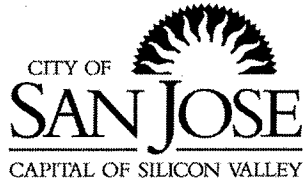


Memorandum



# Memorandum

**TO:** Honorable Mayor &  
City Council

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

**SUBJECT:** The Public Record  
August 27 – September 6

**DATE:** September 7, 2018

---

## ITEMS FILED FOR THE PUBLIC RECORD

### Letters from Boards, Commissions, and Committees

NONE

### Letters from the Public

1. Letter dated August 30, 2018 from Blair Beekman regarding Two letters, from Blair Beekman. Wednesday Aug. 30, 2018. \_\_\_\_\_ The current state of CBRNE tech. \_\_\_\_\_ A thank you, and peace, to the next stages, of the County Tech. ordinance.
2. Letter dated August 27, 2018 from AT&T regarding installation of a small cell node facility on East side of North San Pedro St, adjacent to 140 Asbury Street.
3. Letter dated September 6, 2018 from David S. Wall regarding Could the "Delay claim" against the City of San José exhaust the amount of the contractual bid price?

TJT/tt

---

Toni J. Taber, CMC  
City Clerk

bob tom

Two letters, from Blair Beekman. Wednesday Aug. 30, 2018. \_\_\_\_\_ The current state of CBRNE tech. \_\_\_\_ A thank you, and peace, to the next stages, of the County Tech. ordinance.

Dear city govt. of San Jose, county of Santa Clara, BAUASI staff and approval authority, and others,

Cities like San Jose, are looking to find ways, how to better protect the lives, of their city employees, from the fire dept. and other city depts.

Sharing, more hazardous CBRNE equipment, among a few cities, will need fewer employees, to work the more extreme equipment. Thus saving health and lives.

Interestingly, more dangerous CBRNE equipment, tends to work with situations, that are extremely rare.

Thus the idea, of a limited need, for certain equipment. And, making a sharing process, between several cities, and its county, easier.

This line of thinking, can also better share costs, between several, local city budgets.

Sharing also works, to leave the ideas of war, and to better question, the need of national security.

And, to help with the overall ideas, of better organization, community sustainability, accountability, local democratic practices, and peace.

Along with a better communication. And, a more, thoughtful, intelligent, creative sense of reasoning,

As the CBRNE program was required to expand, in this country, a few years ago, I keep writing, every six months or so, to ask,

Is a beginning, new period, a few years ago, 'a beginning gleeful greed', with the CBRNE program,

now growing into, a more practical list, of more specific needs, individual cities may have, for new CBRNE tech ?

Can someone write back, with what they feel, is the current state, of the CBRNE program ?

Where am I somewhat correct. Where am I wrong, about its practices, in the Bay Area, and across the country, its last few years.

No city, likes to be limited, but a friendly, good reasoning should also offer, cities should continue to respect the ideas, of how to share tech, when applicable, as well.

To also note, after a few years now, I hope Phil White, who in charge of BAUASI CBRNE program,

is having a better idea, of what CBRNE tech. may actually be needed, for each S.F. Bay Area city.

sincerely,  
blair beekman

Dear city govt. of San Jose, county of Santa Clara, BAUASI staff and approval authority, and others,

To also note,

Santa Clara County Supervisor Joe Simitian, is the person who helped create, the Santa Clara County, Surveillance and Technology ordinance.

It is a public guideline process, for both local govt. and the everyday community, to help better organize and understand, the large array of technology, a local govt., can have.

He is also, now working on, an internal data sharing, cyber security, 'privacy policy', guideline process.

It is usually be spoken about, as how local govt. agencies, can feel they can safeguard, the sharing of their data, between themselves, and with other govt. agencies.

Again, its ultimate purpose, is to develop, well organized guidelines, not only for local govts. themselves,

but for the public, to have an entrance, to the very dense, opaque world, of internal data sharing, between govt. agencies.

