

Memorandum

TO: Honorable Mayor &
City Council

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: The Public Record
January 31, 2014 – February 6, 2014

DATE: February 7, 2014

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Letter to Mayor Reed and City Council from David Wall dated January 31, 2014, regarding Electrical explosion at the WPCP!!!!** Is this the beginning of the “End of Days” at the WPCP?
- (b) Letter to Mayor Reed and City Council from David Wall dated February 5, 2014, regarding Worse drought in recorded California History should compel a residential housing moratorium.
- (c) Letter to Mayor Reed and City Council from David Wall dated February 6, 2014, regarding The lack of Chemical Engineers input and direction in \$2.2 Billion dollar WPCP CIP is still damnation.
- (d) Letter to Mayor Reed and City Council from David Wall dated February 6, 2014, regarding Is skullduggery afoot in the continuously deferred Housing & Community Development Commission appointment process?
- (e) Letter to Mayor Reed and City Council from David Wall dated February 6, 2014, regarding Mechanical De-watering of sewage sludge will cost rate payers dearly and screw the environment.
- (f) Letter to Mayor Reed and City Council from David Wall dated February 6, 2014, regarding Are citizens being denied or thwarted from providing Mayor, Council and voters information?

Toni J. Taber, CMC
City Clerk

TJT/kc

Honorable Mayor and City Council Members

February 7, 2014

Subject: The Public Record: January 31, 2014 – February 6, 2014

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Distribution:	Mayor/Council	Director of Transportation
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	Assistant to City Manager	Library
	Council Liaison	Director of Public Works
	Director of Planning	City Auditor
	City Attorney	Director of Finance

David S. Wall

RECEIVED
San José City Clerk

January 31, 2014

2014 JAN 31 PM 2:57

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

Re: Electrical explosion at the WPCP!!!! Is this the beginning of the “End of Days” at the WPCP?**

Is substandard management responsible for the preventable explosion at Building 40?

Dateline: City Desk [Friday, (01.31.14)]. *The raw sewage spill clock is ticking faster towards catastrophe.*

On Thursday, January 23 (2014) an electrical explosion ripped through Building 40 at the San José / Santa Clara Water Pollution Control Plant (WPCP). Building 40 houses three (3) diesel powered engines that produce electrical power for WPCP operations. The engines were not damaged.

The investigation as to the source of the violent explosion is allegedly focused on a “Bus bar cabinet” which is integral to the electrical power distribution system that delivers the electrical power generated from the aforementioned engines to support WPCP operations. Initial reports indicate the explosion was the result of an “electrical arc” occurring as a result of an “oversized bolt,” affixed in the Bus bar cabinet that pressed up against worn insulation in the cabinet, thereby being dangerously exposed to an electrical field.

The insulation, overtime, and obviously undetected from a lack of periodic inspections and or supervisory oversight on maintenance of the Bus bar cabinet, had worn down exposing the oversized bolt. The oversized bolt was thereby exposed to the electrical field generated by 4160 volts passing through the Bus bar. The close proximity of the oversized bolt to the Bus bar resulted in the creation of an “arc” between the “oversized bolt” and the Bus bar thus, causing the violent explosion that “rocked the Building 40 house.”

The explosion in the Bus bar cabinet created shrapnel and also initiated the “Halon fire-extinguisher system.” Electrical power to support WPCP was interrupted but, thankfully, no raw sewage was spilled. The San José Fire Department was summoned and thanks to their efforts, damage to Building 40 was minimal.

According to eye-witnesses, WPCP employees on the second floor of Building 40 experienced and observed the entire “second floor” rising and falling repeatedly as if they were on a trampoline. WPCP employees outside of Building 40, observed one of the large “roll-up doors” bulging outward and then recessing inward much like blowing up a balloon and then slowly releasing the air. There were no reports of injuries to employees stationed at Building 40. It remains unclear if employees were directed to nearby hospitals for examination of possible “blast injuries,” to have their hearing checked or just sent “home.”

It is alleged that PG&E summoned Environmental Services Department (ESD) Senior Management to solely rely on WPCP generated power until- WPCP “figured out their problem.” PG&E did not want any more “electrical surges” from another similar explosion traveling back into their 115 Kilovolt lines possibly causing a catastrophic electric shortage to their system. This alone is a serious and professionally embarrassing rebuke.

“Heads should roll” at ESD! If you need a hint, begin with the positions of Director & Assistant Director.

Respectfully submitted,

David S. Wall
01.31.14

Cc: City Attorney / City Auditor / City Manager
Members Treatment Plant Advisory Committee (TPAC)

David S. Wall

RECEIVED ^{OFC}
Jose City Clerk

2014 FEB -5 PM 12:30

February 5, 2014

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

Re: Worse drought in recorded California History should compel a residential housing moratorium.

