



Memorandum

TO: Honorable Mayor &
City Council

FROM: Toni Taber, CMC
Acting City Clerk

SUBJECT: The Public Record
January 11, 2013 – January 17, 2013

DATE: January 18, 2013

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Letter to Mayor Reed and the City Council from David Wall dated January 17, 2013, regarding vagrancy and “Camp Chuck Sam!” Is a variation of the “Urban Village crap of Envision 2040.”
- (b) Letter to Mayor Reed and the City Council from David Wall dated January 17, 2013, regarding why change “solar sludge drying at WPCP” for anti-environment, high cost sludge drying?
- (c) Letter to Mayor Reed and the City Council from David Wall dated January 17, 2013, regarding does the South Bay Water Recycling “steal money” from rate payers by violating Proposition 218?
- (d) Letter to Mayor Reed and the City Council from David Wall dated January 17, 2013, regarding get bicycles off of the sidewalks and into the bicycle lanes to protect pedestrians!
- (e) Letter to Mayor Reed and City Council from Michael & Associates, P.C. Attorney at Law dated January 16, 2013, regarding Opposition to Proposed Gun Control Ordinance Affecting the Regulation of Assault Weapons.
- (f) Letter to the Rules and Open Government Committee from the Healthy Eating Active Living Cities Campaign dated January 15, 2013, regarding renewing the City of San José’s commitment to join the LMCTC.
- (g) LAFCO Certificate of Completion Stanford No. 15 Annexations dated January 18, 2013.

Toni Taber, CMC
Acting City Clerk

TT/kc

Honorable Mayor and City Council Members
January 18, 2013
Subject: The Public Record: January 11, 2013 – January 17, 2013
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Distribution:	Mayor/Council	Director of Transportation
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2013 JAN 17 PM 4:49

January 17, 2013

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

Re: Vagrancy and "Camp Chuck Sam!" Is a variation of the "Urban Village crap of Envision 2040."

Are Socialist Councilmembers integrating the "Vagrant lifestyle" with the "new Urbanist lifestyle?"

Vagrant encampments behind Columbus Park are growing in numbers, fortifications & use guard dogs.

Dateline: City Desk [Thursday, (01.17.13)]. *Socialists are Communists who exhibit a deliberate prolapse.*

Get used to it! This is what the San José City Council impliedly says about Vagrants as the flagship of San José's Vagrant encampment, "Camp Chuck Sam!," grows behind Columbus Park under the flight path of departing and incoming aircraft to the airport.

"Urban Villages" the socialist politicians who pander to developers models of "more for less." More tax revenues, more people, less car parks, less parks, less services have also created "Urban Villages" for; the Vagrants, social miscreants, winos, hobos, the criminal element, illegal aliens, the poor, the disfranchised, lower life forms- often referred to as "vermin" and unfortunately, the mentally ill.

Camp Chuck Sam!, was named after Mayor Chuck Reed and Councilmember Sam Liccardo whose District 3 is the physical location of this "Urban Village" of; stolen items, illegal dumping, trespassory inhabitation of public land, illegal sanitation "dumping" and urination, and other yet to be observed crimes and acts of lewd debaucheries by the vagrants who are allowed "rent free" living there.

His Honor, Councilmember Liccardo, plagued by vagrancy at St. James Park, supports the use of taxpayer monies, in the form of "housing vouchers" to place some of the aforementioned population, who inhabited and "trashed" St. James Park, into housing-in neighborhoods of decent, hardworking taxpayers.

Will his Honor repeat this outrage again so that landlords; who donate to political campaigns, get richer via tax-payer monies to finance their properties via housing vouchers to house the aforementioned population and surrounding property owners see a decline in their property values as a result in criminal activities and blight that the aforementioned population will certainly bring to their neighborhoods?

It remains a mystery at this time, shrouded in the darkest political and self-serving skullduggery via the slow, tortuous assassination of the single family home; with big yards, great gardens, orchards, vineyards and the use of a private vehicle without paying a fee as defined in the "Habitat plan" for "Urban Villages," whether, his Honor will "sell-out the lifestyle" of the voters who voted him into office.

