

DOCUMENTS IN THIS PACKET INCLUDE:

LETTERS FROM CITIZENS TO THE
MAYOR OR CITY COUNCIL

RESPONSES FROM STAFF TO LETTERS FROM CITIZENS

ITEMS FROM MAYOR AND COUNCIL MEMBERS

ITEMS FROM OTHER COMMITTEES AND AGENCIES

ITEMS FROM CITY, COUNTY, STATE, AND REGIONAL AGENCIES



Prepared for: 10/1/2018
Document dates: 9/12/2018 – 9/19/2018

Set 1

Note: Documents for every category may not have been received for packet reproduction in a given week.

Carnahan, David

From: Rebecca Sanders <rebsanders@gmail.com>
Sent: Friday, September 14, 2018 10:58 AM
To: Council, City
Cc: gsheyner@paweekly.com; Jocelyn Dong; Jason Green; price@padailypost.com
Subject: City Council Agenda #8, September 17, 2018
Attachments: Cool_Block_PAN_09142018.pdf

September 14, 2018

Dear Mayor Kniss and City Council Members:

At the September 6 meeting of the Palo Alto Neighborhoods, we voted unanimously to send a letter to Council questioning the wisdom of investing the City's currently scarce funds in an unproven program like Cool Block. We have several points we feel compelled to make:

1. Isn't Cool Block frankly redundant? In the Utilities department, there are other city programs engaged in the reduction of energy use. And emergency preparation education, organization and drills began with volunteers 25 years ago and led to the founding of the City's Office of Emergency Services. OES coordinates e-prep with our residential volunteers through our Neighborhood Preparedness Coordinators and Block Preparedness Coordinators. What would happen if the money dedicated to Cool Block went toward strengthening the already existing operations that provide these services?
2. The City faces a critical budget shortfall. There are many cuts to budget items that currently serve the residents well. To name only a few: omitting the Google search engine from the city web site has deteriorated the user experience by increasing the user's time-to-find desired information; plus eliminating publication of city announcements in the Weekly curtails the number of households that can easily access this valuable information. The cost of publishing in the Weekly is comparable to the \$25K mentioned in this proposal as direct costs to the city. Is paying for Cool Block really the best use of the City's funding, given that the City is slashing existing budget to items that are already proven and working?
3. What about the \$75,000 in indirect costs to be borne by staff? This \$75,000 worth of productivity represents opportunity costs for projects that staff should or could be doing instead. We assume that staff currently does not have \$75,000 of time, during which they are idle, that they can devote to Cool Block.
4. Part of the \$25,000 that the City proposes to contribute to Cool Block will go for "project management" and the Empowerment Institute will "pay \$75,000 (For community organizing which includes recruiting, training and coaching block leaders; and training and interface with City staff)." Are we now outsourcing to and paying EI for work that has been done by City staff and by a significant number of volunteers, who have contributed countless hours to building up our volunteer emergency response teams?
5. The staff report only mentions costs for this budget year. It does not address future costs, and whether the program will be cost effective if implemented city-wide.
6. The RFP and the responses were never released. This lack of transparency is concerning in a democratic process.
7. As pointed out in our previous letter in March, the data frankly does not support the allocation of funding – direct or indirect to Cool Block. There was no control group, so we don't know how many of the desired behavior

changes might have occurred anyway. The results appear to be self-reported rather than verified by independently-obtained measurements, such as reductions in metered utility consumption – an excellent metric. Only 97 households reported data and yet approximately 175 are said to have participated, raising questions of both the completeness of the reported results and whether non-reporting households achieved positive results at all. The calculation of carbon savings is not explained.

In light of these concerns, PAN recommends the City Council vote “no” on Cool Block or at least remove it from Consent so the item can be discussed in a public forum.

Thank you.

Sincerely,

Rebecca Sanders, Co-Chair PAN

Sheri Furman, Co-Chair PAN

Re: City Council Agenda #8, September 17, 2018

September 14, 2018

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Thank you.

Sincerely,

Rebecca Sanders, Co-Chair PAN
Sheri Furman, Co-Chair PAN

Carnahan, David

From: Luce, Gwen <GLuce@cbnorcal.com>
Sent: Sunday, September 16, 2018 3:36 PM
To: Council, City
Subject: Cool Block Support Letter from Gwen Luce, BPC Laguna Way



Dear Council Members:

I understand that you will be voting on Monday on whether to fund the Cool Block.

I want to express my enthusiastic support for the Cool Block program that my block on Laguna Way just completed!

As Block Preparedness Coordinator, I struggled to get my neighbors engaged in disaster preparedness but, now, as a result of Cool Block, we are a much more connected and disaster ready neighborhood:-)

We had a terrific turnout at our National Night Out event in August. Almost all the households on our cul-de-sac turned out—including a few who hadn't participated in block activities in years. Coordination with the Police Public Affairs Officer resulted in attendance from the Police Chief, Assistant Chief, our future City Manager and several First Responders – and their goodie bags with safety items were a huge success!

After our Cool Block experience, we, on Laguna Way, feel more secure that our social connections developed during the program will be vital to our survival in the event of a major disaster.

Progress also was substantial in reducing our carbon by Cool Block activities such as switching out lightbulbs, turning down our thermostats and reducing waste.

Thanks so much for your attention - and I hope positive action supporting this wonderful program!

Sincerely,
Gwen Luce
4065 Laguna Way
Palo Alto 94306

Gwen Luce
650-566-5343
[glove@cbnorcal.com](mailto:gluce@cbnorcal.com)
www.gwenluce.com

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***Wire Fraud is Real*. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions.** Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

Carnahan, David

From: Elaine Meyer <meyere@concentric.net>
Sent: Sunday, September 16, 2018 5:28 PM
To: Council, City
Subject: Consent Item 8, Contract with Enlightenment Institute

Honorable Members of the City Council:

Re: Contract C18170224 with Enlightenment Institute September 17, 2018

Please remove Item 8 from the Consent Calendar. It requires further legal and financial scrutiny.

It seems odd that we are contracting on an environmental project with an organization whose **IRS Mission Statement** is:

"To Improve The Quality of Life of Individuals and Families Who Are Socially, Economically And/Or Culturally Disadvantaged, Including Persons With Disabilities And Others With Meaningful Employment Barriers." (IRS Form 990, filed in 2016)

DBA: Please also note that the organization is legally Doing Business As the "Asian Vocational Center."

Unbudgeted Costs

While the proposed contract mentions \$25,000 many times (6 times on page 14 alone) implying that this is a total cost, this is misleading.

Additional costs include

* A staff person, unnamed; or is it \$75,000 of unnamed staff time? page 14.

This is a very odd concept. Normally, a project would be specific about who the person is (or at least their position), how many hours would be involved, whether the \$75,000 includes overhead, how that time will be scheduled, to whom they report, where they will work, etc.

* Reimbursable expenses-no limit or definition given. "to be negotiated." pages 14-15.

* Additional services - may be authorized; page 2, Sec.4.

* 50-50 cost-sharing for "data, information, and collateral developed" page 12.

* The contract twice refers to possible *construction costs* - Sec. 9 page 3, and Sec. 26 page 8.
What is this?

* Video production, page 14.

As someone with years of experience administering a 501(c)(3) nonprofit corporation, it isn't hard for me to spot a questionable situation. It seems strange to funnel precious city funds through an organization with dubious credentials to work with our neighborhoods. <https://coolblock.org/about-us>

If the City wants to support programs to reduce the city's carbon footprint, there are many experts in town, many of whom would volunteer their expertise, and who already do volunteer.

The Utility Department is also deeply involved in this issue.

This contract has been revised from its previous version, except that the responsible individual remains David Gershon who will have "supervisory responsibility."

The Global Action Plan for Earth is a "research arm' of the Empowerment Institute."

This is a tiny group of people, not an established organization. It has only 3 officers.

David Gershon

Gail Straub - Gershon's wife

Josie Maran - a cosmetics manufacturer

Straub is paid approximately \$175,000/year; Gershon \$50,000/year

Josie Maran Cosmetics (Drew Maran's sister) - company funds the Empowerment Inst.

Transparency

Based on his past association with the Empowerment Institute, I trust the City Manager will recuse himself from discussion of this item. On the Cool Blocks website, <https://coolblock.org/about-us> Mr. Gershon refers to our City Manager Keene as a

STRATEGIC PARTNER and "A key advisor to the Cool City Challenge." and
..."Jim is also one of the country's most eloquent philosopher kings."

Sincerely yours,
Elaine Meyer meyere@concentric.net

Carnahan, David

From: Ng, Judy
Sent: Friday, September 14, 2018 10:58 AM
To: Council Members; ORG - Clerk's Office; Council Agenda Email
Cc: Keene, James; Shikada, Ed; De Geus, Robert; Flaherty, Michelle; Minor, Beth; Eggleston, Brad; Raschke, Matt
Subject: 9/17 Council Agenda Questions for Item 9

**Council Question Response**

Dear Mayor and Council Members:

On behalf of City Manager Jim Keene, please find below in **bold** staff responses to inquiries made by Council Member Tanaka in regard to the September 17, 2018 council meeting agenda.

Item 9: Approval of Fire Station 3 Replacement Design Contract Amendment No. 1
– CM Tanaka

Item 9: Approval of Fire Station 3 Replacement Design Contract Amendment No. 1
– CM Tanaka

Q. 1. Why was the project delayed?

A. 1. The initial expected schedule for Fire Station 3, which anticipated construction to begin in February 2017, was delayed due to the lengthy design review process with the Architectural Review Board (ARB). The design review process involved a study session with the Historic Resources Board (HRB), a preliminary hearing with the ARB, three Design Review Committee meetings with staff, and three formal hearings with the ARB. The contract with Shah Kawasaki Architecture (SKA) did not reflect this lengthy process. The project is currently proceeding according to the schedule presented with Council's approval of the construction contract in November 2017, with completion expected in early 2019. Ideally, staff should have amended SKA's contract at that time to add the additional time.

Q. 2. Was the initial project timeline inaccurate, and why?

A. 2. The initial project timeline for design did not include the time required for the additional formal ARB hearings or the time required for City staff review and revisions between the additional hearings.

Q. 3. Why does the architectural fee go up by 20% because construction is delayed?

A. 3. The increase in construction phase services cost is not due to construction beginning later than originally anticipated. As described in the staff report, the time spent on Construction Administration services by SKA has significantly exceeded the estimates on which the original contract was based, and staff agrees that it is appropriate to amend the contract to provide additional budget. One factor in the additional time is a specific change to the building design that was required during the ARB process, creating a very low internal ceiling height within the second-floor bedroom area. This low ceiling has caused construction difficulties and prompted the contractor to issue numerous Requests for Information (RFIs) to SKA. SKA's ability to provide timely and accurate Construction Administration services benefits the project by assuring the quality of the construction and avoiding delays.

Thank you,
Judy Ng



Judy Ng
City Manager's Office | Administrative Associate III
250 Hamilton Avenue | Palo Alto, CA 94301
Phone: (650) 329-2105
Email: Judy.Ng@CityofPaloAlto.org

Carnahan, David

From: herb <herb_borock@hotmail.com>
Sent: Saturday, September 15, 2018 3:47 PM
To: Council, City; Clerk, City
Subject: September 17, 2018, Council Meeting, Item #10: Ordinance Amending PAMC Chapter 9.68

Herb Borock
P. O. Box 632
Palo Alto, CA 94302

September 15, 2018

Palo Alto City Council
250 Hamilton Avenue
Palo Alto, CA 94301

**SEPTEMBER 17, 2018, CITY COUNCIL MEETING, AGENDA ITEM #10
ORDINANCE AMENDING PALO ALTO MUNICIPAL CODE CHAPTER 9.68**

Dear City Council:

Before you vote in favor of the proposed ordinance, I urge you to amend Section 2 by:

1. Amending 9.68.035(a) to change "50 or more rental units" to "5 or more rental units";
2. Eliminate the restriction on household income by:
 - (a) deleting 9.68.035(c) in the proposed ordinance; and
 - (b) (i) replacing the text before the table in 9.35.035(d) in the proposed ordinance with the text before the table in 9.68.035(c) in the draft ordinance in the City Attorney report dated August 27, 2018, on PDF page 13 of 19 at <https://www.cityofpaloalto.org/civicax/filebank/documents/66507>; and
 - (ii) replacing all of 9.68.035(d)(1) in the proposed ordinance with all of 9.68.035(c)(1) in the draft ordinance in the City Attorney report dated August 27, 2018, on PDF page 13 of 19 at <https://www.cityofpaloalto.org/civicax/filebank/documents/66507>.

If your vote in favor of the proposed ordinance on September 17, 2018 is a new first reading of the ordinance, then I urge you to direct staff to place the second reading of the ordinance on the Consent Calendar of the

October 1, 2018, City Council agenda so that it will become effective on November 1, 2018, when it is adopted on October 1, 2018.

Thank you for your consideration of these comments.

Sincerely,

Herb Borock

Carnahan, David

From: Respicio, Maryknol <mrespicio@rutan.com>
Sent: Monday, September 17, 2018 3:44 PM
To: Kniss, Liz (internal); Council, City; Clerk, City
Cc: Tim Franzen; Alex Stanford; Stump, Molly; Keene, James; 'Andrew Zacks'; Lanferman, David; Roy, Alyssa
Subject: 9/17/18 City Council Meeting
Attachments: 2018 0917 Letter to Mayor, City Council and City Clerk re 9_17_28 City C....pdf

Please see attached letter from David Lanferman.

Thank you.