File Number H12-020; 408 multi-family residential housing project, should be stopped without delay.

What type of politician would continue to attract more people to a drought stricken land?

Why should mandatory water conservation decrees permit more residences?

Dateline: City Desk [Wednesday, (02.05.14)]. *Brandenburg 408 multi-family project should be stopped!*

THIS IS AN "OFFICIAL COMPLAINT" CONCERNING "FILE NUMBER H12-020, SITE DEVELOPMENT PERMIT TO ALLOW UP TO 408 MULTI-FAMILY UNITS. CEQA: ADDENDUM TO THE BRANDENBURG MIXED USE PROJECT / NORTH SAN PEDRO HOUSING SITES FINAL EIR, RESOLUTION NUMBER 72170."

On Wednesday, February 12, 2014, 9:00 a.m., at City Council Chambers, a PUBLIC HEARING will be conducted to "consider a Site Development Permit" to allow 408 multi-family residential units" of the aforementioned property. This project should be prohibited from going forward.

As a resident in the proposed development area, **I VEHEMENTLY OPPOSE** this project RECEIVING A "Site Development Permit" for the following reasons.

EXTREME DROUGHT IS FORECASTED FOR THE FORESEEABLE FUTURE. THE BRANDENBURG RESIDENTIAL PROJECT, IF PERMITTED TO GO FORWARD, WILL CONSTITUTE A DIRECT AND PROXIMATE CAUSE OF FURTHER EXACERBATION OF DECLINE OF EXISTING WATER SUPPLIES, THEREBY CREATING A "NUISANCE TO THE PUBLIC."

VIOLETIONS OF THE MUNICIPAL REGIONAL STORM WATER NPDES PERMIT ARE FORESEEABLE AS A DIRECT AND PROXIMATE CAUSE OF THIS PROJECT.

INCREASES IN BLIGHT; THERE ARE NOT ENOUGH PARKING SPACES FOR VEHICLES FOR THIS PROJECT. INCREASES IN "NOISE, CONGESTION, GARBAGE, CODE VIOLATIONS, AIR POLLUTION AND CRIME" ARE FORESEEABLE AS A DIRECT AND PROXIMATE CAUSE OF THIS PROJECT.

Respectfully submitted,

David S. Wall
02.05.13

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Cc: City Attorney / City Auditor / City Manager



PUBLIC HEARING NOTICE

The Planning Director of the City of San José will consider a Site Development Permit at a public hearing in accordance with the San José Municipal Code on:

Wednesday, February 12, 2014

9:00 a.m.

City Council Chambers

City Hall

200 East Santa Clara Street

San Jose, CA 95113

The project being considered is:

File Number H12-020. Site Development Permit to allow up to 408 multi-family residential units in a new approximately 460,106 square foot building on a 2.35 gross acre site in the DC Downtown Primary Commercial Zoning District, located on a one block site bounded by North San Pedro Street, West Old Julian Street, Terraine Street, and Bassett Street (City of San José Successor to the Redevelopment Agency, Owner). Council District 3. CEQA: Addendum to the Brandenburg Mixed Use Project/North San Pedro Housing Sites Final EIR, Reso. No. 72170.

Reports, drawings, and documents are available for review from 9:00 a.m. to 5:00 p.m., Monday through Friday, and a draft permit and recommendations will be available for review seven calendar days prior to the public hearing at:

Department of Planning, Building and Code Enforcement

200 East Santa Clara Street, 3rd Floor Tower

San José, CA 95113

(408) 535-3555

<http://www.sanjoseca.gov/planning/hearings/>

You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this meeting, please call 408-535-1260 (Voice) or 408-294-9337 (TTY) at least 48 hours before the meeting. Muốn biết tin tức bằng tiếng Việt Nam về tờ thông tin này, xin quý vị liên lạc Sylvia Đỗ ở số 535-7907 và đọc số dự án H12-020. Para información en Español acerca de esta solicitud, comuníquese con Elizabeth Zepeda al 535-7868, e indique el número de proyecto H12-020. The decision of the Director may be appealed in accordance with the requirements of the San José Municipal Code. Instructions for filing a permit appeal are available from the Department of Planning, Building and Code Enforcement.

** If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.*

Comments and questions should be referred to the Project Manager, Bill Roth at 408-535-7837 or bill.roth@sanjoseca.gov in the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project.