District 3 voters, watch for another Camp Chuck Sam!, appearing in your neighborhoods.

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

David S. Wall
01.17.13

David S. Wall

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January 17, 2013

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

Re: Why change “solar sludge drying at WPCP” for anti-environment, high cost sludge drying?

Mechanical de-watering of sludge: Will process dry sludge enough for use as landfill cover?

Why has not Mayor Reed influenced S.J. Mercury news to report on this high cost sludge drying?

TPAC meetings should be held in the Wing under the auspices of the City Clerk!

Dateline: City Desk [Thursday, (01.17.13)]. *There are serious issues of corruption going on here.*

The San José / Santa Clara Water Pollution Control Plant's (WPCP) rebuild has with it a very questionable issue concerning the drying of sludge, a product of sewage treatment. Currently, sludge is dried by the sun, at no charge to the rate payers, in large lagoons. The lagoons are adjacent to the McCarthy Ranch property and to Newby Island-a garbage dump and recycling operation.

Over several years, the City of Milpitas has complained of “odors’ emanating from WPCP that has interfered with their economic development. The City of Milpitas City Council members, one of which is a Senior Policy Advisor for Mayor Reed, have been addressing the concerns of the McCarthy Ranch property owners, with reference to residential development on undeveloped property they own adjacent to WPCP lagoons, referencing “odor issues” as an impediment to the development plans. Another one of McCarthy Ranch development impediments is the opening of a contract the owners of McCarthy Ranch entered into many years ago with WPCP “**Not to develop** the aforementioned property, to be able to develop, if they paid back the several million dollars they received in consideration, defined in the contract with interest.”

Mayor Reed is the Chairman of the Treatment Plant Advisory Committee (TPAC) which governs the activity of WPCP. Vice-Mayor Nguyen, Councilmember Chu, and the Assistant City Manager for S.J. sit with other voting jurisdictional members of TPAC. Both Mayor and Vice-Mayor support development.

The Office of the City Manager's appointees at the Environmental Services Department (ESD, who staff and manage WPCP, have decided to address the alleged “odor issues” by recommending drying sewage related sludge by mechanical means. The process involves purchasing, installing and operating a 4.7 Megawatt gas turbine electrical generator to power the mechanical dewatering of this sludge. This process will be extremely costly to the rate payers and may not dry the sludge enough, to satisfy permit requirements at Newby Island, for use as landfill cover. Thus, there would be an additional excessive cost to transport and pay someone to take this dried component of sewage and no-one knows “how much.”

There are several issues here that smirk of government waste, fraud and corruption. The “odor issue” appears not to be an issue if WPCP adopts mechanical dewatering of sludge even though the “odor issue” has not been analytically defined as to if solar drying of sludge is the culprit in “odors.” Then there is the “contract not to develop the McCarthy Ranch land.” There is the issue of developing the WPCP lagoons into some form of retail and other mixed uses, but-this land was bought with Sewer Service & Use Charge money and that money is governed by Proposition 218. The issue of the Irvine Company development of North San José complaining about “odors” or is their “odor issue” really the smell of money if the WPCP lagoons are developed? Drying sludge mechanically is environmentally unfriendly and so costly no-one in authority has come forward to even publically guess how much mechanical dewatering of sludge will cost.

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

David S. Wall
01.17.13

David S. Wall

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January 17, 2013

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

Re: Does South Bay Water Recycling “steal money” from rate payers by violating Proposition 218?

I want my money back and additional damages to remedy SBWR’s expansion.

TPAC meetings should be held in the Wing under the auspices of the City Clerk!

Dateline: City Desk [Thursday, (01.17.13)]. *SBWR should not been allowed to use SS&UC!*

The San José / Santa Clara Water Pollution Control Plant (WPCP) was forced in the 90’s to either face a sewer hook-up moratorium or to divert treated final effluent from the South San Francisco Bay. The argument imposed by the State of California’s Regional Water Control Board was that treated final effluent volumes were negatively affecting the habitat of endangered species; a bird, a mouse and “pickle weed.”