Maryknol Respicio

Assistant to David P. Lanferman
Rutan & Tucker, LLP
Five Palo Alto Square, 3000 El Camino Real, Ste. 200
Palo Alto, CA 94306
(650) 320-1500 x7723

mrespicio@rutan.com
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RUTAN

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September 17, 2018

VIA E-MAIL and HAND DELIVERY

Honorable Mayor Liz Kniss
and Members of the City Council of Palo Alto
CITY OF PALO ALTO
250 Hamilton Avenue
Palo Alto, CA 94301

City Clerk
CITY OF PALO ALTO
250 Hamilton Avenue
Palo Alto, CA 94301

Re: CITY COUNCIL MEETING – September 17, 2018

PROPOSED Adoption of an Ordinance Amending Chapter 9.68 (Rental Housing Stabilization) of Title 9 (Public Peace, Morals, and Safety) of the Palo Alto Municipal Code to Require Relocation Assistance for No-fault Eviction for Multifamily Housing Developments Containing 50 or More Rental Units, Either: (1) on SECOND READING of the Ordinance Adopted on FIRST READING on August 27, 2018, OR (2) on FIRST READING of a Revised Ordinance on the Same Topic

Dear Mayor Kniss and Members of the City Council:

We previously submitted comments and objections to the proposed adoption of proposed emergency and non-emergency legislation on these subjects when they first appeared on Council agendas on August 27, 2018, and again on September 10, 2018. To the extent that Council may be considering the second reading or other extension of those ordinances, we respectfully renew our comments and objections as previously stated. To the extent that the Council may consider the “First Reading of a Revised Ordinance on the Same Topic” including substantial parts of the previously proposed ordinances, we would also reiterate our prior objections. A copy of our letter dated August 27, 2018 with detailed objections is attached hereto for your review and inclusion in the record.

To the extent that the Council may consider or adopt a “Revised Ordinance on the Same Topic” that would eliminate the income-eligibility requirements for payments of tenant relocation assistance contained in the existing emergency ordinance, we would reiterate our prior objections. We would further note that such change to eliminate any form of income eligibility would be inconsistent with the stated purpose of Chapter 9.68, and that mandating universal relocation assistance payments without regard to the financial resources or incomes of affected tenants would be contrary to state law, arbitrary, unreasonable, and not supported by substantial evidence. Further study of the economic, environmental, and housing supply impacts, including review under

August 27, 2018

VIA E-MAIL and HAND DELIVERY

Honorable Mayor Liz Kniss
and Members of the City Council of Palo Alto
CITY OF PALO ALTO
250 Hamilton Avenue
Palo Alto, CA 94301

City Clerk
CITY OF PALO ALTO
250 Hamilton Avenue
Palo Alto, CA 94301

Re: CITY COUNCIL MEETING – August 27, 2018

Agenda Item # 8:

Consideration of an “Emergency Ordinance” and a non-emergency Ordinance to Amend PAMC Chapter 9.68 to Require—for Multifamily Housing Developments of 50 Units or More—Relocation Assistance and Other Restrictions (Cause for Eviction) on Termination of Tenancies and Evictions.

SUMMARY OF OBJECTIONS TO PROPOSED ACTIONS

Dear Mayor Kniss and Members of the City Council:

On behalf of our client, AJ Capital Management LLC (“AJ Capital”), we respectfully object to the proposed actions and request these matters be rejected.¹ The staff report confirms that these new ordinances are being rushed for adoption, at least in part, in reaction to objections from some of the tenants being required to vacate the President Hotel building at 488 University Avenue, which AJ Capital is now planning to aesthetically restore and return to its historic and intended use as a hotel. Since the tenants of the President Hotel have previously been served with notices requiring that they vacate the premises by mid-November, none of the proposed new ordinances could be lawfully applied—retroactively—to impair the existing leases or notices of non-renewal—even if adopted by Council this evening.

This agenda item unquestionably involves very important housing issues that deserve appropriate and thoughtful consideration by the City Council and the entire Palo Alto community. Unfortunately, however, this item is being unnecessarily rushed to the Council without adequate

¹ We refer collectively to both the proposed “Emergency Ordinance” and the substantively identical non-emergency “Ordinance” to require relocation assistance payments, as well as the alternative variant of the proposed emergency and non-emergency ordinances to require “just cause” for evictions as the “Action,” unless otherwise stated.

Honorable Mayor Liz Kniss
City Clerk
Page 2

public notice, without critical analysis or evidence, and without providing sufficient time for members of the Council—or members of the public—to consider or respond to the very significant issues raised by this proposed legislation. The significant issues, and potential long-term impacts, raised by the proposed new ordinances will not lawfully apply to AJ Capital.

While it may understandably be tempting for the City to consider some new form of governmental intervention in the private rental marketplace, it is very questionable whether the proposed ordinances would effectively, or lawfully, promote the City's stated housing goals. At the same time, they would create new burdens that are likely to further drive up rents and discourage the creation of more rental housing and dis-incentivize the improvement and maintenance of the existing housing supply.

There are many procedural and substantive legal grounds for objection to the proposed actions, including (without limitation) those summarized below. Since the Staff Report was not provided until late Thursday August 23, 2018, there has only been limited time to review, analyze, and respond to these proposals, and the points summarized below are consequently abbreviated.

(1) **The ordinances would violate constitutional rights to due process of law, especially if applied retroactively to the existing tenancies or to previously-served notices of non-renewal:** It is fundamental that newly-adopted legislation operates prospectively, and that constitutional principles of Due Process would preclude the retroactive application of the new ordinances (even if adopted) to impair existing rights or contractual relationships, or previously-commenced proceedings for reclaiming possession of rental properties. (U.S. Const., art. I, § 10; Cal. Const., art. I, § 9; *De Anza v. Palm Springs Rent Review Commission* (1989) 209 Cal.App.3d 116 [court of appeal held that local rent adjustment guidelines could not be retroactively effective to bar a property owner from relying on the law as it had existed at the time of his previous application of a rent increase].)

(2) **The proposed new ordinances would violate and be preempted by State law governing residential tenancies and notices of non-renewal:** State law governs, and preempts the relevant subject matter including termination of residential tenancies, notices, and evictions. (E.g., *Birkenfeld v. City of Berkeley* (1976) 17 Cal.3d 129 [Supreme Court struck down that portion of a local ordinance that imposed additional procedural requirements on landlords attempting eviction] and *TriCounty Apartment Assn. v. City of Mountain View* (1987) 196 Cal.App.3d 1283 [state laws govern many aspects of the landlord/tenant relationship; a local ordinance purporting to require a longer period of notification to tenant of increasing rent than required by state law was preempted and declared invalid].)

(3) **The proposed new ordinances would violate the Ellis Act:** Similarly, State law—*i.e.*, the Ellis Act (Gov. Code, §7060 et seq.)—limits the terms and conditions that municipalities may impose on property owners seeking to cease residential rental operations at their properties. “A public entity may not impose an inevitable and undue burden . . . on a

Honorable Mayor Liz Kniss
City Clerk
Page 3

landlord's exercise of its right under the Ellis Act to exit the residential rental business." (*San Francisco Apartment Assn. v. City and County of San Francisco* (2016) 3 Cal.App.5th 463, 479, 482 [an ordinance is preempted and void if it amounts to a substantive limit on a landlord's right to exit the rental market].) If applied to those owners seeking to exit the residential rental market, the proposed ordinances and new requirements for relocation assistance payments are invalid under the Ellis Act. (*Coyne v. City and County of San Francisco* (2017) 9 Cal.App.5th 1215; *Channing Properties v. City of Berkeley* (1992) 11 Cal.App.4th 88, 96-100.)

(4) The proposed ordinances would not be limited to "affordable" or rent-controlled housing units: While the Ellis Act may allow a city to impose reasonable measures to protect tenants of units withdrawn from rent under certain circumstances, it also provides that those measures only apply if the agency "has in effect any control or system of control on the price at which accommodations may be offered for rent or lease . . ." (Gov. Code, §§ 7060.2, 7060.4.) In the absence of an adopted rent control program, the City cannot lawfully approve the Action. In the "Survey of California Cities that Require Relocation Assistance Payments" included in the Staff Report, twelve of the thirteen cities cited have some form of rent control, and every jurisdiction that bases the amount of the relocation assistance payment on the size of the unit has rent control in place. The proposal to require payment of a relocation subsidy to tenants moving out of market rate housing would be inconsistent with the policies behind state and local law aimed at assisting residents of "affordable housing."

(5) The ordinances would violate constitutional rights to equal protection of the laws, by arbitrarily discriminating against certain property owners, and irrationally subjecting only buildings with 50 or more units to burdens differing from those imposed on similarly situated property owners: There is no evidence, substantial or otherwise, to justify the proposed arbitrary application of the new ordinances only to properties with 50 or more units, nor any evidence or rational basis for the discriminatory structure of the proposed ordinances. (*See, e.g., Walgreen Co. v. City & County of San Francisco* (2010) 185 Cal.App.4th 424, 434 [invalidating ordinance discriminating arbitrarily between pharmacies and general grocery stores]; and *Coalition Advocating Legal Housing Options v. City of Santa Monica* (2001) 88 Cal.App.4th 451 [invalidating ordinance arbitrarily limiting eligible occupants of residential second units].) The City must provide a rational basis, supported by substantial evidence, to try to justify the discriminatory application of the ordinances. (*Fry v. City of Hayward* (N.D. Cal. 1988) 701 F.Supp. 179 [invalidating initiative ordinance on equal protection grounds].)

(6) Failure to provide factual or legal justification for "emergency" legislation: The Council may not lawfully adopt the proposed Emergency Ordinance because it does not contain the mandatory findings required by Government Code section 65858, or Palo Alto Municipal Code ("PAMC") section 2.04.270(d). Even if it had made the requisite findings, the City Council's action would still fail as there is no substantial evidence in the record to support the necessary declaration of an "emergency." To the contrary, the record acknowledges that the shortage of rental housing in Palo Alto has been a "prolonged" condition, i.e., not a sudden event

Honorable Mayor Liz Kniss
City Clerk
Page 4

and not an “emergency.”² Similarly, Government Code section 65858 does not provide any basis for “emergency” action as proposed. There is no evidence in the record showing that there is any study underway regarding changes to the City’s Comprehensive Plan, specific plan(s), or zoning code that might warrant an “emergency” interim ordinance under section 65858 or otherwise.

(7) An “emergency ordinance” may not lawfully be used to stifle or burden a specific development proposal: A city ordinance cannot be enacted for the purpose of frustrating a developer’s plans. (*Sunset View Cemetery Association v. Kraintz* (1961) 196 Cal.App.2d 115, 123-24. Here, as in that case, the staff report acknowledges (pp. 1, 3) that the proposed ordinances are in direct response to AJ Capital’s proposal to restore the President Hotel to hotel use. To the extent that the proposed ordinances may be intended to frustrate a particular development proposal, they would be discriminatory, unlawful, and inapplicable to the targeted development. (*Stewart Enterprises v. City of Oakland* (2016) 248 Cal.App.4th 410; *Arnel Dev. v. City of Costa Mesa* (1981) 126 Cal.App.3d 330; and *Kieffer v. Spence* (1984) 153 Cal.App.3d 954.)

(8) The City must comply with the California Environmental Quality Act before taking any action on the proposed ordinances: The proposed actions would clearly require compliance with the California Environmental Quality Act (“CEQA”) before the City could lawfully adopt either ordinance. (Public Resources Code, §§ 21080, 21000, 21065.) There is no evidentiary basis for the proposed finding that “it can be seen with certainty” that the proposed actions “have no potential” for direct or indirect environmental consequences. (See, e.g., *Terminal Plaza Corp. v. City & County of San Francisco* (1986) 177 Cal.App.3d 892, 904-907 [City’s failure to comply with CEQA before adopting hotel conversion ordinance was “illegal.”].) To the contrary, it can be seen with near certainty that the proposed actions would have significant potential direct or indirect environmental consequences.

(9) There is no legal or factual justification for the City to try to declare the proposed actions “categorically exempt” from CEQA review, and the City erroneously fails to consider the exceptions to any relevant categorical exemption: There is no substantial evidentiary or legal support for the City to try to “exempt” these actions from any CEQA review, and such a claim of categorical exemption would plainly be unlawful. (See, e.g., *Save Our Big Trees v. City of Santa Cruz* (2015) 241 Cal.App.4th 694, 705 [rejecting City’s unsupported claim of categorical exemption from CEQA].) The City has the burden “to demonstrate with substantial evidence that the [proposed action satisfies the criteria of the claimed exemption].” (*Muzzy Ranch Co. v. Solano County Airport Land Use Com.* (2007) 41 Cal.4th 372, 386.) A petitioner bears no

² The Palo Alto “housing shortage” is not a new phenomenon, and is often attributed to the City’s own policies. According to the City’s own Comprehensive Plan (Table 5-1) the City only produced 1,063 total housing units between 2007- 2014, which was only 37 percent of its Regional Housing Needs Allocation. Of those, only 290 units—or 16 percent of the regional goal—were deemed “affordable.”

Honorable Mayor Liz Kniss
City Clerk
Page 5

burden to show a project will degrade the environment. (*Save Our Big Trees v. City of Santa Cruz* (2015) 241 Cal.App.4th 694, 705.) In addition, the court of appeal has emphasized that a categorical “exemption can be relied on only if a factual evaluation of the agency’s proposed activity reveals that it applies.” (*Id.*) And the staff report fails to consider whether any “exceptions” to a categorical exemption might require CEQA compliance. An agency may not invoke a categorical exemption from CEQA without considering whether it is foreclosed by an exception. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1103.) The City cannot ignore the substantial probability of environmental consequences of this action, and the relevance of the “unusual circumstances” exception to any categorical exemption from CEQA (see below).

(10) **It is reasonably foreseeable that adoption of the proposed ordinances will result in direct and indirect environmental consequences and well as adverse impacts on rents and housing supply:** The City cannot lawfully disregard the many possible environmental impacts, direct or indirect, of the ordinances. For example, if landlords are to be required to pay relocation assistance to outgoing tenants, they are likely to offset those new costs by increasing the rents charged to incoming tenants, or by reducing the amounts available for maintenance or improvements. By providing some displaced tenants with the windfall of “tenant relocation” assistance, the ordinances will inject new money into the market-rate rental market, thus inducing other landlords to demand higher rents. By making it more difficult and costly to remove tenants, the ordinances reduce the incentives to build or upgrade rental housing in Palo Alto, reducing both the supply and quality of rental housing, and creating an impediment to safety upgrades such as environmental remediation, seismic upgrades, and fire and life safety systems. This may result in significant urban decay impacts. See, e.g., *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 188 [“When there is evidence . . . that economic and social effects caused by a project . . . could result in a reasonably foreseeable indirect environmental impact, such as urban decay or deterioration, then the CEQA lead agency is obligated to assess this indirect environmental impact.”].) In *Terminal Plaza Corp., supra*, 177 Cal.App.3d at 904-907, the court of appeal rejected a city’s argument that its enactment of a hotel conversion ordinance imposing new burdens on owners of residential hotels was exempt from CEQA. The reasonably foreseeable indirect and negative environmental impacts of the ordinances must be analyzed before the Council acts on them.