Dated: January 17, 2014

Noticing Radius: 1,000 feet

David S. Wall

RECEIVED
in Jose City Clerk

2014 FEB -6 PM 4:40

February 6, 2014

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

Re: The lack of Chemical Engineers input and direction in \$2.2 Billion dollar WPCP CIP is still damnation.

Who has certification in: "Chemical reactions, transport phenomena, fluid dynamics & process design?"

Certainly not an "Architect with an expired license."

Dateline: City Desk [Thursday, (02.06.14)]. *"Feminist agenda" of unqualified personnel for CIP is a disaster!*

The \$2.2 Billion dollar Capital Improvement Program at the San José / Santa Clara Water Pollution Control Plant (WPCP) continues to demonstrate the need to accelerate reforms of the San José City Charter with reference to sections 411 and 411.1 which define the appointing authority of the City Manager.

Councils have detrimentally relied on the Office of the City Manager to carry out their vision and direction of services to serve the voters. In my opinion, this mislaid trust has blossomed into a degenerate and corrupt organization that should be summarily eliminated.

A strong Mayor and Council, interacting directly with Department Heads, would not have permitted the current administration of the Environmental Services Department's (ESD)- \$2.2 Billion dollar Capital Improvement Program (CIP) at the WPCP to resemble a "perpetual train-wreck in progress."

A strong Mayor and Council, would have never allowed the WPCP to be incorporated and lose autonomous control to the whims of a corrupt and degenerate "political appointment patronage system" that is in place and flourishing to the extreme detriment of the rate-payers.

A strong Mayor and Council, would have never allowed a "Senior Engineer" to be hired without having a "Professional Engineers License (P.E.)" and then allow this employee to be promoted to "Principal Engineer, still without possessing a "P.E." after failing California licensure testing at least once.

But, this Mayor and Council has, why? Because they have no choice due to the archaic City Charter and the ongoing cancerous appointments to the organization via a corrupt and degenerate "political appointment patronage system."

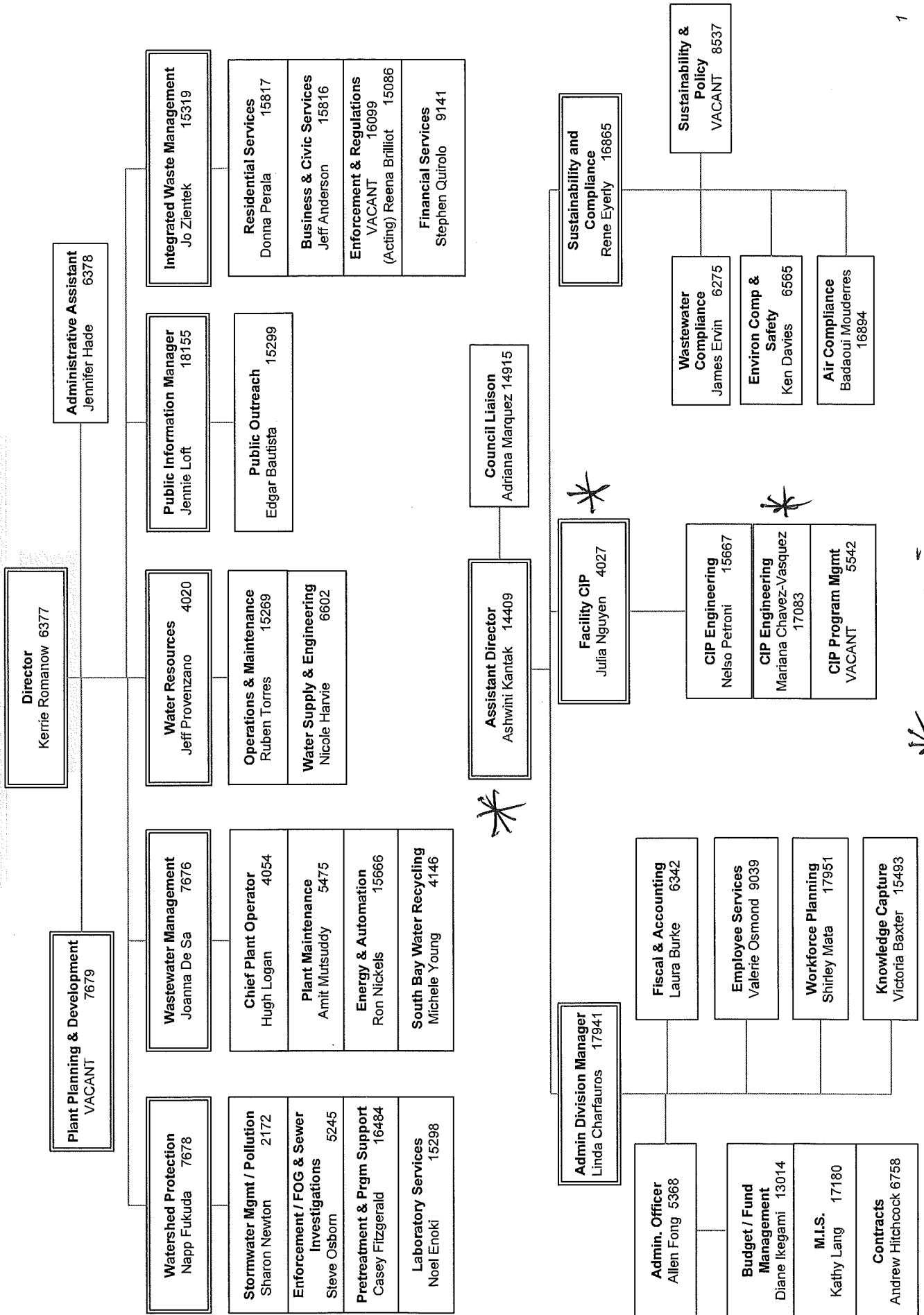
The direction and control of the CIP at the WPCP must change.