It is with these, good new standards, that can allow and maintain, a more clear, open, well intentioned democratic idealism and purpose, for everyone.

In times of peace, as well as in times of war.

We are at, a good place and time in history. We can begin to re-organize, national security ideas, around better reasoned ideas, of local community democracy.

A question, at this time, is do we work in cynical terms, and in what a local govt., 'can get away with.' As we are at new beginnings.

Or do we try to begin, to work toward, the full weight and full scope, of how we can learn, to work in peace, and what can be, a better democratic process.

By working in good terms, and in learning, how to both, naturally protect ourselves, while also learning, to build more peaceful, better reasoned, democratic ideals,

we would not only impress ourselves, but hopefully impress, the people at home and abroad, who are angry at this country, at this time, as well.

In knowing the proper tools, of peace and sustainability, begin with, better reasoned, more peaceful, democratic practices, in this country, now.

This can eventually translate, to a better thinking, for the rest of this world.

Thank you to everyone, of Santa Clara County, on completing some first stages, of the Surveillance & Technology ordinance.

sincerely,  
blair beekman



## AT&T is working to improve wireless service in San Jose!

August 27, 2018

Dear Neighbor,

AT&T Mobility proposes to install a state-of-the-art wireless communication small cell node facility at an existing steel street light pole located in the San Jose public right-of-way on the East side of North San Pedro Street, adjacent to 140 Asbury Street.

AT&T proposes to locate equipment on an existing pole and install one cylindrical antenna on top of the pole. The antenna will be located inside a circular concealment shroud approximately two (2) feet long and 10-inches wide. AT&T also proposes to mount two small equipment boxes. The two equipment boxes will be installed about 15-feet and 12-feet high on the pole. Each box is about 17 inches long by 8 inches wide and 5-inches deep, aligning with the silhouette of the pole. All equipment will be painted to match the pole and its surroundings.

This proposed small cell node is part of a greater network that will provide and enhance AT&T third and fourth generation (3G and 4G) wireless voice and data service to the surrounding area, improving wireless capabilities and public safety connectivity. Although experiences with wireless services vary based on specific location and usage times, the wireless service proposed by this facility will help meet existing, fluctuating and future demands.

### **Want to learn more?**

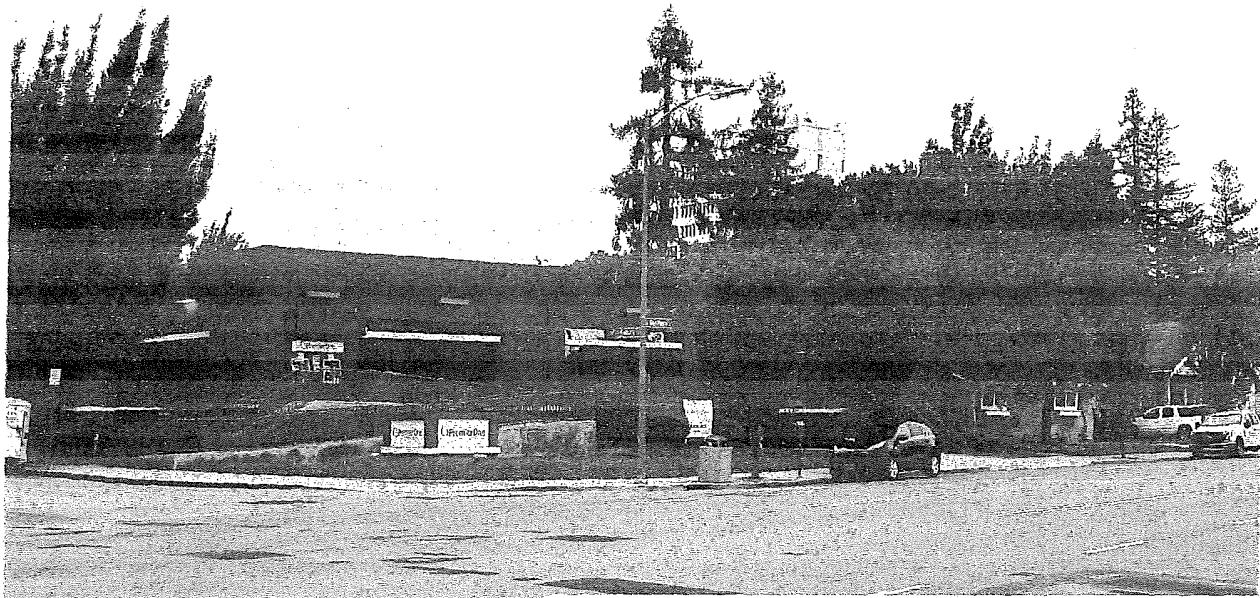
Please contact AT&T's representative Michelle Yonemoto at (415) 297-6521 should you have any comments or questions about the proposal.