(11) **Failure to refer the proposed new ordinances for study by the Planning & Transportation Commission:** The proposed actions should be referred to the Planning and Transportation Commission for review before any Council action, as required by Government Code section 65864, since the ordinances would, in effect, operate like new zoning ordinances applicable to certain properties.

Honorable Mayor Liz Kniss
City Clerk
Page 6

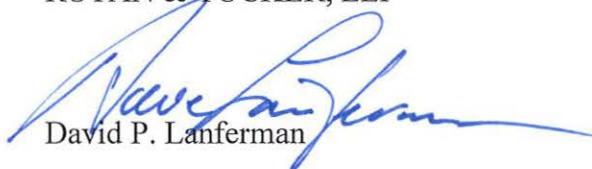
(12) **The Action is not consistent with the City's Comprehensive Plan:** There is nothing in the record to indicate, much less demonstrate, how the proposed ordinances would be consistent with any aspect of the City's Comprehensive Plan or would promote any of the City's established housing goals and policies. As explained above, there is no articulated public policy reason cited in the record justifying the proposed new mandated subsidies targeted to benefit a select group of tenants residing in market-rate rental units.

In light of the serious questions, unstudied issues, and patent legal deficiencies inherent in the proposed actions, we respectfully urge the City Council to reject the proposed new ordinances. Adoption of the proposed Emergency Ordinances or Ordinances in the present form would lead to many adverse consequences and may needlessly expose the City to the risk of costly legal proceedings by many affected parties.

Thank you for your consideration.

Very truly yours,

RUTAN & TUCKER, LLP



David P. Lanferman

DPL:mtr

cc: Tim Franzen, AJ Capital
Alex Stanford, AJ Capital
Molly Stump, City Attorney
James Keene, City Manager
Andrew Zacks, Zacks, Freedman & Patterson, PC

Carnahan, David

From: Anne Meyer <rmeyer3@comcast.net>
Sent: Saturday, September 15, 2018 4:56 PM
To: city.council@menlopark.org
Cc: Council, City
Subject: 9/15/2018 The Afternoon of A Noise in Palo Alto backyard from 68 Willow Place - a video/audio version
Attachments: 9-15-2018 NOISE in Palo AltoIMG_3103.m4v

Hi City of Menlo Park City Council Members,

Could you please ask the company at 68 Willow Place to stop using a microphone during their events?

I feel it is not very polite to ruin the afternoon of residents in a neighboring area with this kind of noise.

Thank you,
Anne Meyer

Carnahan, David

From: Deborah Goldeen <palamino@pacbell.net>
Sent: Monday, September 17, 2018 2:56 PM
To: Council, City
Subject: A Beautiful Sight

Full Cal Ave bike parking! Sometimes all that planning works. :)

Deb Goldeen, 2130 Birch, 94306, 321-7375



Carnahan, David

From: Joe Hirsch <jihirschpa@earthlink.net>
Sent: Saturday, September 15, 2018 2:12 PM
To: Council, City
Cc: Keene, James; Shikada, Ed; Tam, Valerie; Rius, Rafael; Stump, Molly; Gal Eva; Satterthwaite Ruth; Sheyner Gennady
Subject: Arastradero Road Bulb-outs

To all,

I have before me an article written by Gennady Sheyer in the August 31, 2018, edition of the Palo Alto Weekly, entitled "Palo Alto's chief transportation official resigns". In it re: "...the most recent uproar over a new bike boulevard on Ross Road", Gennady states: "...city leaders conceded that they should have performed more outreach and pledged to do so for future projects". Gennady is a thoughtful, careful reporter so I assume that his reporting is accurate.

I recently attended a city staff community outreach meeting at the JCC on Sept 5th pertaining to the proposed revamping of the San Antonio/W. Charleston intersection where City staff pledged to have another outreach meeting before any further plan is (or plans are) developed and submitted to the PTC.

I do **not** recall any such city staff outreach meeting pertaining to the unwanted, unnecessary and potentially dangerous bulb-outs on Arastradero. Many of us have sent numerous emails to city staff about them, and even met with two members of city staff when Valerie Tam could not make the scheduled meeting. My understanding is that while the bulb-outs are still under evaluation, and that minor modifications may be made, the bulb-outs will still be constructed.

So, if my understanding is correct, another Ross Road-type "Design, Build and Defend" situation is in the making, notwithstanding the "city leaders" commitment to conduct more and better outreach in the future. Accordingly, I ask that a community meeting in the Green Acres (I and II) area - say at Juana Briones school - be undertaken BEFORE any such construction takes place. As one Green Acres II resident wrote to city staff, the proposed bulb-outs are "a solution in search of a problem". I agree, as we, in the neighborhood, think they are unwanted (certainly), unnecessary and potentially dangerous (the worst being at the Donald Drive/Arastradero intersection) leading potentially to legal liability for the city.

Let's have that outreach meeting before construction is undertaken, so we can debate the advantages and disadvantages of the proposed bulb-outs.

Joe Hirsch
Georgia Avenue

From: [Cindy Alvarez](#)
To: city.council@menlopark.org
Subject: CITY COUNCIL EMAIL EAH HOUSING FRAUD FOR PUBLIC RECORD
Date: Thursday, September 13, 2018 2:44:26 PM

This is city council email for public record. Do not delete

Cindy Alvarez
Markham Plaza Tenant Association

Sent: Thursday, September 13, 2018 at 9:24 PM
From: "Cindy Alvarez" <cindy.alvarez@mail.com>
To: Angelo.Tom@hud.gov
Cc: kimberly.y.nash@hud.gov, scottlargent38@gmail.com
Subject: Fw: Re: FW: Markham Jason Smith 2018 September

FYI, Jason does not speak for me on this. I do not know what he is referring to. I share his frustrations with the City of San Jose and the County of Santa Clara but I do not understand why he is upset with you. I do not see that you did anything wrong. For all I know you are following procedure and I see no problem with that.

Cindy

Sent: Thursday, September 13, 2018 at 10:32 AM
From: "Markham Plaza Tenant Association" <markhamplazata@gmail.com>
To: "Center, Contact@DFEH" <contact.center@dfeh.ca.gov>, "Johnson, Kimberly D" <Kimberly.D.Johnson@hud.gov>, "OIG Hotline" <hotline@hudoig.gov>, "Tom, Angelo C" <Angelo.Tom@hud.gov>
Subject: Re: FW: Markham Jason Smith 2018 September

Ya thanks for nothing, should I thank you guys for throwing me to the sharks NO! Just like you did with my first complaint in the first place!

This is a 504 grievance against you Kimberly Johnson and Tom Angelo you are cooperating with the same agency that I am complaining about as the city does not enforce the San Jose TPO ordinance as you well know. I did not send you these complaints to go back to the city but to go to the Attorney General as you had told Cindy you were doing and I saw the email from you Tom saying that is what you were doing. I had my doubts after dealing with you both last time. Shit Kimberly telling me I was not discreet enough made me feel like I was back in the Nixon administration "was not discreet enough" why because I sent the letter of to everyone in my contacts?? Hell ya I did first time got anywhere but lies with EAH, the city of San Jose Housing Dept and the Santa Clara County Housing Authority!! Discreet has no place in open government and it should have no place at HUD, since you both lie like you work for EAH, Inc I have no choice but to take this to the international civil rights organization!!

YOU are the reason we have homeless people, yes your abuse of station and authority at your jobs is a disgrace, how do look at yourselves in the mirror every morning. You are trusted with and to provide funds for the poorest, oldest and disabled members of our society, they are somebodys Grandpa, Brother, Sisters and Moms.

Whenever you put Profit before People that is EVIL and you may think it gives you power and control of your life but its you that are being lied to by the prince of lies and all that you gather in greed and depriving others of will turn to ash and blow away with the wind and then what will you have? You sold your Soul for a new car, a house, gold, diamonds, stocks??

Know that my Soul is saved, bound and sealed, locked for all eternity with Gods Holy Spirit and I fear nothing for if this fleshly body dies because I know I am returning to God Almighty and he will have a seat for me at His table.

On Tue, Sep 11, 2018 at 4:16 PM Johnson, Kimberly D <Kimberly.D.Johnson@hud.gov> wrote:

Hello Robert and Kristen,

Angelo has asked that I forward Jason [REDACTED] latest email to you for review and action, as appropriate. Jason states that an unlawful detainer has been issued by EAH, and I have provided him with contact information to the Law Foundation of Silicon Valley.

Thanks for your assistance,

Kim

Kimberly Johnson

Senior CPD Representative

U.S. Dept of HUD

San Francisco Office

1 Sansome Street, Suite 1200 94104-4430

415 489-6594

From: Tom, Angelo C
Sent: Tuesday, September 11, 2018 3:47 PM
To: Johnson, Kimberly D <Kimberly.D.Johnson@hud.gov>
Subject: FW: Markham Jason Smith 2018 September

Kim: More from Mr. Smith. Angelo 9/11/2018

Angelo Tom, MBA, MA

Program Manager, Team 4

Community Planning and Development Division

San Francisco Regional Office

One Sansome Center, Suite 1200

San Francisco, CA 94104-4430

e-mail: angelo.c.tom@hud.gov

phone: 415-489-6596; fax: 415-489-6601

Recipient of HUD Distinguished Service Award 2014

From: Markham Plaza Tenant Association <markhamplazata@gmail.com>
Sent: Tuesday, September 11, 2018 3:30 PM
To: Tom, Angelo C <Angelo.Tom@hud.gov>
Subject:

Tom,

I appreciate the courage you take in standing for what's right, a favorite quote I live by is "All that evil needs to grow, prosper and win is for Good men to do nothing."

Tom they have filed an UD against me which is in retaliation, for them having to be told they are funded and must comply with HUD regulations which they have denied prior to this, as did the owner David [REDACTED] and John [REDACTED] which they got to answer my 504 RR including shutting off the torture from mind splitting alarms.

Im attaching the Meeting Notes which was held 8-19-2018 and the flyer that they Sent out online the 8-20-18 stating they would no longer be accepting rent Payments in someone else's name for compliance well my mom pays by check and they sent it back to her stating cashier's check or money order as of 9-1-2018 as they fear that someone may claim residency even though have it clearly stated in the lease that protects them from that. My rent check was sent back to my mom as she wrote it.

To begin with 10 days notice for a change in the lease does not even meet their own lease which says they can change the lease with 30 days notice. It is their ongoing practise of harassment, secondly they can't change the lease without HUD approval, plus not a HUD approved lease, they are not CHDO and its against the Fair Housing act for lack of notice. Its discriminatory, abusive and since they know that's how i pay its retaliatory.

Also they are breaking the law in running this property management within the Meaning of Sections 10131(b) as stated on page 3 of the Accusation by California board of Real Estate Accusation No. H-11882 SF filee Aug 17, 2015. They are running this project just like the 4 projects that were audited in San Jose and to which they forged a real estate contract and got caught, not setting up trust funds properly, allowing deposits and withdrawals improperly.

On page 6 in the Accusation by California board of Real Estate Accusation No. H-11882 SF, pag3 6 section21(c) they conducted property management activities under the name Sierra Property Services.

Which and the stipulation agreement they shut it down.

I investigated and found that they did shut down the Sierra Property Management per the stipulation agreement but opened up Union Pacific Property Management with the same address and phone number!!

No regard for the law does bribe and corrupt officials ans did have Shawn Jackson Assualt me with intent to do great bodily harm on 8/4/2017 just 3 days since they raised the rent \$42 a 8.87

the 3 day notice and if you look at the 3rd page of the 3 day notice you will see how Shelsy [REDACTED] did accidentally staple the printed out email of her request ro Todd Rothbard office asking them send me a UD, this is her way of odirecting them to send me an illegal 3 day notice to quit with no chance to cure, which is illegal by San Jose TPO and its a fineable offense. Besides the affirmative defense of retaliation, there is the fact that the lease that they say I violated is not HUD Multifamily Lease so is not compliant and even grander non-compliance is that neither EAH, Inc, Core Developments, HomeFirst not the City of San Jose are California Certifide CHDO.

Please have thd UD rescinded as they have not complied with the contract between the city and Core Developments and EHC until audited and was near 6 million short and just changed their namd to HomeFirst of Santa Clara County and even though their own audit showed they own HUD 1.2 million and have payback arrangements, yet they are still getting the most grant.

Please have the UD dropped and then can you help me get some money through the ROSS program for the tenant association to get new computer for a small business incubator to help, tenant association build capacity and further fair housing education?

Thank you T

UNJUSTIFIED MURDER

GOVERNMENT PROTECTING KILLER SLUM LORD

FRAUD & ADA VIOLATIONS CAUSE MULTIPLE DEATHS AND INJURIES AT MARKHAM PLAZA APARTMENTS IN SAN JOSE, CA.

R.I.P. RHONDA ENGEL
07/26/1960-04/24/2018

LESTER
EAH HOUSING KILLER SLUM LORD



XM Wi-Fi 3:09 PM 33%

X CON6244800.PDF.pdf

RD:EM

b. In all other cases, projects must ensure that they meet both sets of program rules. For example, a project receiving a market rate loan can comply with both sets of rules by establishing a 20 percent set-aside for households with incomes at or below 50 percent of the area median income (as long as all remaining HOME-assisted units are leased to tenants with incomes at or below 80 percent of the area median income.)

c. Of course, projects may choose to exceed these standards. Owners/developers of tax credit projects will generally try to maximize their credits by creating higher set-asides for qualified occupants.

2. **Rents.** When combining the two types of funding, two sets of rent rules apply.

a. Qualified tax credit units must not exceed tax credit rent limits, while HOME-assisted units must meet HOME rent requirements. If a unit is being counted under both programs, the stricter rent limit applies.

(i) Low HOME rent units are subject to the lower of the Low HOME rent and the tax credit rent (usually the Low HOME rent).

