



# Memorandum

**TO:** Honorable Mayor &  
City Council

**FROM:** Toni J. Taber, CMC  
City Clerk

**SUBJECT:** The Public Record  
January 24, 2014 – January 30, 2014

**DATE:** January 31, 2014

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## ITEMS FILED FOR THE PUBLIC RECORD

- (a) Letter to Mayor Reed and City Council from Martha O'Connell dated January 28, 2014, regarding Thanks to Julie Nguyen, Andrew Freeman and all who did the right thing – Maintaining Open and Transparent Government.
- (b) Letter to Mayor Reed and City Council from David Wall dated January 29, 2014 regarding WPCP's –“Wastewater Facility \$2.2 Billion dollar CIP” is being scrutinized. Where is the Auditor?
- (c) Letter to Mayor Reed and City Council from David Wall dated January 29, 2014 regarding Are costs for “Consultant Engineers” necessary for WPCP's 2.2 Billion dollar CIP success”
- (d) Letter to Mayor Reed and City Council from David Wall dated January 29, 2014 regarding Engineering recommendation pertaining to WPCP's –“Wastewater Facility \$2.2 Billion dollar CIP” is “approved for implementation” by an Architect with an “Expired License?”
- (e) Letter to Mayor Reed and City Council from David Wall dated January 30, 2014 regarding WPCP's 2.2 Billion dollar CIP should have Chemical Engineers controlling the project.
- (f) Letter to Mayor Reed and City Council from David Wall dated January 30, 2014 regarding Is the “Urgency Ordinance to Control Invasive Wild Pig Populations” a prelude to BBQ monopoly?
- (g) Letter to Mayor Reed and City Council from David Wall dated January 30, 2014 regarding CM Liccardo's, “Lending the Police a hand: Crowd-Sourcing Video Evidence” is a good idea.
- (h) Letter to Mayor Reed and City Council from David Wall dated January 30, 2014 regarding City should enact a “New Housing Moratorium” due to chronic water shortages.
- (i) Letter to Mayor Reed and City Council from David Wall dated January 30, 2014 regarding Are allegations of an “EXPLOSION” at WPCP's Building 40 TRUE or FALSE?

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Toni J. Taber, CMC  
City Clerk

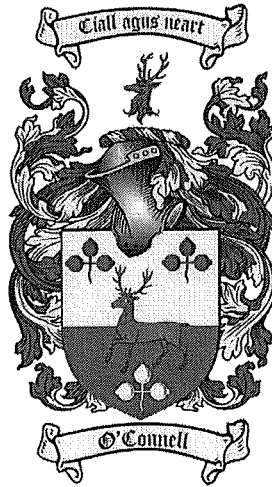
Honorable Mayor and City Council Members

January 31, 2014

Subject: The Public Record: January 24, 2014 – January 30, 2014

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



PUBLIC RECORD         

*Ciall agus neart - Reason and Strength*

January 28, 2014

TO: Mayor and Council

FROM: Martha O'Connell

A handwritten signature in black ink, appearing to read 'Martha O'Connell', written in a cursive style.

RE: Thanks to Julie Nguyen, Andrew Freeman and all who did the right thing  
-Maintaining Open and Transparent Government

On January 22, 2014 both of the subcommittees of the Senior Commission had a meeting. That very day, Ms Julie Nguyen discovered that PRNS staff had neglected to provide copies of both agendas for the "Brown Act Board." She worked quickly to alert the proper authorities, including Andrew Freeman and the City Clerk.

We Senior Commissioners subsequently received an email offering us options to "cure" the Brown Act violation of which we were totally unaware until after we met and voted.

Thanks to Julie, Andrew and all who moved **honestly** and promptly to make things right.

Lastly, perhaps most voters will remember Chuck Reed for his "pension reform" leadership. I however believe that in the end he is best remembered for the "Reed Reforms," an attempt to make government more transparent and open. It may occasionally be annoying to have to redo a meeting and take another vote due to a Brown Act or Sunshine violation, but that slight inconvenience is far outweighed by the importance of keeping government answerable to the people.