Thank you.

Sincerely,

Angela Kung  
AT&T Director - External Affairs

Existing



CRAN\_RSFR\_SJNO0\_041  
140 Ashbury Street, San Jose, CA

Proposed



Photo simulation as seen looking east from the corner of Ashbury St & San Pedro St



Existing



CRAN\_RSFR\_SJNO0\_041  
140 Ashbury Street, San Jose, CA

Proposed



**WW**  
The City of San Jose  
Department of Public Works

Photo simulation as seen looking north across San Pedro St

David S. Wall

September 6, 2018

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

**Re: Could the "Delay claim" against the City of San José exhaust the amount of the contractual bid price?**

Dateline: The Great Pacific Northwest [Thursday, (09.06.18)]: *Ratepayer rape of CIP is ravenously rampant.*

**Is it possible, a contractor could receive total contract monies for non-performance via legitimate delay claims?**

The Digester rebuild project at the San José / Santa Clara Water Pollution Control Plant (WPCP) Capital Improvement Program (CIP) should be reclassified as a variation of a "Black-hole."

This "Black-hole" sucks ratepayer monies out-of-their-wallets at an alarming rate unbeknownst to the ratepayers. But, since the ratepayers do not pay any attention to their municipal affairs, no one is held accountable. Senior staff at the City of San José has been aware of the problem but are administratively paralyzed or just plain lazy to affect changes to stop the hemorrhaging of ratepayer monies managed by extremely incompetent administrators.

How much money of the "Delay claim" has been paid out? Let's see, at \$25K per day (workdays Monday thru Friday) = \$125K per week. \$125K per week times fifty-two (52) weeks per year equals: a cool \$6.5 million dollars for doing nothing. As a retiree, I wish I could get a small slice of that action.

Now, what was the cost of the original contract? If the original contract was less than \$6.5 million dollars then the contractor walks away with less than \$6.5 million but still with a fat wallet from doing nothing but collecting on legitimate delay claims. However, if the contract is greater than \$6.5 million then the contractor has been and continues to be paid more than a handsome sum while patiently waiting the ability to perform obligations defined by the contract.

Of late, the never ending but, extremely successful "excuse machine" at the Environmental Services Department (ESD) has cranked out a new reason to justify the delay. It is now touted that **polychlorinated biphenyl (PCB)** has been found in the sealant used for caulking in the digesters. This begs the question, "Are all of the digesters contaminated with hazardous waste PCBs and are there PCBs in the sludge?" What is being done to "clean-up" this alleged environmental disaster?

Come to think of it, "Is the delay predicated on transferring Public Works employees to WPCP funding to give them something to do?" There are so many of them now on FUND 513 along with corresponding "overheads." If so, what work product have they accomplished? Or, is Public Works transferring employees off the General FUND so the City Council can fund "homeless free-rent-projects?" Are the Tributary Agencies on board with funding San José's Public Works employees and contractors?