(ii) High HOME rent units are subject to the lower of the High HOME rent and the tax credit rent (usually the tax credit rent).

b. When tenants receive additional subsidy through rental assistance programs such as Section 8, additional requirements apply.

c. Under tax credit rules, if the rental assistance program rent limit exceeds the tax credit rent, the unit rent may be raised to the higher limit as long as tenants pay no more than 30 percent of their adjusted monthly income for housing costs.

d. HOME allows the rent to be raised to the rental assistance program limit only if the tenant pays no more than 30 percent of adjusted income, the subsidy is project-based (not tenant-based), and the tenant's income is less than 50 percent of the area median income.

e. In a joint tax credit/HOME-assisted unit, the stricter HOME requirements would apply.

3. Establishing Tenant Eligibility. Both the HOME and tax credit programs require project owners to certify tenants' incomes, to ensure that they are income-eligible and that the project is in compliance with initial occupancy requirements.

a. To demonstrate eligibility under both programs, property managers must have tenants certify their income, and obtain supporting documentation. This documentation must be kept in project unit files for review by the monitoring agencies.

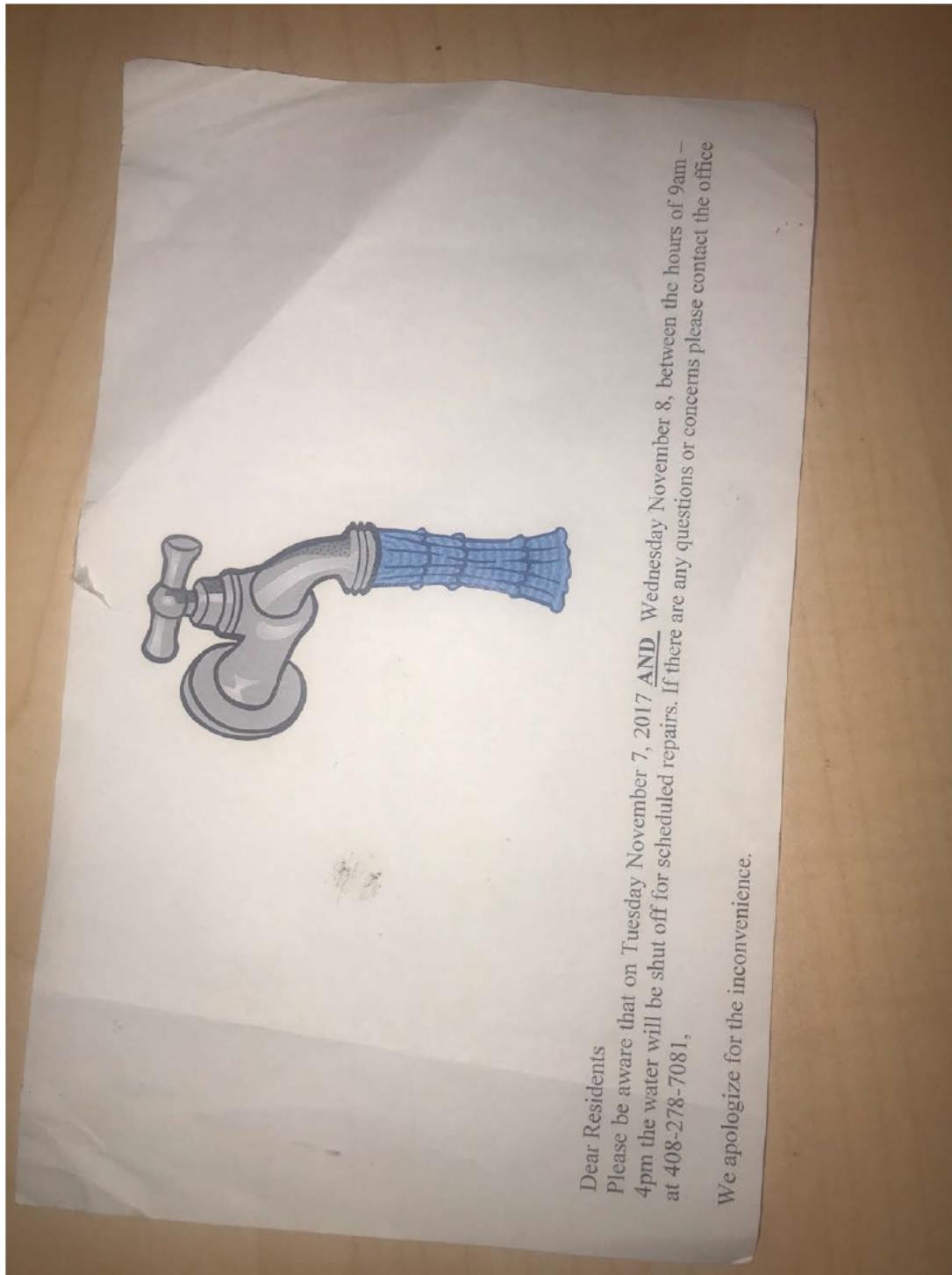
Second Addendum Page 5

Tully Gardens SRO II Const/Perm Loan
181969_2 10/21/02

RD:EM

b. Under tax credit rules, only the Section 8 definition of annual (gross) income is used, whereas HOME allows a choice of three definitions. Projects using HOME funds and tax credits must use the Section 8 definition of income.

c. Another difference between HOME and tax credit rules is that HOME requires verification of all asset income, whereas the tax credit rules require verification



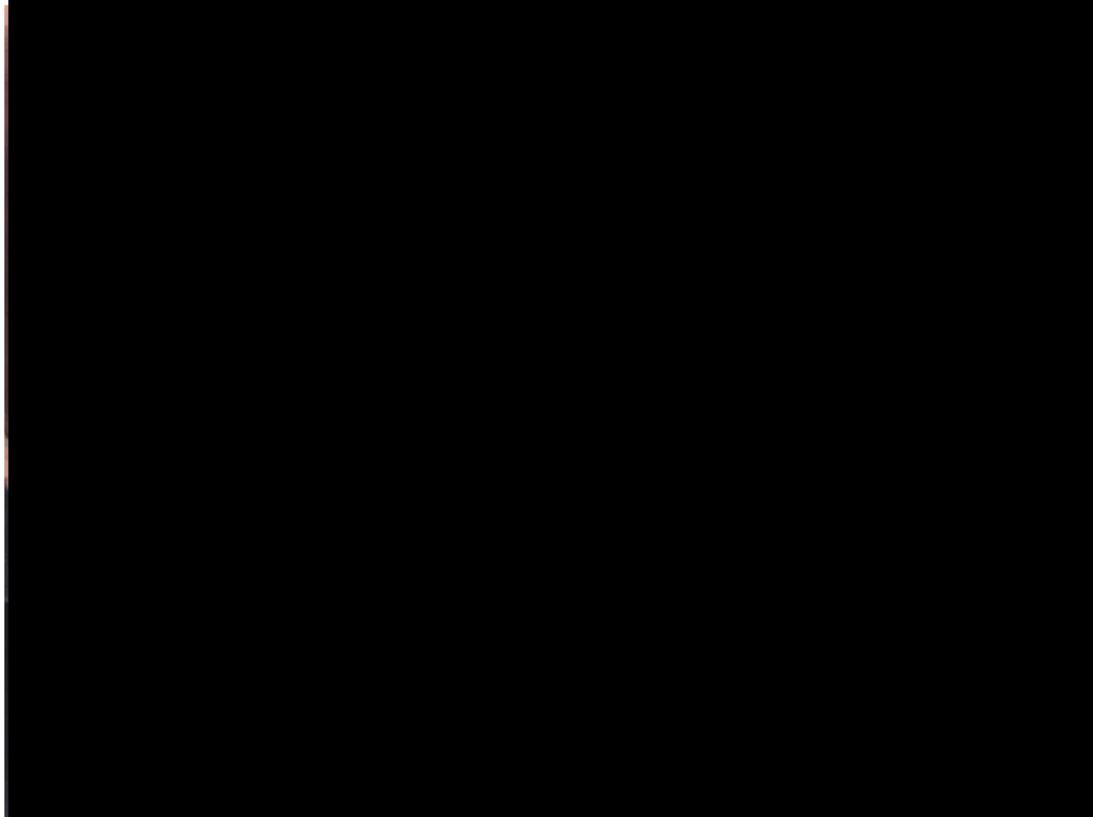
Dear Residents

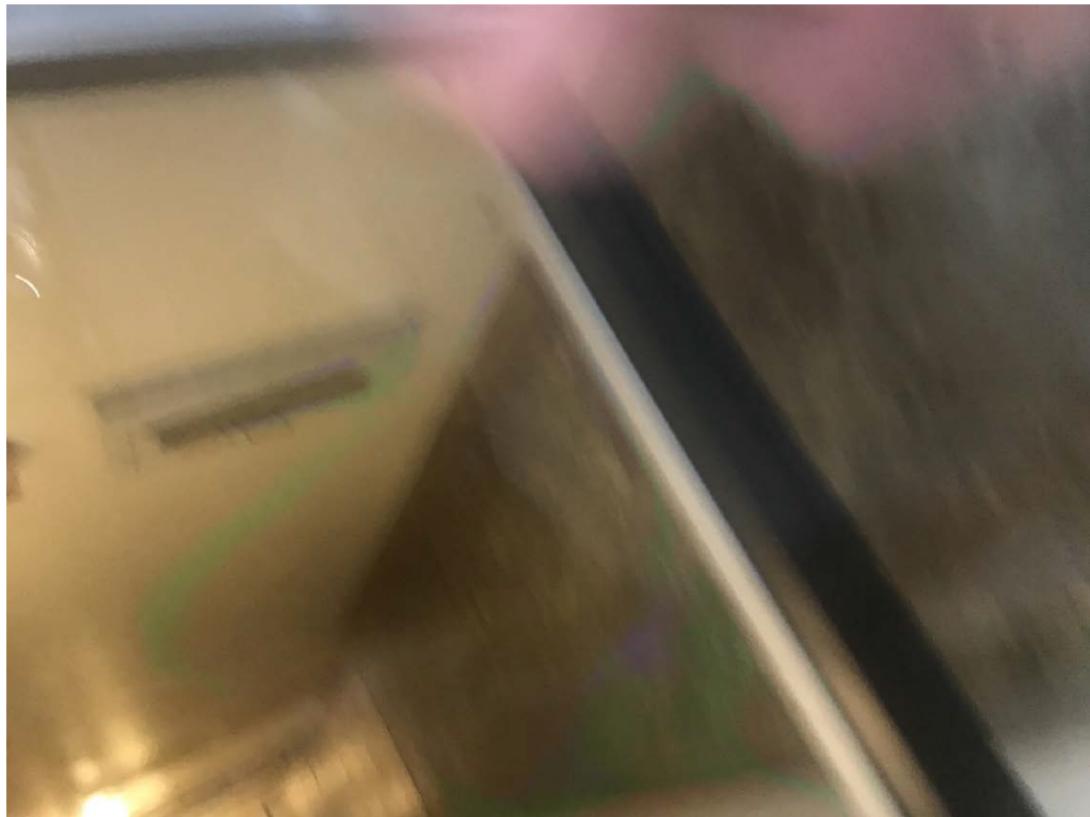
Please be aware that on Tuesday November 7, 2017 AND Wednesday November 8, between the hours of 9am – 4pm the water will be shut off for scheduled repairs. If there are any questions or concerns please contact the office at 408-278-7081,

We apologize for the inconvenience.

PDF

[CA Bureau of Real Estate vs EAH...](#)

SAN JOSE POLICE DEPARTMENT - INCIDENT CARD (English & Spanish)		
Record Division, 201 W. Mission St., San Jose, CA 95110		
INCIDENT NUMBER	17-216-0850	DATE
TYPE OF INCIDENT	ASSAULT	REPORT TAKEN: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
SER/BADGE #:	T. AHWIAD 4479	
TIONAL TEL NO(S):		
<p>CTIONS: If you are a crime victim, you will need this information for your contact with the San Jose Police Department, your insurance report, and tax purposes. Visit our website at www.sjpd.org for more information about getting a copy or summary of a police report. To supply additional information concerning suspects, witnesses or to phone the San Jose Police Department Non-Emergency Line (311). If officers have taken your property for safe keeping, contact the Property Warehouse (277-4268) to claim your property. PLEASE NOTE: If you do not claim your property within 90 days after it has been taken by the police, it will be treated as surplus City property and be recycled or disposed of if the City determines that it has nominal value. Otherwise it will be disposed of by auction, donation, or sold to City use.</p> <p>INES: Si usted fue una victim de un crimen, necesita el numero de reporte (escrito arriba) cuando se comunica con el Departamento de Policia y para sus seguros o impuestos. La pagina web www.sjpd.org les explicará como obtener su reporte. Para dar informacion adicional con respecto a su caso/reporte, llame al Departamento de Policia numero 311. ATENCION: Si la policia les retiro propiedad por seguridad, llame al almacen de la policia 277-4268 para reclamar su propiedad. Propiedad que no se reclame antes de 90 dias sera disponida.</p> 		



PDF

[2016+HomeFirst+audit+report.p...](#)

PDF

[John List Attorney.pdf](#)

PDF

[3 day to Quit 8-27-2018 - no...](#)



[2018_09_09 19-50-12.jpeg](#)



[Markham Plaza Letter - Signed...](#)



[Exhibit A First 14 pages of 34...](#)



[Exhibit B 3 day notice to quit...](#)



[8-19-2018 Meeting Minutes on...](#)

----- Forwarded message -----

From: Kristin Taylor <Kristin.Taylor@eahhousing.org>

Date: Mon, Jul 9, 2018 at 2:42 PM

Subject: [SCC - SPN] FW: Job Fair

To: spn@santaclaracountycoc.org <spn@santaclaracountycoc.org>

Hello All, EAH Housing is holding a job fair July 19th from 10am-3pm (see below and

attached flyer. Please share!



Kristin Taylor

Director, Resident Services

Direct/ Fax/ SMS: CA (408) 852-9729 |
Kristin.Taylor@eahhousing.org

www.eahhousing.org | [Twitter](#) |

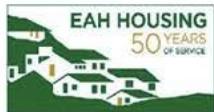
[Facebook](#) | [Youtube](#)

18525 Sutter Blvd. Suite 140, Morgan Hill, CA 95037

EAH Housing | CalBRE Lic. #00853495 | HI Lic. RB-16985

"The mission of EAH Housing is to expand the range of opportunities for all by developing, managing and promoting quality affordable housing and diverse communities."

