeding, self proclaimed "drug overdosed" individual and for providing transport of the same to a local hospital for treatment.

A distraught neighbor was overheard and then observed, yelling obscenities within the confines of his home; then did break two (2) of his front windows, clearing the glass of one of the windows with his hands and at least one of his arms. **The 911 dispatcher was then summoned (and is also to be thanked).**

While waiting for Police and Fire to arrive, other neighbors who were "walking off" their alleged "sumptuous Christmas Night dinner" had to be diverted across the street for safety reasons.

**San José Police Officers:** [(Tol, #4121), (Cook, #3886), (Carlson, #3853), (Katherman, #3900) and (Coker, #3906)], are to be individually recognized and "thanked for their exemplary service" under separate and forthcoming letters of commendation.

**San José Fire Engine Company 1C:** [(Captain Sean Lovens), (Engineer Martin Mora), (Fire Fighter Jesse Allread) and (Fire Fighter Sergio Arellano)], are also to be individually recognized and "thanked for their exemplary service" under separate and forthcoming letters of commendation.

EMS personnel were not identified but, should be thanked by the appropriate means at your command.

\*\*\*\***Special note:** There were "NO", "Librarians" and "Community Center personnel" present, even though they are somehow identified by the City Manager as "essential services with Police and Fire" for budgetary purposes and consideration. Perhaps improvement is needed with Librarian and Community Center personnel response times.

*Respectfully submitted,*

Cc: City Attorney / City Auditor / Manager  
 Chief of Police / Chief Fire Department / Fire Station #1

David S. Wall  
 12.25.11

David S. Wall

RECEIVED  
San José City Clerk

2012 JAN -4 P 3:57

January 4, 2012

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

**Re: San José Police Officer Jonathan Cook (#3886) & "Team" save a life on Christmas Night!**

**Drug overdosed man attempts suicide on Christmas Night (2011) but, Police and Fire save his life.**

**The "severely cut-up & bleeding" drug user is alive due to SJPD & SJ Fire!**

Dateline: Christmas Night (12.25.11) in a forgotten and forlorn San José, District 3 slum.

It was a cold crisp Christmas night in one of District 3's forgotten slums. It was one of those dark nights where a scant few street lights acted as the only vestige of a civilized society.

A disturbance occurred during a "neighborhood watch" that required; several San José Police units, San José Fire Engine 1C and EMS ambulance to thwart a potential suicide attempt; to render immediate first aid to a bleeding, self proclaimed "drug overdosed" individual and for providing transport of the same to a local hospital for treatment. Officer Cook was one of the "team" that saved a life this Christmas night.

A distraught neighbor was overheard and then observed, yelling obscenities within the confines of his home; then did break two (2) of his front windows, clearing the glass of one of the windows with his hands and at least one of his arms. The 911 dispatcher was then summoned (and is also to be thanked).

**San José Police Officer Jonathan Cook (#3886)** was part of a five (5) member team that responded to secure and thwart the attempted suicidal person, render first aid until S.J. Fire (Engine Co. 1C) could arrive. *The other valiant defenders of freedom and saviors of the night are listed below.*

**San José Police Officers:** [(Sjon Tol, #4121), (Steven Carlson, #3853), (Michael Katherman, #3900) and (Alan Coker, #3906)], are also to be individually recognized and "thanked for their exemplary service" under separate and forthcoming letters of commendation.

**San José Fire Engine Company 1C:** [(Captain Sean Lovens), (Engineer Martin Mora), (Fire Fighter Jesse Allread) and (Fire Fighter Sergio Arellano)], are also to be individually recognized and "thanked for their exemplary service" under separate and forthcoming letters of commendation

EMS personnel were not identified but, should be thanked by the appropriate means at your command.

**The efforts of San José Police Officer Jonathan Cook (#3886) acted to save the life of the attempted suicidal person are as follows:** all San José Police Officers act as a "Team" in direct concert with their brothers and sisters in the Fire Department. The suicidal person was severely "cut-up". The illegal drugs which may have been **Methamphetamine** and **Phencyclidine (PCP)** served only to exacerbate blood loss and were "life-threatening" in their own right. Prompt action by Officer Cook and "Team members" politely engaged the suicidal person secured the scene and the mentally disturbed man with "No force" (the expertise observed was to get the mentally disturbed man to comply with Police orders). "Outstanding" Police work!