Several years later, flows to the WPCP are so low that SBWR is not needed and more importantly, it was proven that the habitats for the aforementioned endangered species were never threatened by treated final effluent discharges in the first place. San José government officials know about this and yet, SBWR still exists and is still funded out of the Sewer Service & Use Charge which is governed by Proposition 218.

I assert that funding of SBWR violates Proposition 218 as to expansion of the program from the order by the State of California; further since flows to WPCP are so low SBWR should be discontinued because it is not needed and the alleged threats to endangered species habitat were found to be “false.”

The Treatment Plant Advisory Committee (TPAC) which governs the activity of SBWR has been served with NOTICE by the Cupertino Sanitary District and the City of Milpitas that these entities will no longer support funding the expansion of SBWR and question the need for SBWR with respect to the low flow issue. Members of TPAC get \$100 a meeting. The meeting usually lasts less than three (3) minutes.

Treatment Plant Advisory Committee (TPAC) meetings are open to the public, usually there is but one member from the public present. TPAC meetings are held in the City Manager’s Conference Room and conducted by the Environmental Services Department (ESD).

I contend ESD’s conducting TPAC meeting is a conflict of interest. Additionally; the minutes of the meetings are objectionable because they are woefully vague and ambiguous. With \$2.2 Billion Dollars slated to rebuild WPCP and with the expansion of SBWR to provide “drinking water quality,” TPAC meetings should be held in the Wing under the auspices of the City Clerk to ensure transmission on City television so as to inform the public as to the rebuild of WPCP and to the nefarious activities of SBWR. The public needs to be informed and I contend there is “NO Open Government” when TPAC meetings are literally held behind “closed doors” replete with shady government practices.

I want my money back and additional damages to remedy SBWR’s expansion and existence since San José government officials had knowledge that endangered species habitats were never threatened.

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

David S. Wall
01.17.13

David S. Wall

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January 17, 2013

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

Re: Get Bicycles off of the sidewalks and into the bicycle lanes to protect pedestrians!

Pedestrian's safety and well being are at risk by bicycle riders on sidewalks.

Pedestrians on the sidewalks have the right of way.

Bicycle riders present a "clear and present danger" to pedestrians.

Dateline: City Desk [Thursday, (01.17.13)]. *Bicycles belong in "bike lanes" and not on sidewalks.*

Discussed at the Rules and Open Government meeting, [Wednesday, (01.16.13); Item E, "The Public Record, Item (d)" Letter to Mayor Reed and City Council from the Senior Citizens Commission Martha O'Connell Chair dated January 10, 2013, with recommendations for the DOT Plan.]

The aforementioned letter mentions the concern senior citizens have about being "hit" by reckless adult bicycle riders.

I too have been struck by a reckless adult bicycle rider and have had numerous occasions where I had to yield very quickly and in some instances, acrobatically to my peril, to avoid reckless adult and juvenile bicycle riders from "mowing me down" while on the public sidewalks in front of my house and in front of city hall.

I would like pedestrians to have the "right of way" on the sidewalks and force bicycle riders into the bike lanes. If not, repay the taxpayers back for the monies squeezed from our wallets for the creation and maintenance of the bike lanes on public streets as you force Urban Villages down everyone's throat.

Respectfully submitted,

David S. Wall
01.17.13

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Cc: City Attorney / City Auditor / City Manager

SENIOR COUNSEL
C. D. MICHEL*

SPECIAL COUNSEL
JOSHUA R. DALE
W. LEE SMITH

ASSOCIATES
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LOS ANGELES, CA

*ALSO ADMITTED IN TEXAS

WRITER'S DIRECT CONTACT:
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2013 JAN 16 AM 9:05

OF COUNSEL
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AFFILIATE COUNSEL
JOHN F. MACHTINGER
JEFFREY M. COHON
LOS ANGELES, CA

DAVID T. HARDY
TUCSON, AZ

January 15, 2013

Mayor Chuck Reed
Vice Mayor Madison Nguyen
Council Member Pete Constant
Council Member Ash Kalra
Council Member Sam Liccardo
Council Member Kansen Chu
Council Member Xavier Campos
Council Member Pierluigi Oliverio
Council Member Rose Herrera
Council Member Donald Rocha
Council Member Johnny Khamis
CITY OF SAN JOSE
MAYOR & CITY COUNCIL MEMBERS
200 E. Santa Clara St.
San José, CA 95113

VIA U.S. MAIL & E-MAIL

Re: Opposition to Proposed Gun Control Ordinance Affecting the Regulation of Assault Weapons

Honorable Mayor and Council Members:

We write on behalf of our clients, the National Rifle Association (NRA) and the California Rifle and Pistol Association (CRPA), as well as the hundreds of thousands of their members in California, including members in the City of San José.