This message, including any attachments, is intended solely for the addressee(s) and is confidential. It may also contain information that is legally privileged. Any person other than an intended recipient, or other party expressly authorized by the sender, is prohibited from using, copying, distributing or otherwise disclosing the information contained herein. If you received this message in error, please immediately delete it and all copies, and promptly notify the sender.

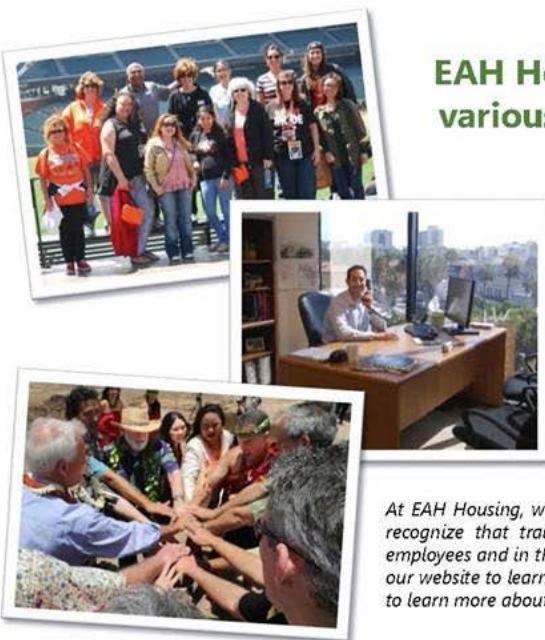


EAH HOUSING JOB FAIR!

Thursday, July 19, 2018
10:00am – 3:00pm

Buena Vista Midtown
1535 West San Carlos Street
San Jose, CA 95126

We need more people like you!



EAH Housing is now hiring for various positions in the South Bay!

We have open positions for:
Assistant Resident Managers
Resource Coordinators
Maintenance Technicians
...and more!

At EAH Housing, we put our core values into action on a daily basis. We recognize that training is a critical investment in the success of our employees and in the continued excellence of the organization. Please visit our website to learn more about our culture and read employee comments to learn more about what it would be like to work at EAH Housing.

- Competitive compensation
- Standard business hours and work week
- Company events and regional gatherings
- Excellent benefits, including: medical, dental, vision, disability and life insurance, wellness program, and a 403(b) retirement plan

*Active real estate license required for certain roles.
EAH Housing is an AA/EEO/Veterans/Disabled Employer.

Browse current openings at
www.EAHhousing.org/careers

Check us out on Twitter & Facebook
[@EAHousing](#)

www.EAHhousing.org - Creating community by developing, managing and promoting quality affordable housing since 1968
California | 22 E. Pelican Way San Rafael, CA 94901 | (415) 258-1800 | CalBRE Lic. #00853495
Hawaii | 1001 Bishop Street, #2880, Honolulu, HI 96813 | (808) 523-8826 | HI Lic. RB-16985
Offices: San Rafael | Morgan Hill | Santa Monica | Honolulu

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This mailing list is administered by HomeBase/The Center for Common Concerns
Legal and Technical Assistance | Advancing Solutions to Homelessness
870 Market Street | Suite 1228 | San Francisco, CA 94102 | www.homebaseccc.org

To join, please send email to info@santaclaracountycoc.org specifying the mailing list and your email address

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You received this message because you are subscribed to the Google Groups "SCC CoC - SPN" group.
To unsubscribe from this group and stop receiving emails from it, send an email to SPN+unsubscribe@santaclaracountycoc.org.
To post to this group, send email to SPN@santaclaracountycoc.org.

--

Jason [REDACTED]
Markham Plaza Tenant Association
Fair and Healthy Housing for all
markhamplazata@gmail.com
669-244-3169

--

Jason [REDACTED]
Markham Plaza Tenant Association
Fair and Healthy Housing for all
markhamplazata@gmail.com
669-244-3169

Carnahan, David

From: Tina Chow <chow_tina@yahoo.com>
Sent: Sunday, September 16, 2018 10:27 PM
To: Council, City; Kniss, Liz (internal); Architectural Review Board
Subject: comments on FCC draft order due Mon. Sep. 17

Dear Board and City officials:

On Sept. 5, the FCC released its 100-page FCC draft order “Streamlining Deployment of Next Generation Wireless Infrastructure”. If adopted, these rules and guidance will eliminate most state and local regulatory authority over cell towers and wireless infrastructure including “small cell” facilities in the public right of way:

<https://www.fcc.gov/document/streamlining-deployment-next-generation-wireless-infrastructure>

<https://docs.fcc.gov/public/attachments/DOC-353962A1.pdf> (the rules begin on p. 72)

-- Comments are **due no later than Monday, Sept. 17** (less than 2 weeks from draft release).

-- This rule and report will be voted on by the FCC on Sept. 26.

The short time frame eliminates the public's and states' and local governments' ability to read, evaluate, react, and comment on the proposed rules. Most of the public don't know about this pending proposal. The draft order is also not posted on the FCC's home page, despite its deep impact on every community and resident In the United States.

It is critical that the FCC:

-- Postpone Commission action on these rules until November (at least), and preferably postpone until January in the interest of transparency and public process, to allow adequate evaluation of this proposal and its impacts on the public, and on cities, counties, and states.

-- Open 60-90 day (minimum) public comment period on these rules, beginning immediately and for anyone regardless of standing

-- Post the draft order on the FCC home page where it can be easily found

Instructions on how to comment directly to the FCC are below. **In addition, comments should be submitted by cities and city officials to the National League of Cities, mayors to the U.S. Conference of Mayors, and by counties and county officials to the National Association of Counties, asking them to submit them to the FCC on your behalf.** These organizations have standing in this proceeding and can submit comments from others per FCC staff instructions, which gives the comments more weight. AMBAG can also submit comments to the National Association of Regional Councils for FCC submission. The organizations and individuals that have standing are listed in Appendix B, p. 75.

This draft order/report:

-- Eliminates significant gap in coverage as a consideration in cell tower decisions

-- Redefines “collocation” as adding wireless infrastructure to any structure –

- all small cells are now defined as collocations unless they’re on new towers,
- all new cellular facilities installed on buildings are collocations

This subjects these projects to much shorter shotclocks.

-- Shortens the shotclock – the time for making a decision on an application. Currently, the shot clock for all new facilities is 150 days.

Collocation of small cells 60 days

Collocation of other wireless facilities 90 days

Construction of new small cells 90 days

Construction of new facilities except small cells 150 days

No time extension of shotclock for batched submissions

-- All permits, including building permits, must be obtained within the shotclock

-- Missing these deadlines is now interpreted by the FCC as an “effective prohibition” of wireless service, and court remedies are encouraged, absent “extraordinary” circumstances.

-- Reinterprets and extends protection and authorization to all wireless services and infrastructure now and in the future, far beyond telecommunications.

-- Ignores ADA rules and access for people disabled by electromagnetic sensitivities.

-- Radically redefines prohibition of service and applies it to every aspect of regulation. All rules created by local governments or states, including aesthetic rules, can fall under FCC’s new interpretation of “effective prohibition” and allow carriers to sue for relief. “A state or local legal requirement constitutes an effective prohibition if it ‘materially limits or inhibits the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment.’” (#79)

-- FCC warns that “excessive” fees can constitute an “effective prohibition” and therefore, are not allowed. Institutes an implied cap on application fees on public right of way (PROW) cell towers (#75).

-- \$500 maximum for 1-5 PROW towers submitted together, \$100. for each

additional PROW tower – in some cities, this would only pay for 1-2 hours of staff

time per application. Current application fees can be several thousand dollars.

-- \$270. maximum per site per year for all recurring fees

The FCC is telegraphing they may adopt these at a later date. This goes far beyond Senate Bill 649, which did not affect application and other administrative fees related to wireless infrastructure.

-- These infrastructure roll-outs become an unfunded mandate, putting costs on cities, counties, states, and local residents, reducing funding for local and state services, and reducing staff availability.

-- By these rules, the FCC regulates the public and state and local governments, instead of regulating the telecom and wireless carriers per its mandate. They have flipped their mandate.

I urge you to submit comments TODAY (by Sep. 17) requesting FCC postponement of its Sept. 26 vote and a new extended comment period open to all beginning immediately. Instructions are below.

Sincerely,

Tina Chow, Ph.D.

Barron Park

For filing FCC comments:

Per FCC instructions, put this information at the beginning of your comment. FCC staff said "EX PARTE" should be in italics.

To Marlene Dortch

Office of the Secretary

445 12th St., SW

Washington DC 20554

EX PARTE

Your name or organization

Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment;

Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment

Dear Ms. Dortch:

Write your comment

Filing comments for WT Docket No. 17-79 and WC Docket No. 17-84

The link to express filings --

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Use either one to submit comments.

You can submit more than one comment, too.

How to get there from the main webpage:

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- Proceedings and actions
- Proceedings and actions overview
- File a comment in a proceeding, learn more
- Standard filing or express comment

Express comment –

<https://www.fcc.gov/ecfs/filings/express>

Proceeding: 17-79, press enter, 17-84, press enter

Name of filer: you

Primary contact email: your email address (not required)

Address:(required)

Brief comments: either type in your comments or paste your comments into the screen

(If you make a mistake, you can hit Reset)

Press, Continue to review screen

If okay, submit your comments

Print out confirmation page for your records

Standard filing – fill in these blanks --

<https://www.fcc.gov/ecfs/filings>

Proceeding: 17-79, press enter, 17-84, press enter

Name of filer: you

Primary contact email: your email address (not required)

Type of comment: comment, you could also file a complaint

Address (required)

Upload your comments – as a doc, pdf, or other listed file type; you can attach more than one document

(If you make a mistake, you can hit Reset)

Press, Continue to review screen

If okay, submit your comments (you may have to wait a bit for it to go through)

Print out confirmation page for your records

Carnahan, David

From: J.M. Beckett <jmbeckett@gmail.com>
Sent: Thursday, September 13, 2018 3:28 PM
To: Council, City
Cc: Clerk, City
Subject: denying the public the right to know

Dear city council members and Ms. Minor,

I'm writing to protest the city council decision to stop publishing its agenda (and that for other other city agencies) in the Palo Alto Weekly. As you're aware, The Weekly is delivered to all Palo Alto households, while anyone who wants The Post, must actively seek out a box to obtain one.

In ultra-intense Silicon Valley -- where people work long hours and often commute long distances -- it's not realistic to expect most people will be able to go out of their way to pick up The Post. I'm among the thousands of people who cannot possibly access The Post; instead I rely on The Weekly for meeting notices and agendas.

The result of your decision is that fewer people will have access to these agendas and will be less likely to participate in city government. That, rather than the \$20,000 cost difference, appears to be the true goal of your actions.

I'm aware that reducing access to agendas isn't a technical violation of the Brown Act . But surely this violates the spirit of the law. I urge you to reconsider your decision and ensure that all Palo Alto residents are able to stay informed about actions of their city government.

best regards,
Jamie Beckett
2577 Park Blvd. #V203
Palo Alto, CA 94306

(650) 996-4552

Carnahan, David

From: Pin-Hua Ko <pinhuako@hotmail.com>
Sent: Sunday, September 16, 2018 9:08 PM
To: Council, City
Subject: dewatering

Dear City Council members:

I noticed there is a dewatering operation currently going on for a basement construction in the Midtown on Cowper street. The water flow to storm drains continuously day and night for weeks.

- 1) While we save every drop of water in buckets to reuse at home, cutting down on yard irrigation to minimum to save water, why is the City still allowing water to be pumped freely into storm drains?
- 2) While there is water station at the construction site, I never saw anyone using that water. I tried to use it once by bringing in 5 gallons buckets (5 of them) to fill the water and transporting them home by car for irrigation. But the buckets were so heavy to carry, which made it very difficult to bring large amount of water to my home.

I live about 15 houses from that construction site, but across from the street, plus a turn into another street. I would like to suggest to require the basement construction to route their yellow dewatering pipe to every neighborhood street in one mile radius around the construction site so that every house on every street in that area can have a way to tap into that pipe and connect to household hose to irrigate their yard.

This will at least cut down the amount of water going into storm drains, and save all houses in that area from irrigation expense for a couple of months. Don't tell me that this is going to cost more for that basement construction. Whoever can afford a basement construction that needs dewatering can afford routing the water to their neighbors. Plus, the cost of these ground water lost to our neighborhood is far greater than the extra cost for routing these water through neighborhood streets.

3) It will be best if City can just not allow people to construct basement in area where dewatering is needed for basement construction. There is no need in this climate to have basement. If people wants basement for larger home, they should do it in an area that has higher water table without needing dewatering. Just not allowing dewatering period will be much better for environment, for our ground water, for drought, for neighborhood house damages, etc. It will be pretty much good for everyone. Why is City still allowing dewatering is something I can't comprehend.

Midtown resident,
Joyce Ko

Carnahan, David

From: Cindy Alvarez <cindy.alvarez@mail.com>
Sent: Thursday, September 13, 2018 2:14 PM
To: city.council@menlopark.org
Cc: Council, City; district7@sanjoseca.gov
Subject: FOR PUBLIC RECORD DO NOT DELETE

Sent: Wednesday, September 12, 2018 at 6:33 PM

From: "Cindy Alvarez" <cindy.alvarez@mail.com>
To: ppj1@hush.com
Subject: Fw: Re: RE: RE: Wrong number for Angelo Tom

Hi Mr. Oakley,

This string contains documentation on Ms. Patricia [REDACTED] and other victims of the [Markham Plaza Apartments](#).

Thank you for investigating this.

Cindy Alvarez
Markham Plaza Tenant Association

Sent: Tuesday, September 11, 2018 at 4:06 AM

From: patricia [REDACTED] <[REDACTED]>
To: "Cindy Alvarez" <cindy.alvarez@mail.com>
Subject: Re: RE: RE: Wrong number for Angelo Tom

I was actually hospitalized for nearly 2 and a half months total during which time Jabar [REDACTED] over my apartment. Without my permission. He obtained my keys from another resident at the time whom I asked to lock up my apartment when I was transported by ambulance to hospital. Barely coherent at the time. He then took over my apartment. On May 21 after multiple attempts Someone Finally got police to come. They only took Jabari into custody because of outstanding warrant. He made bail and returned later that night and was allowed back into complex and in addition was assisted by Markham Plaza Maintenance Man in Breaking my Door almost completely in half and completely destroyed the LOCKS. The eviction process was even worse the abuses and complete non compliance from Markman Plaza. They did none of the repairs that were to be done. There attorney didnt write things up the way we agreed. And they refused to allow me to keep my part of terms from court.