A grateful and respectful city should "Thank" the parents of **SJPD Officer Jonathan Cook (#3886)** for if it were not for their outstanding parental guidance, we would not have this "outstanding" Police Officer in our city, who opted to work Christmas night and thereby saved someone else's wayward son, from a death most certain.

Cc: City Attorney / City Auditor / Manager  
Chief of Police / Chief Fire Department ... *Respectfully submitted,*

David S. Wall  
01.04.12

David S. Wall

RECEIVED  
San Jose City Clerk

2012 JAN -4 P 3: 56

January 4, 2012

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

**Re: San José Police Officer Sjon Tol (#4121) & "Team" save a life on Christmas Night!**

**Drug overdosed man attempts suicide on Christmas Night (2011) but, Police and Fire save his life.**

**The "severely cut-up & bleeding" drug user is alive due to SJPD & SJ Fire!**

Dateline: Christmas Night (12.25.11) in a forgotten and forlorn San José, District 3 slum.

It was a cold crisp Christmas night in one of District 3's forgotten slums. It was one of those dark nights where a scant few street lights acted as the only vestige of a civilized society.

A disturbance occurred during a "neighborhood watch" that required; several San José Police units, San José Fire Engine 1C and EMS ambulance to thwart a potential suicide attempt; to render immediate first aid to a bleeding, self proclaimed "drug overdosed" individual and for providing transport of the same to a local hospital for treatment. Officer Sjon Tol was one of the "team" that saved a life this Christmas night.

A distraught neighbor was overheard and then observed, yelling obscenities within the confines of his home; then did break two (2) of his front windows, clearing the glass of one of the windows with his hands and at least one of his arms. The 911 dispatcher was then summoned (and is also to be thanked).

**San José Police Officer Sjon Tol (#4121)** was part of a five (5) member team that responded to secure and thwart the attempted suicidal person, render first aid until S.J. Fire (Engine Co. 1C) could arrive.

*The other valiant defenders of freedom and saviors of the night are listed below.*

**San José Police Officers:** [(Jonathan Cook, #3886), (Steven Carlson, #3853), (Michael Katherman, #3900) and (Alan Coker, #3906)], are also to be individually recognized and "thanked for their exemplary service" under separate and forthcoming letters of commendation.

**San José Fire Engine Company 1C:** [(Captain Sean Lovens), (Engineer Martin Mora), (Fire Fighter Jesse Allread) and (Fire Fighter Sergio Arellano)], are also to be individually recognized and "thanked for their exemplary service" under separate and forthcoming letters of commendation

EMS personnel were not identified but, should be thanked by the appropriate means at your command.

**The efforts of San José Police Officer Sjon Tol (#4121) acted to save the life of the attempted suicidal person are as follows:** all San José Police Officers act as a "Team" in direct concert with their brothers and sisters in the Fire Department. The suicidal person was severely "cut-up". The illegal drugs which may have been **Methamphetamine** and **Phencyclidine (PCP)** served only to exacerbate blood loss and were "life-threatening" in their own right. Prompt action by Officer Tol and "Team members" politely engaged the suicidal person secured the scene and the mentally disturbed man with "No force" (the expertise observed was to get the mentally disturbed man to comply with Police orders). "Outstanding" Police work!

A grateful and respectful city should "Thank" the parents of **SJPD Officer Sjon Tol (#4121)** for if it were not for their outstanding parental guidance, we would not have this "outstanding" Police Officer in our city, who opted to work Christmas night and thereby saved someone else's wayward son, from a death most certain.

Cc: City Attorney / City Auditor / Manager

Chief of Police / Chief Fire Department ... *Respectfully submitted,*

*David S. Wall*  
01.04.12

David S. Wall

RECEIVED  
San José City Clerk

2012 JAN -4 P 3: 56

January 4, 2012

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

**Re: San José Police Officer Michael Katherman (#3900) & "Team" save a life on Christmas Night!**

**Drug overdosed man attempts suicide on Christmas Night (2011) but, Police and Fire save his life.**

**The "severely cut-up & bleeding" drug user is alive due to SJPD & SJ Fire!**

Dateline: Christmas Night (12.25.11) in a forgotten and forlorn San José, District 3 slum.

It was a cold crisp Christmas night in one of District 3's forgotten slums. It was one of those dark nights where a scant few street lights acted as the only vestige of a civilized society.

A disturbance occurred during a "neighborhood watch" that required; several San José Police units, San José Fire Engine 1C and EMS ambulance to thwart a potential suicide attempt; to render immediate first aid to a bleeding, self proclaimed "drug overdosed" individual and for providing transport of the same to a local hospital for treatment. Officer Katherman was one of the "team" that saved a life this Christmas night.