Respectfully submitted,

David S. Wall
06 FEB 2014

Cc: City Attorney / City Auditor / City Manager
Members Treatment Plant Advisory Committee (TPAC)

Environmental Services Department



** Check License.*

DEPARTMENT OF CONSUMER AFFAIRS
CALIFORNIA ARCHITECTS BOARD

CALIFORNIA ARCHITECTS BOARD

Licensee Name: KANTAK ASHWINI
License Type: ARCHITECT
License Number: C26547
License Status: EXPIRED [Definition](#)
Expiration Date: November 30, 2013
Issue Date: October 01, 1996
Address: 43488 LAUREL GLEN COMMON
City: FREMONT
State: CA
Zip: 94539
County: ALAMEDA
Actions: No

Disciplinary Actions

No information available from this agency

Public Record Action(s)

This information is updated Monday through Friday - Last updated: FEB-05-2014

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David S. Wall



RECEIVED
San Jose City Clerk

2014 FEB -6 PM 4:39

February 6, 2014

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

Re: Is skullduggery afoot in the continuously deferred Housing & Community Development Commission appointment process?

Why is a competent and highly-rated citizen denied this opportunity to serve?

Dateline: City Desk [Thursday, (02.06.14)]. *Is "kowtowing" to Council a prerequisite for appointment?*

Is Council and or the unwanted influence of the Administration trying to dominate Commission membership to those that "rubber-stamp" their will and mandates (much like the Civil Service Commission)?

What else can be inferred by Council's obstinate refusal to fill a vacant position on the Housing and Community Development Commission (HCDC) with a qualified, highly-rated citizen who to this day, is ready to serve? Is the Housing Department trying to persuade Council to appoint their "controllable buddies"? Are citizens living in "mobile home parks" being intentionally and discriminatively denied an opportunity to serve on the **Housing & Community Development Commission?**

The appointment process has been postponed from City Council Agendas on the dates; [(14 Jan 2014, Item 2.7), (28 Jan 2014, Item 2.7) and (04 Feb 2014, Item 3.4)]. What is going on with this process? It sure looks "screwy" to me and others.

Currently, the HCDC appointment process is scheduled for the City Council Agenda, [(11 Feb 2014, Item 3.5)].

I hope you don't defer this much needed appointment again or even worse, appoint a "boot-licking-brown-nosing-succubus" to the position.

Respectfully submitted,

David S. Wall
06 FEB 2014

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Cc: City Attorney / City Auditor / City Manager

David S. Wall
RECEIVED
San Jose City Clerk

2014 FEB -6 PM 4:39

February 6, 2014

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

Re: Mechanical De-watering of sewage sludge will cost rate payers dearly and screw the environment.

Mechanical De-watering of sewage sludge is driven by McCarthy Ranch family owners to allow development.

Rate payers are being duped by illusory OED study and the willingness of Mayor Reed to enrich others.

Dateline: City Desk [Thursday, (02.06.14)]. *Solar De-watering of digested sludge has been in use for decades.*

The following is a story of politics, big time money, and the intentional manufacture of illusions to deceive the rate-paying public. It should be a screenplay for a Greek tragedy, depicting the limitless economic rape and sodomy of the innocent rate payers- to further enrich a wealthy and prominent family, two municipal corporations, a host of "high-end engineering firms" and sententious politicians (the usual cast of characters). This story is in parts.