It has come to our recent attention that the City Council will soon be considering a Proposed City Ordinance that further regulates the possession, registration, and storage of "assault weapons." The ordinance apparently being considered by your honorable San José City

Re: Opposition to Proposed Gun Control Ordinance Affecting Regulation of Assault Weapons

Date: January 15, 2013

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proposes to: 1) prohibit persons who have mental illness, a violent disposition, or criminal record involving the use of weapons against others from owning an assault weapon; 2) require all persons cleared for assault weapon ownership to store weapons with the Police Department; 3) require the Police Department to solicit a justifiable, specified purpose in order to release the assault weapon to the certified owner; 4) to require the Police Department to deny the release of an assault weapon if the owner does not have a reasonable explanation for the weapon's use or does not provide adequate assurance that the weapon will only be used by the certified owner; 5) require background investigations to be conducted by the City of San José with reasonable cost allowed; and 6) classifies possession of an assault weapon that is not registered herein as a misdemeanor crime.

As I am sure you are aware, with the passage of the Roberti-Roos Assault Weapon Control Act of 1989 and the adoption of Penal Code section 30500 et seq. (previously Section 12276 et seq.) and its subsequent amendments, all local "assault weapon" ordinances are now preempted by state law. An ordinance is preempted and void if it duplicates or contradicts a state law, or if it is expressly or implicitly preempted by legislative intent. "If .. local legislation conflicts with state law, it is preempted by such law and is void ... '[where for instance, an] ordinance directly contradicts the operative language of the statute, e.g. by penalizing conduct which the state law expressly authorizes ...'" (*Bravo Vending v. City of Rancho Mirage* (1993) 16 Cal. App. 4th 383, 396 [20 Cal. Rptr. 2d 164], quoting *Sherwin-Williams Co. v. City of Los Angeles* (1993) 4 Cal. 4th 893,898 [16 Cal. Rptr. 2d 215 844 P. 2d 534]; see also *Yoshisato v. Superior Court* (1992) 2 Cal. 4th 978,995 [9 Cal. Rptr. 2d 102, 831 P. 2d 327], (dissenting opinion of Mosk, J.: "It is axiomatic that two provisions conflict when one authorizes what the other prohibits.")).

The Court of Appeal has declared laws like San José's to be preempted by state law, and has warned that "the goal of any local authority wishing to legislate in the area of gun control should be to accommodate the local interest with the least possible interference with state law. . . . Therefore, when it comes to regulating firearms, local governments are well advised to tread lightly." See *Fiscal v. City and County of San Francisco*, (2008) 158 Cal. App. 4th 895, 919. Moreover, the Proposed Ordinance relates to the registration of firearms, and as such, it contravenes Government Code § 53071, which expressly prohibits local governments from enacting any regulation "relating to" firearms licensing or registration.

In light of the legal preemption issues, I would hope the San José City Council recognizes that, as a legal matter, the Proposed Ordinance cannot pass muster. In fact, every other city that had an ordinance like the Proposed Ordinance before the San José City Council has repealed the ordinance in recognition of this. San José's Proposed Ordinance should like those other ordinances be repealed.

Please contact me if you have further questions or concerns, and to advise me with regards to the City's intentions with respect to this ordinance. I appreciate your attention to this

Re: Opposition to Proposed Gun Control Ordinance Affecting Regulation of Assault
Weapons

Date: January 15, 2013

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matter and I look forward to hearing from you soon.

Sincerely,

MICHEL & ASSOCIATES, P.C.

A handwritten signature in black ink, appearing to be 'Sean Brady', with a long horizontal flourish extending to the right.