A distraught neighbor was overheard and then observed, yelling obscenities within the confines of his home; then did break two (2) of his front windows, clearing the glass of one of the windows with his hands and at least one of his arms. The 911 dispatcher was then summoned (and is also to be thanked).

**San José Police Officer Michael Katherman (#3900)** was part of a five (5) member team that responded to secure and thwart the attempted suicidal person, render first aid until S.J. Fire (Engine Co. 1C) could arrive. *The other valiant defenders of freedom and saviors of the night are listed below.*

**San José Police Officers:** [(Sjon Tol, #4121), (Steven Carlson, #3853), (Jonathan Cook, #3886) and (Alan Coker, #3906)], are also to be individually recognized and "thanked for their exemplary service" under separate and forthcoming letters of commendation.

**San José Fire Engine Company 1C:** [(Captain Sean Lovens), (Engineer Martin Mora), (Fire Fighter Jesse Allread) and (Fire Fighter Sergio Arellano)], are also to be individually recognized and "thanked for their exemplary service" under separate and forthcoming letters of commendation

EMS personnel were not identified but, should be thanked by the appropriate means at your command.

**The efforts of San José Police Officer Michael Katherman (#3900) acted to save the life of the attempted suicidal person are as follows:** all San José Police Officers act as a "Team" in direct concert with their brothers and sisters in the Fire Department. The suicidal person was severely "cut-up". The illegal drugs which may have been **Methamphetamine** and **Phencyclidine (PCP)** served only to exacerbate blood loss and were "life-threatening" in their own right. Prompt action by Officer Katherman and "Team members" politely engaged the suicidal person secured the scene and the mentally disturbed man with "No force" (the expertise observed was to get the mentally disturbed man to comply with Police orders). "Outstanding" Police work!

A grateful and respectful city should "Thank" the parents of **SJPD Officer Michael Katherman (#3900)** for if it were not for their outstanding parental guidance, we would not have this "outstanding" Police Officer in our city, who opted to work Christmas night and thereby saved someone else's wayward son, from a death most certain.

Cc: City Attorney / City Auditor / Manager  
Chief of Police / Chief Fire Department ... *Respectfully submitted,*

*David S. Wall*  
01.04.12

David S. Wall  
P.O. Box 7621

San

RECEIVED  
San Jose City Clerk

2012 JAN -4 P 3:55

January 4, 2012

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

**Re: San José Police Officer Steven Carlson (#3853) & "Team" save a life on Christmas Night!**

**Drug overdosed man attempts suicide on Christmas Night (2011) but, Police and Fire save his life.**

**The "severely cut-up & bleeding" drug user is alive due to SJPD & SJ Fire!**

Dateline: Christmas Night (12.25.11) in a forgotten and forlorn San José, District 3 slum.

It was a cold crisp Christmas night in one of District 3's forgotten slums. It was one of those dark nights where a scant few street lights acted as the only vestige of a civilized society.

A disturbance occurred during a "neighborhood watch" that required; several San José Police units, San José Fire Engine 1C and EMS ambulance to thwart a potential suicide attempt; to render immediate first aid to a bleeding, self proclaimed "drug overdosed" individual and for providing transport of the same to a local hospital for treatment. Officer Carlson was one of the "team" that saved a life this Christmas night.

A distraught neighbor was overheard and then observed, yelling obscenities within the confines of his home; then did break two (2) of his front windows, clearing the glass of one of the windows with his hands and at least one of his arms. The 911 dispatcher was then summoned (and is also to be thanked).

**San José Police Officer Steven Carlson (#3853)** was part of a five (5) member team that responded to secure and thwart the attempted suicidal person, render first aid until S.J. Fire (Engine Co. 1C) could arrive. *The other valiant defenders of freedom and saviors of the night are listed below.*

**San José Police Officers:** [(Jonathan Cook, #3886), (Sjon Tol, #4121), (Michael Katherman, #3900) and (Alan Coker, #3906)], are also to be individually recognized and "thanked for their exemplary service" under separate and forthcoming letters of commendation.

**San José Fire Engine Company 1C:** [(Captain Sean Lovens), (Engineer Martin Mora), (Fire Fighter Jesse Allread) and (Fire Fighter Sergio Arellano)], are also to be individually recognized and "thanked for their exemplary service" under separate and forthcoming letters of commendation

EMS personnel were not identified but, should be thanked by the appropriate means at your command.