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: Cindy Alvarez <cindy.alvarez@mail.com>
Date: 9/10/18 2:39 PM (GMT-08:00)
To: Mary Dowd <maresie45@gmail.com>
Cc: scottlargent38@gmail.com, Markham Plaza Tenant Association <markhamplazata@gmail.com>, [REDACTED] angelo.c.tom@hud.gov
Subject: Re: RE: RE: Wrong number for Angelo Tom

Hi Mary

At first, Robert [REDACTED] death was considered by many people a manslaughter, not a murder because it was caused by negligence. Then some of the attorneys explained that any death caused by a felony or in commission of a felony is a murder under the felony murder rule. www.shouselaw.com/felony-murder.html

Robert died as result of perjury by Markham Plaza's attorney and perjury is a felony. Several other felonies were committed covering up circumstances of Robert's death which enabled EAH Housing to continue to behave negligently and dangerously. That is why, in my opinion and the others agree that Rhonda's death was a murder. I am not an attorney but having learned a bit about the law and history of Markham Plaza this is what I believe from the facts as I understand them

Thank You,
Cindy

Sent: Monday, September 10, 2018 at 9:02 PM
From: "Mary Dowd" <maresie45@gmail.com>
To: "Cindy Alvarez" <cindy.alvarez@mail.com>
Subject: Re: RE: RE: Wrong number for Angelo Tom

I filed the report after her death

There are certainly coroners reports that Rhona died of a heart attack. Her daughter told me Rhonda died if that. Her daughter was deeply upset by EAH response to the incident. But they really cannot be considered murderers.

Deeply negligent certainly but not murderers. I do not know the particulars about Robert [REDACTED] I do know the particulars about Rhonda's death because I was there

There is no way Lester [REDACTED] can be called a murderer.

He isn't that but the whole management team are deeply negligent

They are also deeply hypocritical. They evicted Patricia [REDACTED] for her association with Jabari [REDACTED] Jabari [REDACTED] was at this apartment complex for months

I asked them every single day to get a STOP order on him. They didn't bother

Jabari [REDACTED] was trying to break into apartments every day. He broke all the soda machines. They had no problem with Jabari being here they didn't lift a finger to get rid of him. They did Nothing. Yet they evicted Patricia from the building for being a victim of him

You do them a huge favor by calling them murderers because then they can allege their lives are in danger. They are deeply deeply negligent in their work completely indifferent to tenants

That is a long way from being a murderer. Why give them a chance to say you are a threat to them?

The only threat to them is they lose their job for total incompetence.

Mary

On Mon, Sep 10, 2018, 1:02 PM Cindy Alvarez <cindy.alvarez@mail.com> wrote:
Any copies of the reports or report numbers?

Sent: Monday, September 10, 2018 at 7:28 PM
From: "Mary Dowd" <maresie45@gmail.com>
To: "Cindy Alvarez" <cindy.alvarez@mail.com>
Subject: Re: RE: RE: Wrong number for Angelo Tom

Rhonda died from a heart attack. The negligence was that all of EAH Housing were off site. She called for help and no one could get in.

I don't know the specifics of Robert [REDACTED] case but Rhonda's death was not a murder. However Rhonda did ask to be moved as a ADA issue. She was on the fourth floor and wanted to go to the first floor. They denied it which was pretty steep because Rhonda could not walk at all.

I filed an elder abuse case on Rhonda because her caregivers were negligent. EAH Housing is mandated to report. They didn't report that and there are plenty of other negligent caregivers at Markham. EAH Housing report none of them. There have even been police reports on Elder Abuse none of them are addressed

Mary

On Mon, Sep 10, 2018, 12:19 PM Cindy Alvarez <cindy.alvarez@mail.com> wrote:

Sent: Saturday, September 08, 2018 at 1:05 AM
From: "Tom, Angelo C" <Angelo.Tom@hud.gov>
To: "Cindy Alvarez" <cindy.alvarez@mail.com>
Subject: RE: RE: Wrong number for Angelo Tom

I advised our Inspector General's office of your situation.

Angelo Tom, MBA, MA

Program Manager, Team 4

Community Planning and Development Division

San Francisco Regional Office

One Sansome Center, Suite 1200

San Francisco, CA 94104-4430

e-mail: angelo.c.tom@hud.gov

phone: 415-489-6596; fax: 415-489-6601

Recipient of HUD Distinguished Service Award 2014

From: Cindy Alvarez <cindy.alvarez@mail.com>
Sent: Friday, September 07, 2018 3:07 PM
To: Tom, Angelo C <Angelo.Tom@hud.gov>
Cc: Hughes, Andrew <Andrew.Hughes@hud.gov>; Costa, Alfonso A <Alfonso.Costa@hud.gov>;
Montgomery, Brian D <Brian.Montgomery@hud.gov>; kenditkowsky@yahoo.com;
Amy.Thompson@hud.gov; district7@sanjoseca.gov; rua@uglyjudge.com
Subject: Fw: RE: Wrong number for Angelo Tom

The Santa Clara County sheriff department has been stalking witnesses and threatening people not to put anything in writing. The stalking is being directed by Angela [REDACTED] and James [REDACTED] who were both on DA homicide unit in 2012 when they murdered Robert [REDACTED]. I did not understand the significance of these things until after Rhonda died. I still do not fully understand but I am learning more every day and I fear for my life.

Cindy

Sent: Friday, September 07, 2018 at 8:48 PM
From: "Tom, Angelo C" <Angelo.Tom@hud.gov>
To: "Cindy Alvarez" <cindy.alvarez@mail.com>
Cc: "Johnson, Kimberly D" <Kimberly.D.Johnson@hud.gov>
Subject: RE: Wrong number for Angelo Tom

My contact info is stated below. Please email me as I prefer written documentation.

Angelo Tom, MBA, MA

Program Manager, Team 4

Community Planning and Development Division

San Francisco Regional Office

One Sansome Center, Suite 1200

San Francisco, CA 94104-4430

e-mail: angelo.c.tom@hud.gov

phone: 415-489-6596; fax: 415-489-6601

Recipient of HUD Distinguished Service Award 2014

From: Cindy Alvarez <cindy.alvarez@mail.com>
Sent: Friday, September 07, 2018 1:28 PM
To: Tom, Angelo C <Angelo.Tom@hud.gov>
Subject: Wrong number for Angelo Tom

Hello sir. the phone number for you in the email from Kimberly Johnson is incorrect. What the correct number to reach you. She accidentally put a 4 digit prefix of "5489"

Thank you

Cindy

Sent: Friday, September 07, 2018 at 7:35 PM
From: "Johnson, Kimberly D" <Kimberly.D.Johnson@hud.gov>
To: "Cindy Alvarez" <cindy.alvarez@mail.com>
Subject: Automatic reply: Threatening witnesses

Hello,

#

I am out of the office today and won't have constant access to email. If this is an urgent matter, please contact my Supervisor, Angelo Tom at 415-5489-6596.

Thanks!

Kim

Carnahan, David

From: Loran Harding <loran.harding@stanfordalumni.org>
Sent: Thursday, September 13, 2018 10:49 AM
To: leager; lawrence.ingrassia@latimes.com; robert.andersen; bballpod; boardmembers; Council, City; Daniel Zack; drliu@uscmc.com; fmerlo@wildelectric.net; Greg.Gatzka; steve.hogg; hennessy; Irv Weissman; jerry ruopoli; kclark; scott.mozier; mmt4@pge.com; nchase@bayareanewsgroup.com; nick yovino; pavenvjtdhillon@yahoo.com; popoff; parsons@brandman.edu; russ@topperjewelers.com
Subject: Fwd: Bakersfield to Palmdale in 25 min. on HSR, this report says

----- Forwarded message -----

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Wed, Sep 12, 2018 at 10:34 PM
Subject: Fwd: Bakersfield to Palmdale in 25 min. on HSR, this report says
To: dennisbalakian <dennisbalakian@sbcglobal.net>, David Balakian <davidbalakian@sbcglobal.net>, beachrides <beachrides@sbcglobal.net>, bearwithme1016@att.net, Mayor <mayor@fresno.gov>, Mark Kreutzer <mlkreutzer@yahoo.com>, Mark Standriff <mark.standriff@fresno.gov>, Joel Stiner <jastiner@gmail.com>, info@superide1.com, midge@thebarretts.com, huidentalsanmateo <huidentalsanmateo@gmail.com>, esmeralda.soria@fresno.gov, "paul.caprioglio" <paul.caprioglio@fresno.gov>, kfsndesk <kfsndesk@abc.com>, newsdesk <newsdesk@cbs47.tv>, kwalsh@kmaxtv.com, Cathy Lewis <cattlewis@gmail.com>, Leodies Buchanan <leodiesbuchanan@yahoo.com>

----- Forwarded message -----

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Wed, Sep 12, 2018 at 12:44 PM
Subject: Fwd: Bakersfield to Palmdale in 25 min. on HSR, this report says
To: Dan Richard <danrichard@mac.com>

----- Forwarded message -----

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Wed, Sep 12, 2018 at 12:33 PM
Subject: Fwd: Bakersfield to Palmdale in 25 min. on HSR, this report says
To: Loran Harding <loran.harding@stanfordalumni.org>

----- Forwarded message -----

From: **Loran Harding** <loran.harding@stanfordalumni.org>
Date: Wed, Sep 12, 2018 at 12:03 PM
Subject: Fwd: Bakersfield to Palmdale in 25 min. on HSR, this report says
To: Loran Harding <loran.harding@stanfordalumni.org>

----- Forwarded message -----

From: **Loran Harding** <loran.harding@stanfordalumni.org>

Date: Wed, Sep 12, 2018 at 11:37 AM
Subject: Fwd: Bakersfield to Palmdale in 25 min. on HSR, this report says
To: Loran Harding <loran.harding@stanfordalumni.org>

----- Forwarded message -----

From: Loran Harding <loran.harding@stanfordalumni.org>
Date: Wed, Sep 12, 2018 at 10:56 AM
Subject: Bakersfield to Palmdale in 25 min. on HSR, this report says
To: Loran Harding <loran.harding@stanfordalumni.org>

Wed. 9-12-2018

Dan- Of interest. Bakersfield to Palmdale in 25 min. on HSR, a fourth of the current time, this says:

<https://www.kget.com/news/local-news/high-speed-rail-from-bakersfield-and-palmdale-could-take-25-minutes/1433021974>

This says the Board will meet in Bakersfield next month to make adjustments to the route or to approve it. I won't be there due to the condition of Hwy 99.

45 minutes Bakersfield to Los Angeles would be huge for Bkrsfld. **IF the wild fires and resulting dangerous smoke can be addressed,** then Bksfld would be transformed by 45 min. to LA. The health impact of the smoke endangers the whole Central Valley. And the CV pollution tends to back up against the mountains in Bksfld, especially. Everybody there knows that.

Also, the San Andreas Big Bend segment lies up in the mountains between Bakersfield and Santa Barbara, putting both at risk of a quake there. Of course, the San Andreas puts the Bay Area at even more risk running right down the peninsula and it has not halted growth there.

But, making Bakersfield a bedroom community for LA is a huge plus of HSR. Ditto for Fresno wrt SV, and ditto wrt the wildfire smoke.. So what I'm saying here is that this serious health issue due to wild fire smoke is going to damage the benefit of HSR to both Fresno and Bakersfield, since both are in the CV.

So a booming economy, and real population change with more educated people, is a prospect for Bakersfield and Fresno when HSR runs. On those two segments, it will operate as a commuter line. Nothing wrong with that, and I'd make that point.

When you move a lot of high income, educated people into a community, things improve a lot. East Palo Alto used to have the highest murder rate in the U.S., and then the big surge of SV caused it to change as people sought housing there. That gentrification was all underway in the 90's.

Big surge in the economy, an improved population mix with less crime and more money, and a non-polluting transportation system would all be pluses for Bakersfield. Plus there's fun stuff to do in LA. Same for SF wrt the people of Fresno who rarely go to SF.

I drive Fresno to my dentist in San Mateo in 3 hours. To push on up 280 to SF would be another 45 minutes, but I rarely do that. Then you have to worry about and pay to park your car when you get there, an additional negative. But

90 minutes Fresno to SF with no car to deal with there would be a real improvement. All of that additional drive time and the headache of a car once you arrive are two problems HSR would solve. Even if the HSR fare costs more than the gas costs to drive, you'd still take the HS train to SF once in a while when you never make the trip by car.

And maybe I'm weird on this point, but we supply a free military defense for all of Europe, Japan and Korea. Then, they spend their defense money on free universities, wonderful national health care systems, and magnificent HSR systems. Declare war on the United States, get your country flattened as a result, and then they rebuild your country and provide a free military defense till the end of time. Not a bad deal. That just looks like blackmail to me.

If I were you, I might take the gloves off and point out the above. I know, that would be to step on the toes of some in Congress and the President, but I think the American people should hear it.

LH

From: [Nadia Naik](#)
To: [opana_news: PAN](#)
Subject: Fwd: [New post] Should Caltrain plan to keep up with ridership growth? Board workshop next month
Date: Thursday, September 13, 2018 3:18:04 PM

Dear Neighbors,

For those of you interested in Caltrain, here's a chance to get involved in Caltrain's long term plans for service.

What do you want Caltrain to look like in the future?

Nadia

----- Forwarded message -----

From: **Green Caltrain** <donotreply@wordpress.com>
Date: Thu, Sep 13, 2018 at 2:49 PM
Subject: [New post] Should Caltrain plan to keep up with ridership growth? Board workshop next month

New post on **Green Caltrain**

A decorative graphic element consisting of a stylized geometric pattern of triangles and lines in shades of brown and gold.

Should Caltrain plan to keep up with ridership growth? Board workshop next month

by [alevin](#)

On Thursday, October 4 at 9am, the Caltrain board will hold a workshop on one of the biggest topics to consider in the business plan for the service - how aggressively to plan for ridership growth. Read on for more on the big questions that the Caltrain board will be considering - and the issues to share your thoughts about with the board and business plan team.