Stealthily and behind the public screens of transparency, the rate payers that support the treatment of their sewage and or industrial wastes are slowly being "bent over a log" and at some time in the near future, will be compelled, via massive increases in sewage treatment rates, to "squeal like pigs." Issue: the decision to move from "Solar De-watering of digested sewage sludge to Mechanical De-watering of digested sewage sludge at the San José / Santa Clara Water Pollution Control Plant (WPCP), who asserts "odor control" is impetus for change.

For the past few years, the McCarthy Ranch owners have been pursuing a track of trying to "unwind a contract" they entered into with the WPCP. The contract between the aforementioned parties served both interests, at the time. But, as the time changed the lure of gold affected both parties. Since public money is involved, there must be justification to sooth the potential chaffing of rate-payer hides and excoriation of the parties by the media.

The issue, WPCP's sludge drying lagoons is adjacent to McCarthy Ranch property. Years ago, the WPCP, fearing hassles about perceived odors emanating from the lagoon did not and still does not want residential or retail development to occur on this sector of McCarthy Ranch property. The WPCP could have bought the property outright but did not. At the time of contract, the McCarthy Ranch owners were all too happy to receive millions in consideration to compel them into leaving their land fallow. Several years later, the McCarthy Ranch owners decided that the aforementioned contract was not in their interests and served noticed on the WPCP of their intent to "unwind the contract" rescind monies with interest and or penalties to pursue development strategies to enrich their purses and stature. The WPCP administration rejected this offer which initiated the next series of nefarious acts.

The WPCP, befuddled and not amused with pursuing this issue of "unwinding a contract, made in good faith entered into and signed by competent parties" were "over-ridden" by the City of San José City Council who were mesmerized by the "Rasputinesque-mind-control-strategies" of their Office of Economic Development (OED) to embark upon a harebrained scheme of studying the WPCP lands for economic development. The WPCP lands which were studied for potential economic development includes the sludge lagoons. The aforementioned "study" is known as the "WPCP Master Plan." The plot thickens, but space has run out. See you next week.

Cc: City Attorney / City Auditor / City Manager
Members Treatment Plant Advisory Committee (TPAC)

Respectfully submitted,

David S. Wall

06 FEB, 2014

David S. Wall

RECEIVED
San Jose City Clerk

February 6, 2014

2014 FEB -6 PM 4:39

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

Re: Are citizens being denied or thwarted from providing Mayor, Council and voters information?

Does S.J. Government Offices “chill” and or “throttle” FREE SPEECH or just thwart it a bit?

Dateline: City Desk [Thursday, (02.06.14)]. *Does S.J. Government concoct justification for censorship?*

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 Office of the City Clerk pertaining to the following issues.

BACKGROUND: For several years now, when I write to the Mayor and Council on a noteworthy issue, I include “supporting documents” that staff may not have but, certainly would expedite their learning as to the issue raised. These “supporting documents” and the subject letter are routinely included in the “RULES AND OPEN GOVERNMENT COMMITTEE AGENDA (herein Agenda)” and summarily posted with the aforementioned agenda on the city’s web page.

There have been times in the past, when I include documents and letters that are damning and or sensitive to the Office of the City Manager, the “supporting documents” were suppressed and not included on the aforementioned Agenda or “posted” on the city’s web page.

Recently, for this week’s Agenda (for the 05 Feb. 2014 “RULES meeting”) the “supporting documents” were also suppressed and not included or posted on the city’s web page. There were “no mention” of the aforementioned documents existence.

This raises the specter of collusion between the Office of the City Clerk and the Office of the City Manager to intentionally deny subject matter that the Mayor and Council might find useful in their decision making processes. Of course, to be inclusive, perhaps the order to suppress the documents came from the Mayor, a Councilmember and or a combination of the elected folk.

To be fair and charitable, perhaps none of the aforementioned issues transpired to chill and or throttle free speech thereby denying Mayor and Council pertinent information germane and integral to their decision making processes. However, fairness and charity notwithstanding;

1. What is the limit of supporting documents, which serve as attachments to inform Mayor and Council, as to details of a specific issue contained within a written letter to Mayor and Council, to be included in the “RULES AND OPEN GOVERNMENT COMMITTEE AGENDA” and posted on the city’s webpage?
2. Was a job announcement POSTED and or “Equal Opportunity” given to City of San José employees to compete for the position of “Assistant City Clerk?” What is the rationale that existing city employees, who work in the Office of the City Clerk, not selected for THIS promotional opportunity?”

Respectfully submitted,

Cc: City Attorney / City Auditor / City Manager

David S. Wall
06 FEB. 2014