Cc: Senior Commission

David S. Wall



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San Jose City Clerk

2014 JAN 29 PM 1:06

January 29, 2014

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

**Re: WPCP's – "Wastewater Facility \$2.2 Billion dollar CIP" is being scrutinized. Where is the Auditor?**

**Public Works access to "overhead charges" on FUNDS 512 AND 513 is hereby questioned.**

**Office of the Auditor should be "continuously all-over" WPCP's Capital Improvement Program!**

Dateline: City Desk [Wednesday, (01.29.14)]. *The WPCP's CIP is a potential disaster for the rate payers.*

The San José / Santa Clara Water Pollution Control Plant's (WPCP) \$2.2 Billion dollar Capital Improvement Program (CIP) should be a screen play for a drastically over budgeted Hollywood "Horror and Disaster flick" instead of an expensive and defunct circus having too many clowns in positions of decision making authority.

Included below is the text of a pending "Request for Public Record Information."

**"Request for PUBLIC RECORD INFORMATION**

**This request for Public Record information concerns itself with the Environmental Services Department with special focus on the San José / Santa Clara Water Pollution Control Plant (WPCP)'s "Wastewater Facility-Capital Improvement Program (CIP)."**

- 1. How many "separate overheads" have been charged to FUNDS 512 and 513 over the past five (5) years?**
- 2. Are "salaries and benefits" being charged by Public Works personnel to FUNDS 512 AND 513? Please identify recipients, separate and quantify expenditures.**
- 3. Please identify all employees who "authorized" Public Works gaining access to FUNDS 512 & 513."**

*Respectfully submitted,*

*David S. Wall*  
01.29.14

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Cc: City Attorney / City Auditor / City Manager

David S. Wall



RECEIVED  
San Jose City Clerk

2014 JAN 29 PM 1:05

January 29, 2014

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

**Re: Are costs for "Consultant Engineers" necessary for WPCP's \$2.2 Billion dollar CIP success?**

**Are "Consultant Engineers" being directed by "Unlicensed Engineers and Unlicensed Architect" at CIP?**

Dateline: City Desk [Wednesday, (01.29.14)]. *The State of California insists upon appropriate licensure.*

The San José / Santa Clara Water Pollution Control Plant's (WPCP) Capital Improvement Program (CIP) is potentially the greatest economic disaster in the history of the City of San José. If not remedied, this potential disaster could easily eclipse the 1980's Bond loss by several orders of magnitude.

Included below is the text of a pending "Request for Public Record Information."

**"Request for PUBLIC RECORD INFORMATION**

**This request for Public Record information concerns itself with the Environmental Services Department with special focus on the San José / Santa Clara Water Pollution Control Plant (WPCP)'s "Wastewater Facility-Capital Improvement Program (CIP)."**

**Please identify all contractors involved with the aforementioned CIP and their contracted "scope of work" concerning the WPCP.**

**What is the total contract cost with Montgomery Watson for;**

- 1. WPCP Master Plan**
- 2. Mechanical De-watering of Biosolids**
- 3. Wastewater Facility-CIP**

**Please identify employees who are "Unlicensed" as defined by the State of California Department of Consumer Affairs Board of Professional Engineers, Land Surveyors and Geologists; as well as defined and or recorded, by the State of California Department of Consumer Affairs California Architects Board who are assigned or have; routine, direct and material contact with Montgomery Watson for the aforementioned Master Plan, Biosolids De-watering and Wastewater Facility-CIP."**

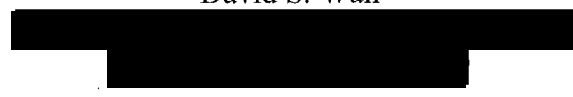
*Respectfully submitted,*

*David S. Wall*  
01.29.14

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Cc: City Attorney / City Auditor / City Manager