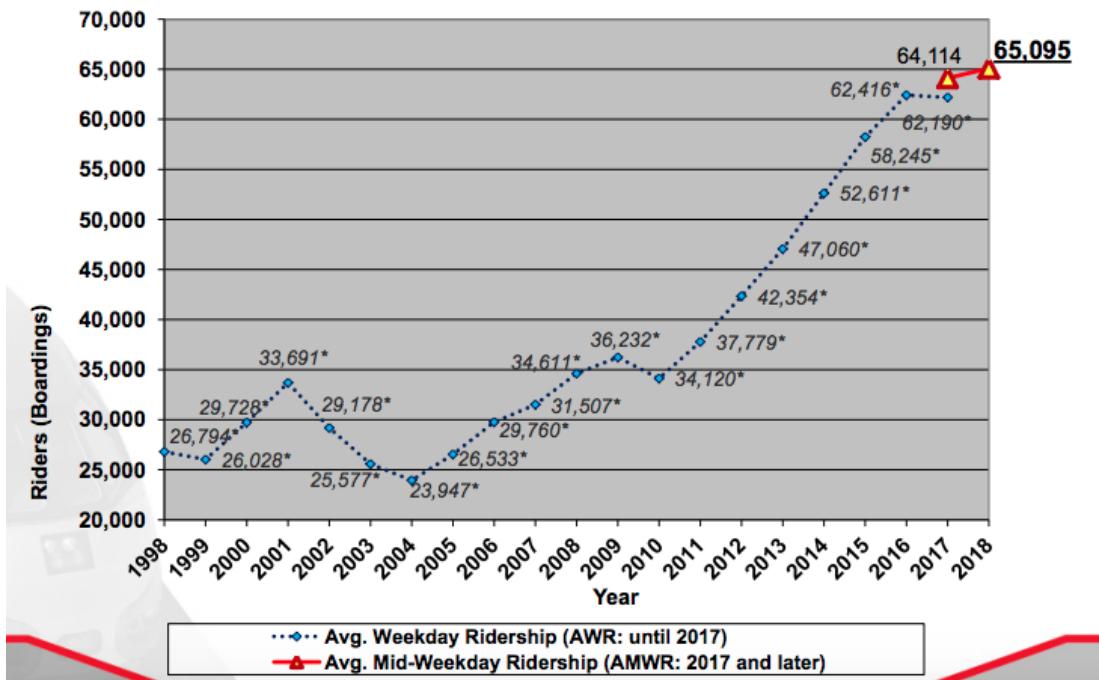
How big should the vision be?

Today, cities are making big plans that depend on Caltrain carrying many more passengers - San Jose is currently planning for Google's expansion into the Diridon area, and San Francisco is planning to connect the tracks from 4th and King to the Salesforce/Transbay terminal, where there were 3x as many jobs nearby as the rest of the line combined at the last census.

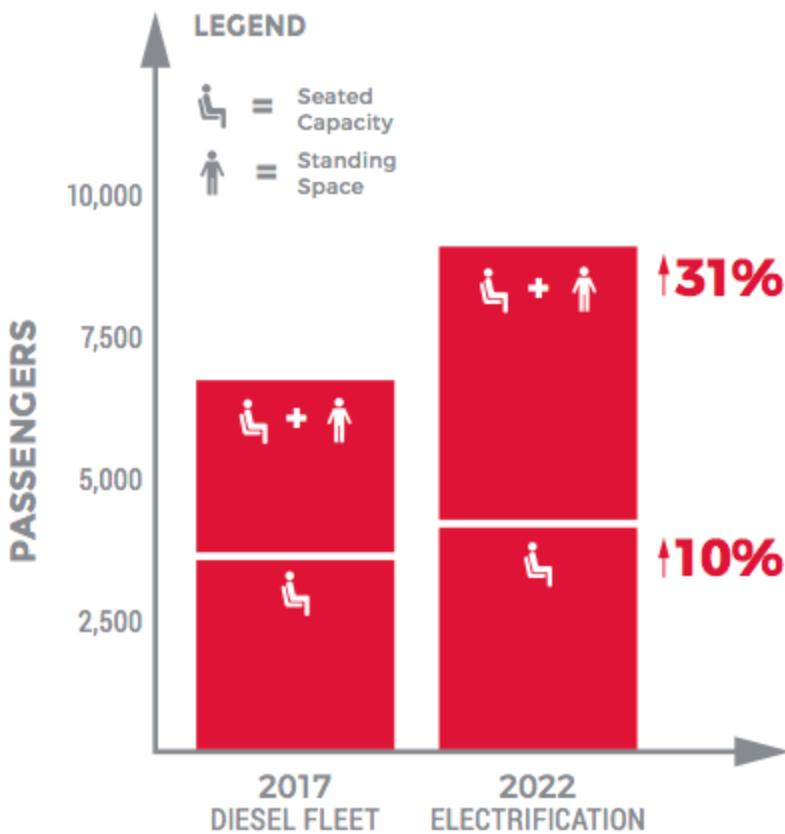
The latest Caltrain ridership count shows ridership continuing to increase, and trains continuing to be crowded.

Average (Mid-) Weekday Ridership

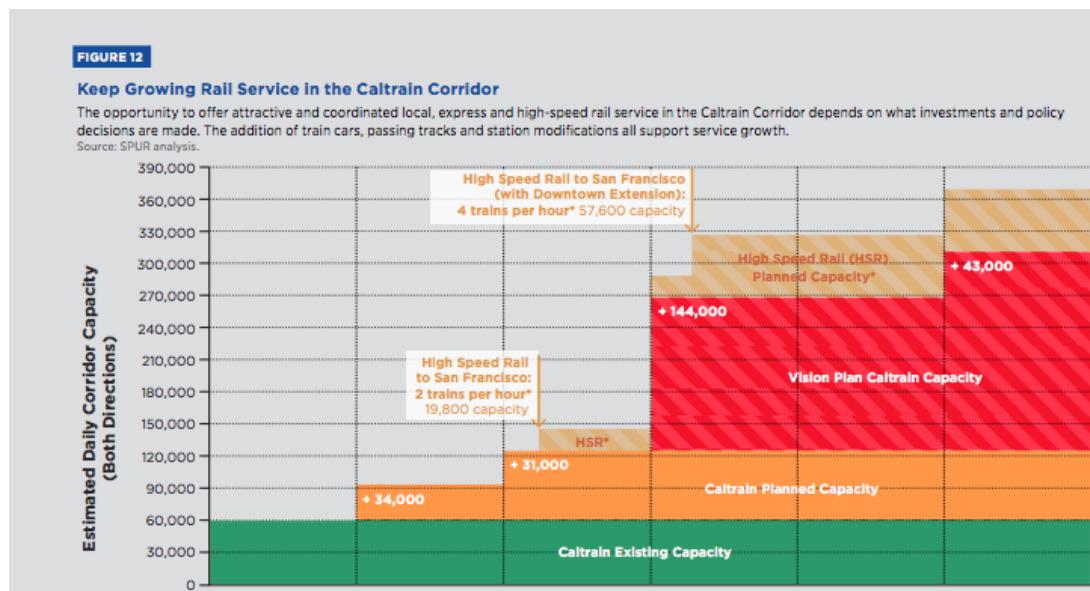
1.5% AMWR Increase



Electrification which is under construction is expected to add over 30% more room for people, and Caltrain has gotten funding for longer trains (though [Proposition 6 puts that funding at risk](#)).



Big questions remain about how much growth Caltrain should plan for. Caltrain's electrification plans envisioned 111,000 daily riders. Spur's Caltrain Corridor Vision Plan urged the region to set sights higher, carrying over 300,000 passengers to fulfill pent-up demand.



So in October, the board will be looking at factors that affect the "long pole in the tent" -

the strategic decisions that will shape the investments needed for growth.

A carbon-neutral state and increasing transit market share

Meanwhile, Governor Brown just issued [an executive order committing the State of California to carbon-neutrality by 2045](#). This builds on a law just passed committing to 100% clean energy by 2045. But energy accounts for only 16% of carbon emissions in the state. Transportation accounts for about 40% of California's emissions. This aggressive climate goal will require not only swapping gas cars for electric cars, but shifting more trips to transit and active transportation, and enabling more people to live and work in places requiring less driving.

How much room in a blended system with High Speed Rail?

The initial proposal for a blended system with High Speed Rail envisioned ten trains per direction per hour, with Caltrain service delivering six trains and High Speed Rail delivering four trains. That service plan wouldn't be able to move 200,000 to 300,000+ passengers. Caltrain staff have been analyzing what service plan, and what infrastructure, would be able to keep up with growth and market share, and (we hope) climate goals.

How much service to South San Jose/South Santa Clara County?

Another topic that's part of the "long pole in the tent" is the amount of service to provide to South Santa Clara County and Gilroy.

The Gilroy Extension has ~800 average weekday boardings with minimal service and offpeak ridership is currently ~10,000 with infrequent service. Research suggests that adding service has good likelihood to increase ridership - especially in South San Jose where there are many residents who live near stations with very poor service.

There is funding available from Santa Clara County Measure B for some increased service to South San Jose and South Santa Clara County, and the proposal from the High Speed Rail Authority to electrify the line from Tamien to Gilroy, would allow even more service. Because equipment to run that service is part of the maximum capacity, that will be considered now as part of the picture. Refresh this page for a link to a blog post on opportunities for more service to South San Jose and South County.

Grade separations? Dumbarton service? A second transbay crossing?

In order to provide much more service than today, it would be helpful to have more grade separations that separate the Caltrain tracks from roads. Caltrain doesn't make decisions about local grade separation designs today, and doesn't want to get involved in those locally sensitive details in the future. BUT Caltrain could pursue a regional strategy in partnership with cities, the region and the state to fund and fully grade separate the corridor. Should this be part of the picture.

More topics that could affect corridor capacity needs in the longer term include Dumbarton service. [The recent SamTrans Dumbarton study](#) envisioned a long-term strategy to have trains from the Central Valley and East Bay crossing the Dumbarton Corridor and continuing right or left on the main line toward San Francisco and Silicon

Valley. This would require more mainline capacity.

Another big-picture vision in the State Rail Plan is a second transbay crossing with conventional rail, allowing intercity service from the Peninsula Corridor and San Francisco up to Sacramento. The State Rail Plan's analysis indicated that adding these longer-distance trips to local service would result in many more passengers to use the infrastructure (and fewer cars on the highways). This would also require more corridor capacity. Caltrain isn't the lead player in these decisions, but it would be helpful to express a willingness to participate in megaregion and state plans.

All-day, all-week service - later in the business plan process

It also seems counter-intuitive but mid-day and evening service frequency isn't slated to be part of this workshop and stage of the conversation.

A decision to providing frequent service at time other than rush hour is a big, existential question for the Caltrain corridor. Should Caltrain remain a historical Commuter Rail focusing on peak commute times, or should it adopt the practices followed by dozens of rail services around the globe, providing frequent, all-day service for more kinds of trips, and helping people live with fewer cars, relieving congestion and helping meet the state and planet's environmental goals?

This will be a critically important decision, but won't be a big subject of the October workshop, because mid-day and evening service could be increased without increasing equipment or infrastructure.

But, if you're writing to the Caltrain board, or planning to give public comment at the workshop, it can't hurt to mention it if this is part of your vision for what Caltrain service should become in the future.

Share your thoughts with the Caltrain board (and let us know)

What do you think about these topics?

- How ambitious should we be to plan for ridership growth? Should Caltrain plan to meet the pent-up demands shown in SPUR's vision plan, with goals to take cars off the road and carbon out of the atmosphere, or make incremental changes?
- With the state's new goal to be carbon-neutral, should Caltrain have a goal to take more market share from solo highway driving?
- Should Caltrain actively support connecting the tracks to downtown San Francisco, which will likely move many more riders?
- Should Caltrain support megaregional goals for longer-distance trips to/from the Central Valley and Sacramento, as a smaller player in big picture decisions?
- Should Caltrain play a key role in a strategy to grade-separate the corridor with state and regional funding?
- Should Caltrain support more service to South San Jose and South Santa Clara County?
- Should Caltrain support frequent all-day service for more kinds of trips (not the subject for October but important to include while you're responding).

The board won't make final decisions in October, but they will start to set direction, so it's important to participate and weigh in.

Send your thoughts in writing to the business plan team at BusinessPlan@caltrain.com. Send us a copy at friends@friendsofcaltrain.com.

And if you have time, come to the board workshop at 9am, Thursday October 4.

alevin | September 13, 2018 at 2:49 pm | Tags: [recent](#) | Categories: [Friends of Caltrain](#) | URL: <https://wp.me/pZ1Wi-ES>

Carnahan, David

From: Derek Mackay <derekcmackay@gmail.com>
Sent: Thursday, September 13, 2018 9:14 AM
To: Council, City
Subject: Johnson Park Camping

Hello,

I live across from Johnson Park downtown, and there seems to be increasing numbers of people sleeping overnight in the park. This morning, there were 3 separate people sleeping overnight in the park.

It's a small park and it affects the use of the park in the morning (one of the individuals was right in the middle of the basketball court and refused to move for players who arrived). Is there a way to mitigate this?

Thank you.

Carnahan, David

From: Emily Renzel <marshmama2@att.net>
Sent: Monday, September 17, 2018 11:15 PM
To: Council, City
Subject: My tribute to Mary Gordon

Dear Mayor Kniss and Members of the Council. Thank you for indulging me with a bit of extra time tonite. I think it's important for the Council and the public to fully understand the magnitude of Mary's contributions to the fabric of our City. Here is a copy of my presentation. Thanks again. Emily Renzel

Mary Gordon has always been a woman ahead of her time. In the 1950's & 1960's, before the Women's Liberation Movement, Mary established her own successful landscape design business which is continued with her daughter today.

I first met Mary when I attended Planning Commission meetings in the early 1970's. Mary Gordon, together with Frances Brenner, worked tirelessly for enlightened planning for Palo Alto. In 1973, I joined Mary and Frances on the Commission and am very grateful for the many lessons in planning that they provided. Both women were visionary and passionate in their efforts.

The mindset of 1960's planning, until Mary came along in the 1970's, did not delve too deeply into the impacts of most of the activities espoused and totally ignored the value of wetlands.