Sean Brady

Sent to: mayoremail@sanjoseca.gov
District1@sanjoseca.gov
District2@sanjoseca.gov
District3@sanjoseca.gov
District4@sanjoseca.gov
District5@sanjoseca.gov
pierluigi.oliverio@sanjoseca.gov
District7@sanjoseca.gov
rose.herrera@sanjoseca.gov
District9@sanjoseca.gov
District10@sanjoseca.gov



HEALTHY EATING
ACTIVE LIVING
CITIES
CAMPAIGN

January 15, 2013

Dear Members of the Rules Committee,

HEAL, the US Department of Health and Human Services, and the National League of Cities have joined forces to increase the momentum of the First Lady's Let's Move Cities Towns and Counties in the next four years.

We are asking cities to join the Let's Move Cities Towns and Counties Campaign (LMCTC) or renew your commitment if you joined two years ago.

If you join (or renew your commitment to) the Campaign by February 1st, your city can gain national recognition on February 9, 2013, the third anniversary of *Let's Move!*

Cities that join LMCTC will be featured on the LMCTC website with their own community profile and list of accomplishments: www.healthycommunitieshealthyfuture.org.

We can assist you to join LMCTC. To join, you must:

1. Sign up to commit to the five goals of LMCTC and access the survey.
www.healthycommunitieshealthyfuture.org.
2. Complete a follow up survey stating how your city will meet the five goals. LMCTC will send you the survey after it has received your commitment (step 1).

We can help you choose the activities your city will take to meet the five goals. Both HEAL and HHS have resources and ideas to help you select achievable activities. You may reach us by using the contact information at the bottom of this letter.

Sincerely,

Handwritten signature of Charlotte Dickson in cursive.

Charlotte Dickson, Director of Local Policy
CA Center for Public Health Advocacy
HEAL Cities Campaign
cd@publichealthadvocacy.org

Handwritten signature of Sheila James in cursive.

Sheila James, Public Health Advisor
Health & Human Services Region IX
Let's Move Cities Towns and Counties
Sheila.James@hhs.gov

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2013 JAN 18 AM 10:3



County of Santa Clara
Office of the County Assessor
County Government Center
70 West Hedding Street
San Jose, CA 95110-1771
Fax (408) 298-9446

Lawrence E. Stone, Assessor

REPORT OF THE COUNTY ASSESSOR

Date Report Prepared: **October 22, 2012**

Title of Proposal: **Stanford No. 15 Annexation**

Type of Application: **Anx/Detach to City**

Conducting Authority: **City of Palo Alto**

1. Review of Proposal

- a. Location: 0.65 AC +/- off Pasteur Drive near Welch Road
- b. Assessor's Parcel Numbers: 142-05-044
- c. NOTE: Net Value stated is for informational purposes only, final value to be assigned July 1, 2013: \$61,120

2. Conformity to Lines of Assessment or Ownership

- Boundaries of proposal conform.
- Boundaries of proposal fail to conform to lines of assessment per attached map.
- Upon annexation, lines of assessment will no longer be split by TRA lines within this proposal.

3. Special Districts

Special districts within the proposed area include:

TRA 93-030	
093-030	0158 PALO ALTO UNIFIED SCHOOL
093-030	0196 FOOTHILL COMM. COLLEGE
093-030	0215 BAY AREA JT(1,7,21,28,38,41,43,48,49,57) AIR QUALITY MGMT.
093-030	0252 MID-PENINSULA REGIONAL JT(41,43,44) OPEN SPACE
093-030	0322 SANTA CLARA VALLEY COUNTY WATER
093-030	0329 SANTA CLARA VALLEY-ZONE NW-1 COUNTY WATER
093-030	0335 SANTA CLARA COUNTY IMPORTATION WATER-MISC.
093-030	0376 SANTA CLARA VALLEY-ZONE W-4 COUNTY WATER
093-030	0377 AREA NO. 01 (LIBRARY SERVICES), BENEFIT ASSESSMENT COUNTY SERVICE
093-030	0378 AREA NO. 01 (LIBRARY SERVICES) COUNTY SERVICE

Prepared By:

Anita Badger, Property & Title Identification Technician

(408) 299-5506
anita.badger@asr.sccgov.org