David S. Wall



RECEIVED  
San Jose City Clerk

January 29, 2014

2014 JAN 29 PM 1:03

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

**Re: Engineering recommendations pertaining to WPCP's – "Wastewater Facility \$2.2 Billion dollar CIP" is "approved for implementation" by an Architect with an "Expired License?"**

**Where is the City Manager on this issue?**

**Where is the Auditor on this issue?**

**Why does the Honorable and dutiful City Attorney have to defend abject incompetence?**

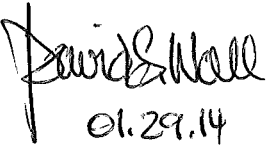
Dateline: City Desk [Wednesday, (01.29.14)]. *Why don't you appoint a "rotting corpse" to oversee the CIP?*

The San José / Santa Clara Water Pollution Control Plant's (WPCP) \$2.2 Billion dollar Capital Improvement Program (CIP) is governed by an "Architect with an EXPIRED LICENSE."

From the documents included, a compelling argument can be constructed in which an "Architect" is given equal status as a "Principal Engineer" to substantiate the issue of "Gender based appointments, sub-appointments and or promotions."

How can you explain the appointment of an "Architect" to become the Assistant Director of the Environmental Services Department, overseeing a \$2.2 Billion dollar Capital Improvement Program?

Now add the "EXPIRED ARCHITECTS LICENSE" to your excuse making mantra of bullsh\*t.

*Respectfully submitted,*  
  
01.29.14

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Cc: City Attorney / City Auditor / City Manager

David S. Wall

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Jose City Clerk

2014 JAN 30 PM 4: 13

January 30, 2014

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

**Re: WPCP's \$2.2 Billion dollar CIP should have Chemical Engineers controlling the project-No Bimbos.**

**San José is "hip-deep" in Civil Engineers (which is good) but other Engineering disciplines are needed!**

**WPCP needs additional Licensed Electrical Engineers with "High Voltage" expertise.**

Dateline: City Desk [Thursday, (01.30.14)]. Who is responsible for hiring required personnel at WPCP?

As an outgrowth of the continuous investigation into the San José / Santa Clara Water Pollution Control Plant's (WPCP) \$2.2 Billion dollar Capital Improvement Program (CIP), a striking if not additional revelation is grounded in the absence of Chemical Engineers directing the CIP.

Chemical Engineers have the technical background to design and construct facilities involving chemical reactions, as well as transport phenomena involving liquids and semi-solids (sludge). It begs the question, "Why are Chemical Engineers not "calling the shots" at the WPCP CIP?"

There is one (1) Chemical Engineer on the periphery of the CIP organizational chart. His name is, Mr. Medi Sinaki (License # 6617). He is barely utilized if not marginalized altogether. There is another Licensed Chemical Engineer, Mr. Stephen W. Lowes (License #6070) who has been a licensed Chemical Engineer longer than Mr. Sinaki but, is left to languish out his career at the Environmental Services Department (ESD) performing mundane industrial discharger plant checks and permit writing. Both aforementioned Chemical Engineers should have prominent positions within the WPCP's CIP.

There is only one (1) Licensed Electrical Engineer with "High Voltage" expertise. Mr. Nelso Petroni (License #10,473) is a Principal Engineer at the WPCP's CIP. He is the only "Electrical Engineer." Should he retire, get fed up with the incompetent administration or the effects of Measure B and quit, well-additional Licensed Electrical Engineers with "High Voltage" expertise are needed under Mr. Petroni's guidance and care.

Council should quickly come to the decision that the senior management at ESD needs to be replaced with those that can effectively staff and direct the organization-with special focus on the \$2.2 Billion dollar CIP, without letting their unqualified-Gender specific appointments, sub-appointments and or promotions from being allowed to screw-up the rebuild and operations of the WPCP.