**The efforts of San José Police Officer Steven Carlson (#3853) acted to save the life of the attempted suicidal person are as follows:** all San José Police Officers act as a "Team" in direct concert with their brothers and sisters in the Fire Department. The suicidal person was severely "cut-up". The illegal drugs which may have been **Methamphetamine** and **Phencyclidine (PCP)** served only to exacerbate blood loss and were "life-threatening" in their own right. Prompt action by Officer Carlson and "Team members" politely engaged the suicidal person secured the scene and the mentally disturbed man with "No force" (the expertise observed was to get the mentally disturbed man to comply with Police orders). "Outstanding" Police work!

A grateful and respectful city should "Thank" the parents of **SJPD Officer Steven Carlson (#3853)** for if it were not for their outstanding parental guidance, we would not have this "outstanding" Police Officer in our city, who opted to work Christmas night and thereby saved someone else's wayward son, from a death most certain.

Cc: City Attorney / City Auditor / Manager  
Chief of Police / Chief Fire Department ... *Respectfully submitted,*

David S. Wall  
01.04.12

David S. Wall  
P.O. Box 7621

RECEIVED  
San Jose City Clerk

2012 JAN -4 P 3:55

January 4, 2012

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

**Re: San José Police Officer Alan Coker (#3906) & "Team" save a life on Christmas Night!**

**Drug overdosed man attempts suicide on Christmas Night (2011) but, Police and Fire save his life.**

**The "severely cut-up & bleeding" drug user is alive due to SJPD & SJ Fire!**

Dateline: Christmas Night (12.25.11) in a forgotten and forlorn San José, District 3 slum.

It was a cold crisp Christmas night in one of District 3's forgotten slums. It was one of those dark nights where a scant few street lights acted as the only vestige of a civilized society.

A disturbance occurred during a "neighborhood watch" that required; several San José Police units, San José Fire Engine 1C and EMS ambulance to thwart a potential suicide attempt; to render immediate first aid to a bleeding, self proclaimed "drug overdosed" individual and for providing transport of the same to a local hospital for treatment. Officer Coker was one of the "team" that saved a life this Christmas night.

A distraught neighbor was overheard and then observed, yelling obscenities within the confines of his home; then did break two (2) of his front windows, clearing the glass of one of the windows with his hands and at least one of his arms. The 911 dispatcher was then summoned (and is also to be thanked).

**San José Police Officer Alan Coker (#3906)** was part of a five (5) member team that responded to secure and thwart the attempted suicidal person, render first aid until S.J. Fire (Engine Co. 1C) could arrive.

*The other valiant defenders of freedom and saviors of the night are listed below.*

**San José Police Officers:** [(Jonathan Cook, #3886), (Sjon Tol, #4121), (Michael Katherman, #3900) and (Steven Carlson, #3853)], are also to be individually recognized and "thanked for their exemplary service" under separate and forthcoming letters of commendation.

**San José Fire Engine Company 1C:** [(Captain Sean Lovens), (Engineer Martin Mora), (Fire Fighter Jesse Allread) and (Fire Fighter Sergio Arellano)], are also to be individually recognized and "thanked for their exemplary service" under separate and forthcoming letters of commendation

EMS personnel were not identified but, should be thanked by the appropriate means at your command.

**The efforts of San José Police Officer Alan Coker (#3906) acted to save the life of the attempted suicidal person are as follows:** all San José Police Officers act as a "Team" in direct concert with their brothers and sisters in the Fire Department. The suicidal person was severely "cut-up". The illegal drugs which may have been **Methamphetamine** and **Phencyclidine (PCP)** served only to exacerbate blood loss and were "life-threatening" in their own right. Prompt action by Officer Coker and "Team members" politely engaged the suicidal person secured the scene and the mentally disturbed man with "No force" (the expertise observed was to get the mentally disturbed man to comply with Police orders). "Outstanding" Police work!

A grateful and respectful city should "Thank" the parents of **SJPD Officer Alan Coker (#3906)** for if it were not for their outstanding parental guidance, we would not have this "outstanding" Police Officer in our city, who opted to work Christmas night and thereby saved someone else's wayward son, from a death most certain.