***Other potential newsworthy ESD screw-ups:***

Check-out the alleged \$5.5 million dollars from South Bay Water Recycling has or is being paid to the Santa Clara Valley Water District. What is the justification for South Bay Water Recycling to subsidize Muni-Water by having Muni-Water employees funded out of FUND 513? Are the Tributary Agencies on board with this decision? How is the General FUND affected? Are there monetary transfers back to the General FUND? What is going on, a crude Ponzi scheme perhaps?

Milpitas is being charged "Double-overheads" and WPCP Operations projects are charged to Milpitas at the Capital project rates (which are a higher rate). But who really cares? The "Miliputians" have never been very smart to begin with and after all, look who they hired for their City Manager and Assistant City Manager. Actually, someone should "Thank" the Milpitas City Council for hiring those "two peas out of the same pod." These two administrators might help San José on the rate issue. Come to think of it, they couldn't figure it out anyway so, just leave it alone. I've warned the Miliputians many times about being monetarily gouged by the City of San José and they did nothing to remedy their situation.

*Respectfully submitted,*  
 /s/ David S. Wall

**Cc: City Attorney / City Auditor / City Manager / Rules and Open Government Committee**

David S. Wall

///  
///  
///

It has come to my attention that is essentially dead in the water.

I respectfully demand a complete and thorough investigation and **AUDIT** into the gross incompetence of the Digester rebuild and the entire WPCP CIP.

Personally, I'm waiting for the truth to come out. I believe someone at ESD has "pissed-off" a Leprechaun and until the wee-person is sated by some really good whiskey, a lot of really good whiskey, there will be more problems ahead for the poor digester rebuild project.

///  
///  
///

David S. Wall

**Background:** Here comes the mess the Office of the City Manager has created. The WPCP has many more employees than it did 30 years ago. Currently WPCP materially and unethically violates the Master Agreement by adding to the WPCP Capital Improvement Program (CIP) City of San José Public Works personnel with corresponding “over-head costs.” WPCP CIP maintains more “High-end” engineering consultant management than ever before, at great and un-ending costs. If that doesn’t make you vomitous, the CIP work product is a fraction of the Digester rebuild authorized by taxpayer funded resources allocated to date than to originally allocated to construct the Digesters many years ago. The engineering errors associated with the re-design of the Digesters; through the incorporation of ill-advised technologies into this project and the appointment of engineering managers who are technically and administratively “ill-equipped” to perform the tasks at issue are “orders of magnitude” more complicated, cost prohibitive and serves to justify the prior and unheeded warnings that have born the unacceptably predicted results.

Furthermore, since the aforementioned errors are so egregious and below the reasonably expected professional fiduciary obligations, I heartily recommend that **NO** Tributary Agencies be compelled to financially incur any and all additional and unnecessary costs.

**The Digester rehabilitation project was doomed from the beginning.** The City of San José was “REPEATEDLY WARNED” as to the institutionalized managerial incompetence of the Environmental Services Department (ESD) over several years and “did-nothing” to administratively correct the egregious appointments made by the City Manager to positions of responsibility throughout the ESD and specifically the WPCP-CIP.

The approved technology is **NOT** the correct technology for the WPCP Digesters. Replacement and rehabilitation of the Digesters is necessary, but not using this flawed technology that only will consume more energy, places an unnecessary, avoidable and above all; more predictable costly failures and burdens upon operations and maintenance of the WPCP and to the taxpayers who are compelled to foot the bill.

**Bad news travels slowly to the Great Pacific Northwest! But, the bad news does get here.**

**Were seismic calculations in Digester design omitted?**

**Did WPCP obtain permits from the State of California to release Digester methane gas to atmosphere?**

**Have the “Delay Claims” of \$20-25K per day started yet or are they well under way?**

**Have the Tributary Agencies filed their lawsuits yet? (They will be filing you know.)**