*Respectfully submitted,*

*David S. Wall*  
01.30.14

Cc: City Attorney / City Auditor / City Manager

David S. Wall

RECEIVED  
San Jose City Clerk

January 30, 2014

2014 JAN 30 PM 4:13

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

**Re: Is the "Urgency Ordinance to Control Invasive Wild Pig Populations" a prelude to BBQ monopoly?**

**Is District 10 laying the foundation for the "Granddaddy of all Council District Fund raising events?"**

**Innovative BBQ Monopoly would elevate District 10 way, way above of other Council Districts!**

Dateline: City Desk [Thursday, (01.30.14)]. *"Put 'em on the spit and lather 'em up with sauce" is my opinion.*

At yesterday's "Rules and Open Government Committee" meeting, [Wednesday, (01.29.14)]; Item: (5): (a) (b) (c) & (d); **"Urgency Ordinance to Control Invasive Wild Pig Populations"** was discussed and forwarded for a vote by Council on the February 4<sup>th</sup> City Council Meeting Agenda.

Councilmember Khamis authored the aforementioned legislation that addresses and ongoing need to "cull the herds" (my words) of wild pig populations which have been wreaking havoc in Council Districts 10 and 2. The financial destruction to property owners is considerable and there are issues of protecting the public's safety because hungry pigs will eat just about anything, (like somebody playing golf at a country club that can't out run the hungry feral beasts).

However, I believe Councilmember Khamis is more shrewd, calculating and clever than his Council contemporaries. I believe Councilmember Khamis is laying the foundation for the *"Granddaddy of all Council District Fund raising events"* through the implementation of the *"Urgency Ordinance to Control Invasive Wild Pig Populations"* creating a BBQ monopoly and making District 10, *"The Barbeque Capital of Silicon Valley."*

Make all the jests and fun you want but I believe, once his Honor Councilmember Khamis comes public with a "pig round-up and processing plan" he will have more tasty BBQ's and raise more money to serve the voters of his District than the rest of the city combined. Quite frankly, there may be an immigration problem for District 10. The BBQ monopoly will entice voters from other Council District to immigrate because of the free and delicious BBQ and or Luau events (no poi, just French fries or potato salad).

Once established (and it won't take long) Councilmember Khamis will have to endure the disconsolate nabobs of his Council contemporaries, who didn't come up with this idea and who will be ranting and howling, "You're hogging all the BBQ, the fund raising and making us look bad to our constituents, this is unfair!"

I am certain that once Councilmembers become penitent, contrite and exhibit the correct genuflection that Councilmember Khamis will share a little bit of the BBQ with them but-the monopoly will remain intact.

**GOOD JOB COUNCILMEMBER KHAMIS!**

*Respectfully submitted,*

*David S. Wall*  
01.30.14

Cc: City Attorney / City Auditor / City Manager



David S. Wall

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San Jose City Clerk

2014 JAN 30 PM 4:14

January 30, 2014

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

**Re: CM Liccardo's, "Lending the Police a hand: Crowd-Sourcing Video Evidence" is a good idea.**

**The concept of linking security cameras to Police will improve safety and "take a bite-outta crime."**

**Let's erect some "security cameras" at Saint James Park to try out this innovative approach.**

**Should Police be able to hand-out "flash drives" to residents before "linking database" is constructed?**

Dateline: City Desk [Thursday, (01.30.14)]. *Why does it take a Mayoral race to come up with innovative idea?*

At yesterday's "Rules and Open Government Committee" meeting, [Wednesday, (01.29.14); Item G; (6): (a) & (b); "**Lending the Police a Hand: Crowd-Sourcing Video Evidence**"] was discussed and referred to the city staff for further exegesis.

Councilmember Liccardo's plan is as bold as it is innovative and comes to our attention from the fruits of his "extra-effort labors" trying to protect the residents of District 3 from the dastardly felonious conduct of a serial arsonist who caused much damage and apprehension to Downtown neighborhoods.

Councilmember Liccardo's plan is simple enough in concept. From my understanding of the project, property owners or occupiers of land, who have security surveillance cameras on their property, in the event of a crime, can turn over the data they record to the Police, if the Police request the data via the internet into a Police constructed database.