Cc: City Attorney / City Auditor / Manager  
Chief of Police / Chief Fire Department ... *Respectfully submitted,*

David S. Wall  
01.04.12

David S. Wall  
P.O. Box 7621

RECEIVED  
San Jose City Clerk

2012 JAN -5 P 3:25

January 5, 2012

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

**Re: ECO PASS funding from the \$440,000 liquidated damages from Fire Station 19 scandal?**

**Disgruntled City employees do not like polluting the air and want their ECO PASSES!**

**Has the GREEN VISION now become "COW DUNG VISION?"**

**Has Mayor Reed become "Cow Dung Mann" with reference to ECO PASS?**

It seems ironic that the \$440,000 in liquidated damages derived from the scandal concerning Fire Station No. 19 had to be used as a "gimmick" to secure funding for the Environmental Innovation Center. The "gimmick" was also a "cover-up" of some of the most egregiously incompetent management decisions ever made by the Office of the City Manager.

**The San José Fire Department had nothing to do with this scandal.**

There is plenty of money around city hall to fund the ECO PASS but, where is the environmental leadership?

If the Office of the City Manager relies on questionnaires as to the use of the ECO PASS, this is another error in judgment.

I would like a response to the ECO PASS controversy at the next "Rules and Open Government Committee" meeting on Wednesday, January 11, 2012.

*Respectfully submitted,*

*David S. Wall*  
*01.05.12*

///  
///  
///

Cc: City Attorney / City Auditor / Manager

David S. Wall

PUBLIC RECORD W

RECEIVED  
San Jose City Clerk

2012 JAN -5 P 3:24

January 5, 2012

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

**Re: Request for investigation of Applegate-Johnson settlement / EIC Contract.**

**How does a company get \$440,000 in liquidated damages “waived” & receive EIC contract?**

There are too many questions concerning the scandal involving Fire Station No. 19, the liquidated damages that flowed from “piss-poor city oversight”, the waiving of the \$440,000 liquidated damages linked to the New Market Tax Credit lenders, the \$4,500,000 loan from the NMTC lenders and the awarding of the Environmental Innovation Center contract of over \$11,000,000 to the same company that accrued the \$440,000 in liquidated damages.

This is just one example of the sheer incompetence by the Office of the City Manager and the abject buffoonery of the San José City Council that drives the city’s finances into a ditch.

The San José City Council should defer [Item 2.7, “Settlement with Applegate Johnston, Inc.”, City Council Agenda for Tuesday’s City Council meeting, (01.10.12)] and initiate a public investigation into this matter as defined by ARTICLE 4 of the San José City Charter. The appropriate City Charter section is listed below.

**“SECTION 416. Investigations.**

The Council may make investigations into the affairs of the City and the conduct of any City department, office, or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Disobedience of any subpoena or the refusal to testify upon other than constitutional grounds shall be punishable by contempt proceedings.”

You all have been warned repeatedly as to the dangers and pitfalls associated with the funding scenarios for the boondoggle known as the Environmental Innovation Center.

The EIC project should be abandoned.

*Respectfully submitted,*

David S. Wall  
01.05.12

Cc: City Attorney / City Auditor / Manager

David S. Wall

PUBLIC RECORD X

RECEIVED  
San Jose City Clerk

2012 JAN -5 P 3:24

January 5, 2012

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

**Re: San José Fire Engineer Martin Mora & "Team" save a life on Christmas Night!**

**Drug overdosed man attempts suicide on Christmas Night (2011) but, Police and Fire save his life.**

**The "severely cut-up & bleeding" drug user is alive due to SJPD & SJ Fire!**

Dateline: Christmas Night (12.25.11) in a forgotten and forlorn San José, District 3 slum.

It was a cold crisp Christmas night in one of District 3's forgotten slums. It was one of those dark nights where a scant few street lights acted as the only vestige of a civilized society.

A disturbance occurred during a "neighborhood watch" that required; several San José Police units, San José Fire Engine 1C and EMS ambulance to thwart a potential suicide attempt; to render immediate first aid to a bleeding, self proclaimed "drug overdosed" individual and for providing transport of the same to a local hospital for treatment. Engineer Mora was one of the "team" that saved a life this Christmas night.

A distraught neighbor was overheard and then observed, yelling obscenities within the confines of his home; then did break two (2) of his front windows, clearing the glass of one of the windows with his hands and at least one of his arms. The 911 dispatcher was then summoned (and is also to be thanked).

**The San José Police** under the cover of darkness swiftly plowed the road and arrived on the scene, no lights or sirens. The Police secured the scene, thwarted the completion of an attempted suicide and coordinated rescue activities. Everyone present could also hear the wailing sirens and compression breaks of **San José Fire Engine Company 1C**. As Engine Company 1C rounded the bend, their lights and greatness made the darkness flee. **San José Fire Engineer Martin Mora** was assigned to Engine Company 1C.