Concerns were raised that the expansion of security surveillance cameras and linking them into a Police database might, overtime, create a "dystopian Orwellian state" as described in George Orwell's novel "1984" where everyone has reason to fear of "Big-Brother" seeing and knowing all.

This is not what Councilmember Liccardo supports. Councilmember Liccardo supports enabling residents to "lend a helping hand to the Police; to deter and thwart criminal conduct thereby protecting the public's safety and property" and not the creation of a Police state.

In the meantime, Council should consider allowing the Police to distribute "flash drives" to residents, who have video data of criminal or suspicious conduct on their security systems that could be transferred to the flash drive and returned to the Police in a timely manner. This would enable the Police to immediately begin collecting data to analyze the data to project the necessary resources to thwart or capture the criminal element.

Will this data be protected from "Public Record Requests for Information" because this data falls under the purview of; evidentiary laws, work product and deliberative process rules? The dutiful and Honorable City Attorney will make a ruling on these matters.

**GOOD JOB COUNCILMEMBER LICCARDO!**

Cc: City Attorney / City Auditor / City Manager

*Respectfully submitted,*

*David S. Wall*  
01.30.14

David S. Wall



RECEIVED  
San Jose City Clerk

2014 JAN 30 PM 4:14

January 30, 2014

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

**Re: City should enact a “New Housing Moratorium” due to chronic water shortages.**

**There are too many people in this geographical region already and now we are running out of water.**

**I am thank-full for the rain we just received but, all it did was to “clear the air” and “wash-off” plants.**

Dateline: City Desk [Thursday, (01.30.14)]. *Mandatory water conservation measures will not be popular.*

Where is it written that “New Housing” projects must continue unabated? How will you face the voters when mandatory water conservation measures begin to erode property values, standard of life and comfort for the express purpose of unbridled residential growth?

**There is absolutely “no salient reason” why a “New Housing Moratorium” should not be enacted.**

There should also be a cessation of the permitting process that permits “chopping-up” small residential parcels to accommodate multiple housing structures. This process has been occurring “way too long” and must be stopped.

Existing businesses are beginning to suffer from the drought. There will be increased pressure on this sector when mandatory water conservation measures begin to seriously affect profits.

“New Housing” continues to assault the mathematic formula concocted for the asinine “Urban Village” concept for the utopia-based 2040 General Plan.

Twelve (12) California counties are now facing draconian water conservation measures. Act now to enact a “New Housing Moratorium” before you are compelled to do so.

*Respectfully submitted,*

*David S. Wall*  
*01.30.14*

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Cc: City Attorney / City Auditor / City Manager

David S. Wall

[Redacted]

RECEIVED  
SAN JOSE City Clerk

2014 JAN 30 PM 4:13

January 30, 2014

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

D.S.W.

**Re: Are allegations of an "EXPLOSION" at WPCP's Building 40 TRUE or FALSE?**

Sources indicate "electrical and or mechanical explosion" may have injured several employees!

**Was power lost to WPCP? How long did it take to restore power?**

Dateline: City Desk [Thursday, (01.30.14)]. *Is a spill of raw sewage possible?*

Information alleging an "explosion" of some magnitude, in which several city employees may have been injured, have been flowing into *City Desk*. Official confirmation and details of the event are enclosed in the text of a pending "Request for Public Record Information (see below)."

**"Request for PUBLIC RECORD INFORMATION**

This request for Public Record information concerns itself with the Environmental Services Department with special focus on the San José / Santa Clara Water Pollution Control Plant (WPCP)'s alleged recent (this week) "Building 40 EXPLOSION event."

Please identify all employees affected by the explosion, the nature of the explosion, the time and date of the explosion, was power lost at WPCP, how long did it take to get "power back on line" and at what date and time Mayor Reed and Council were made aware of the explosion."

*Respectfully submitted,*

*David S. Wall*  
*01.30.14*

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Cc: City Attorney / City Auditor / City Manager