Once on station, Engine Co. 1C personnel immediately disembarked and began to routinely practice their magic in the art of saving life. Engineer Mora discharged his duties so efficiently and with such amazing speed it was not possible for this citizen to chronicle his heroic activities for the permanent record.

**San José Fire Engine Company 1C:** [(Captain Sean Lovens), (Engineer Martin Mora), (Fire Fighter Jesse Allread) and (Fire Fighter Sergio Arellano)] are "life saving heroes."

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EMS personnel were not identified but, should be thanked by the appropriate means at your command.

**The efforts of San José Fire Engineer Martin Mora acted to save the life of the attempted suicidal person are as follows:** all San José Firefighters act as a "Team" in direct concert with their brothers and sisters in the Police Department. The suicidal person was severely "cut-up". The illegal drugs which may have been **Methamphetamine** and **Phencyclidine (PCP)** served only to exacerbate blood loss and were "life-threatening" in their own right.

A grateful and respectful city should "Thank" the parents of **SJ Fire Engineer Martin Mora** for if it were not for their outstanding parental guidance, we would not have this "outstanding" Fire Engineer in our city, who opted to work Christmas night and thereby saved someone else's wayward son, from a death most certain.

Cc: City Attorney / City Auditor / Manager  
Chief of Police / Chief Fire Department ... *Respectfully submitted,*

David S. Wall  
01.05.12

David S. Wall

RECEIVED  
San José City Clerk

January 5, 2012

2012 JAN -5 P 3:24

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

**Re: San José Fire Fighter Jesse Allread & "Team" save a life on Christmas Night!**

**Drug overdosed man attempts suicide on Christmas Night (2011) but, Police and Fire save his life.**

**The "severely cut-up & bleeding" drug user is alive due to SJPD & SJ Fire!**

Dateline: Christmas Night (12.25.11) in a forgotten and forlorn San José, District 3 slum.

It was a cold crisp Christmas night in one of District 3's forgotten slums. It was one of those dark nights where a scant few street lights acted as the only vestige of a civilized society.

A disturbance occurred during a "neighborhood watch" that required; several San José Police units, San José Fire Engine 1C and EMS ambulance to thwart a potential suicide attempt; to render immediate first aid to a bleeding, self proclaimed "drug overdosed" individual and for providing transport of the same to a local hospital for treatment SJFF Allread was one of the "team" that saved a life this Christmas night.

A distraught neighbor was overheard and then observed, yelling obscenities within the confines of his home; then did break two (2) of his front windows, clearing the glass of one of the windows with his hands and at least one of his arms. The 911 dispatcher was then summoned (and is also to be thanked).

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2012 JAN -5 P 3:23

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Once on station, Engine Co. 1C personnel immediately disembarked and began to routinely practice their magic in the art of saving life. Captain Lovens made brief inquires as to the nature of the suicidal person as other "Team" members secured the Fire Truck, gathered life saving equipment and proceeded to assist the severely bleeding, drug-overdosed suicidal person. This was done at amazing speed, within a few seconds.

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01.05.12

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RECEIVED  
San Jose City Clerk

2012 JAN -5 P 4: 24

January 5, 2012

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

**Re: Are some of ESD's Senior Staff going to quit the city for Sunnyvale? Succession plans?**

**Sunnyvale is "recruiting" ESD Senior Staff for new higher paid gigs.**

**It would be convenient for them to leave before City Auditor publishes the "ESD Audit!"**

**Are there any succession plans for abrupt vacancies of "lucky & unworthy" ESD Senior Staff?**

Dateline: 10<sup>th</sup> Floor @ City Hall [Thursday, (01.05.12)]

"Say it ain't so!" Several of the Environmental Services Department's Senior Staff may be bailing for new gigs at Sunnyvale. Personally, I say "good riddance" to at least one of them but, you should warn Sunnyvale about ESD's pending Audit report before any letters of employment are cut.

**Really, all of YOU should warn Sunnyvale as to what is about to happen to them.**

Has the Office of the City Manager warned or notified YOU of the pending exodus?

Are there any succession plans in place?

At the Rules and Open Government Committee meeting [Wednesday, (01.04.12)] a Senior ESD administrator confirmed the exodus for "greener pastures."

*Respectfully submitted,*

David S. Wall  
01.05.12

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Cc: City Attorney / City Auditor / Manager / Sunnyvale City Council  
DSW