The 1962 County Parks, Recreation & Open Space Element of the General Plan said,

"Now a neglected, inaccessible area of salt ponds, marsh land, and garbage dumps, the waterfront could be the attractive marine playground" ...Shoreline parks provide in-and-out-of-water activities for all the family: harbors for boating, swimming lagoons, fishing ponds, golf courses, playgrounds." The map showed Seaside homes, a Resort motel, excursion boats, etc. -- even a college campus in the Palo Alto Flood Basin was shown. With Mary's efforts a new paradigm was established to protect our Bay.

When the Palo Alto Yacht Harbor, run by the County, came in for yet another dredging permit in 1975, the Bay Conservation and Development Commission required that a Master plan for disposal of dredging spoils be adopted before they would approve the dredging. I personally witnessed Mary's finesse when she parried that dredge spoil plan into Palo Alto's First Baylands Master Plan covering the entire Palo Alto Baylands. **It was brilliant...and it has served Palo Alto well right up to today.**

Byxbee Park, dedicated in 1965, was being used as a landfill scheduled to close in 1967. It did not close until more than 50 years later!! The problem was that the City had not yet found an alternative for garbage disposal. Use of Byxbee Park for garbage disposal continued, with multiple vertical expansions, until at long last, the City closed it and began the long anticipated park development. Mary's Baylands Master Plan provided early guidance for this park and it continues today.

Mary has had a passionate interest in Trail and Pathway connections between parks and open spaces and along our creeks throughout the County. I'm vaguely recalling that Mary and Artemis Ginzton started a group called Women's workshop for Paths and Trails, or something like that. They wanted the County to have a Trails and Pathways master plan that all the jurisdictions would incorporate in their plans. Both women then served for years on the County's Planning Policy Committee's Trails and Pathways subcommittee promoting their vision. **Many of the regional trails that now exist are a result of their hard work in the 1970's.**

So, Mary, my tenacious, passionate, and visionary friend, all the citizens of Palo Alto and the greater mid-peninsula area, indeed the whole county, are truly indebted to you for all of your efforts.

Thank you so much for all you have done.

Carnahan, David

From: k jm <kjm1445@yahoo.com>
Sent: Monday, September 17, 2018 10:16 AM
To: Council, City
Subject: New thread re Castilleja on Next Door

Hello,

Many feel that they will only vote for those potential City Council members who stand with neighbors against Castilleja's expansion. See below...

In part...
imberley Wong

, Old Palo Alto
6



Friday letter to the editor: Don't simply apologize

As we go into another mandatory neighborhood meeting with Castilleja on October 10, let's see if anything has changed from the last meeting or the meeting before... or the meeting before... we have repeatedly asked the same questions to which they repeatedly reply "we'll just have to wait and see what the DEIR" says. Let's hope they have something new to share like a reduced scope of construction without a garage that can be more in align with the R-1 zone in which the school resides? Let's see if lessons learned about really valuing the concerns of immediate neighbors are "working" themselves into their plans. Here is my letter which can be found at

<https://www.paloaltonline.com/print/story/2018/09/14/letters-to-the-editor> Is an apology truly meaningful if one doesn't change his or her ways? We as neighbors are not resistant to changes that benefit students as long as they do not impact our quality of life greatly. Who isn't in support of education after all? But shouldn't residents have a say in what their limits are or should we leave that to the city or school to decide that for us? Why is the Head of Castilleja and the Board so resistant to make changes that will better serve the school in the long run and allow it to coexist peacefully in an R1 residentially zoned neighborhood? Castilleja has willfully violated their maximum enrollment yet they stay above the limits which City Planner John Lusardi said (year 2000) that beyond which "it would not favorably be looked upon". Yet Castilleja still pushes forth with plans for multiyear (5+) rebuild of campus and traffic inducing garage, increased enrollment and myriad of variances to skirt around their inadequately small campus while asking for forgiveness for their past wrongs. Is it not better to develop compatible plans with community benefit in mind rather than divide, destroy and alter a neighborhood then ask forgiveness later? As I reflect on the words of the Head of School, I wonder what lessons were truly learned given that nothing has changed.

[Letters to the editor | September 14, 2018 | Palo Alto Weekly | Palo Alto Online |](#)
[PALOALTONLINE.COM](#)

2d ago · 24 neighborhoods in General



Thanked!



18

K



Kj Moreau, Old Palo Alto · 1d ago

Hi Kimberley, Will it make any difference if we have different City Council members? Castilleja clearly does not care about the immediate neighbors. With 75% of the students NOT living in Palo Alto, perhaps they don't care what we think. What can we do? Thank you Kimberley.

8 Thanks



Marilyn Messer, Community Center · 1d ago

I would think having another campus in a totally different geographical area would benefit the school among with Palo Alto.



7 Thanks



Kerry Yarkin, Midtown · 1d ago

Congratulations Kimberly. You really expressed the sentiments of so many people In the neighborhood.



7 Thanks

K



Kimberley Wong

, Old Palo Alto · 1d ago

A lot can be done... please write to the school, Planning and Transportation Commission, City Council, City Manager and express your discontent with the current plans. Talk to your friends and neighbors to ask if this is the type of project that makes sense in this neighborhood, whether building a garage truly makes sense, whether increasing the school by only 125 students really makes sense in the mission of Castilleja to offer their fine education to more students and offer suggestions on how to grow better and beyond this small campus!



9 Thanks

K



Kj Moreau

, Old Palo Alto · 1d ago

Respectfully Kimberley - 125 ADDITIONAL student is a LOT! Then you add over 100 events per year- not all related to school function... with all the traffic etc. Totally changes our neighborhood.

5 Thanks

K



Kj Moreau

, Old Palo Alto · 1d ago

Marilyn - YES! Since 75% of students live OUTSIDE of Palo Alto, why don't they build a campus closer to where their students live?

5 Thanks



Andie Reed
, Old Palo Alto · 1d ago

The school is asking for an increase in enrollment of 30%, so, considering it's the same 6 acres that has served 200 to 300 to 385 girls comfortably over the decades, then in year 2000, reached 415 (which they currently exceed) at the last CUP negotiation - yes, it's a big increase to 540. Piling kids on top of each other, not to mention more teachers and staff and cars. It's a lovely, small campus full of trees and low-impact buildings, they should modernize and leave it small! They want to demolish 5 of the 7 school buildings and build one large building, which they state in their request for variance is "envisioned to be compatible with the neighborhood", and they further state will "enhance the sense of community". I may not have attended Castilleja, but I know when I'm being hoodwinked.



8 Thanks



Barb Jaarsma
, Palo Verde · 1d ago

I don't understand how it got to this point. It's a massive commercial enterprise smack in the middle of a historically significant neighborhood. Why would a city council supposedly representing citizens even consider such a nutty plan? What's next - a refinery? Bowling alley? Public storage? Amazon warehouse?



9 Thanks



Kj Moreau
, Old Palo Alto · 1d ago

Thank you Barb! Very well said!

3 Thanks



Barb Jaarsma
, Palo Verde · 1d ago

What did my Dad always say? Oh - yes - "Follow the money."



4 Thanks



Andrew Pullin
, Midtown · 1d ago

Castilleja will do whatever they want because they know that there isn't a damn thing that anyone can do to stop them. Watching this saga over the past couple of years as a non-home-owner has been darkly hilarious, due to the utter futility of any resistance raised against their expansion.



B



Bill Schmarzo
, Old Palo Alto · 1d ago

There are many things that one can do to help stop this, but #1 is that many members of the city council are facing re-election. Ask them bluntly where they stand on the Castilleja expansion plans. Don't let them "hem and haw" like I heard a couple of them recently when asked that question. Hold them accountable. And Barb is right: Follow the Money.



4 Thanks



Barb Jaarsma
, Palo Verde 1d ago

Also - get rid of anyone who accepts freebies - like vacations in China. Since the Council is mostly male, start looking at wives/mothers/girlfriends & sisters and figure out who has a special affinity for Castilleja? Also, what charities and pet projects has Castilleja donated to? If anyone has a timeline, of this particular round of waivers, free passes, and favors, that would be great.



1 Thank

K



Kj Moreau
, Old Palo Alto 22h ago

Hi Andrew, Respectfully, the City could do their job and stop this expansion and insist that Castilleja become compliant with the existing CUP by reducing the number of students. The City could insist that they are honest and honorable in living up to their promise to never ask for a higher number of students. Is the lesson that Castilleja is teaching the students that your word is NOT your bond. Such a lack of values is just sad. Hi Barbara, It could be that a bowling alley or public storage would create and have less traffic... just saying...



2 Thanks



Barb Jaarsma
, Palo Verde 19h ago

Hi, Jennifer! I don't know anyone who doesn't embrace diversity, and education, but the truth is that our transplanted Midwestern culture is one of mutual trust, of honor, of honesty, and of neighbors helping neighbors, and our narrow little streets are overcrowded as it is. Castilleja is a picturesque little elite private

school, and needs to stay that way, or it really should transplant itself elsewhere. As an institution, it needs to demonstrate that sort of good faith which benefits our students in terms of life lessons taken to heart before destroying old-growth trees without review, overfilling their licensed enrollment without penalty, and building some massive structure in the middle of a quiet little neighborhood with significant historical value. So far, they're demonstrated nothing but arrogance and aggression. Are you sure you want your child exposed to such shady morals, ethics, and values as have been in evidence to date? At the very least, I hope you will make sure that your daughter has been brought current on the issues and attends City Council meetings. Personally, I embrace public schools. I attended local schools with my first husband from K thru 12, and he went on to Stanford on a full tuition waiver because our folks weren't rich. If you can afford private schools, that's great for you, but it really has nothing to do with the matter at hand - which seems to be a series of overbearing demands and assumptions that the citizenry are just going to roll over and shout, "Sure! Destroy our neighborhood! Clog our little streets! Add a lot of noise!" That's just not happening without a fight unless they lighten up and stick to the established, approved plan. **And I can almost promise you that no one will be elected to the City Council who supports this nonsense.** The good people of Palo Alto tend to be a pretty relaxed, laid-back, live-and-let-live bunch - right up to the point where we discern that we are being steamrolled. Then all hell breaks loose.



8 Thanks

L



Leland Wiesner,
Crescent Park · 17h ago

@Jennifer, I think Palo Alto residents have not asked Castilleja to disband, just stop breaking the rules. It can remain a great school for decades to come, offer scholarships, diversity etc. but I am not sure what that has to do with violating zoning ordinances and CUPs. Can you explain the relationship between being a great school and break city ordinances? They seem unrelated.



9 Thanks

D



David Schnedler,
Southgate · 16h ago

The arguments against the expansion are so compelling, and the harm to the neighborhood is so egregious, that I cannot understand why they city council which supposedly represents solely the voters of Palo Alto, is having such difficulty delivering the community's verdict to this special interest.

Carnahan, David

From: Gary Lindgren <gel@theconnection.com>
Sent: Tuesday, September 18, 2018 1:48 PM
To: Council, City
Subject: Next Meeting

Hello,
When is the next Rail Committee meeting.
Gary Lindgren

Gary Lindgren
585 Lincoln Ave
Palo Alto CA 94301

650-326-0655
[Check Out Latest Seismometer Reading](#)
[@garyelindgren](#)

[**Listen to Radio Around the World**](#)

Be Like Costco... do something in a different way
Don't trust Atoms...they make up everything

A part of good science is to see what everyone else can see but think what no one else has ever said.

The difference between being very smart and very foolish is often very small.

So many problems occur when people fail to be obedient when they are supposed to be obedient, and fail to be creative when they are supposed to be creative.

The secret to doing good research is always to be a little underemployed. You waste years by not being able to waste hours.

It is sometimes easier to make the world a better place than to prove you have made the world a better place.

Amos Tversky

Carnahan, David

From: Ted O'Hanlon <tedohanlon@gmail.com>
Sent: Friday, September 14, 2018 1:36 PM
To: Council, City
Cc: Lait, Jonathan; Keene, James; Leigh F. Prince; Yurong Han
Subject: Project Pre-Screening, 788 San Antonio

City Council Members, Mr. Keene & Mr. Lait

I write this email on behalf of the owners of 788-796 San Antonio Road for whom I consult on an [application for pre-screening](#) of a proposed multi-family housing project.

On June 26, we submitted plans for review that requests a zone change from Commercial Service to Residential Multi-Family 40 units per acre.

Late this week I was informed by planning staff that our hearing, scheduled for the Sept 17 City Council session, is again being rescheduled. Note that we were previously scheduled for Sept 10. The new target for hearing is October 15 which would make this nearly a full 4 months to be heard.

In December 2015, the City implemented the concept of project pre-screenings to streamline the review process and provide City Council more visibility and opportunities to review development proposals at earlier phases.

In November 2017, City Council members published a [colleagues memo](#) that discusses a "housing crisis", efforts to "encourage diverse housing" and "streamline the approval process".

We value City Council's time and the constructive feedback and observations it will yield to continue to plan the project that works for Palo Alto and look forward to capturing these to help move our project forward collaboratively.

It is not unexpected for new matters and emergency circumstances to cause council agendas to change, especially in the current environment. However, given the pre-screening tool, colleagues memo and the fact that no formal action or binding results come from the hearing, to wait in excess of 3 months is a dis-service for all constituents involved.

Thus, on behalf of our project team, we request that our pre-screening be scheduled no later than the October 1 session.

Sincerely,
Ted O'Hanlon

Ted O'Hanlon
tedohanlon@gmail.com
415.317.5070 mobile/text
CA BRE #01868277

Carnahan, David

From: Deb Keating <deb_keating@hotmail.com>
Sent: Wednesday, September 12, 2018 3:29 PM
To: Starmer, Bud
Cc: City Mgr; Council, City
Subject: Re: 510 Seale

Not good enough.....

So, as you instructed, I called the police. They will not cite anyone for violating the Construction Hours law unless they catch them in the act. My pictures (date and time stamped by the phone) and my complaint are not sufficient apparently---they must see it with their very eyes. Well, that is insulting to me.

Mr. Chu's performance, along with many of his subs, has been anything but neighborly throughout this construction. I've put up with a lot for years. And, as I said, last Saturday was the final straw.

It would be nice, Bud, if the City would stand up for the residents rather than the developers. So..I contact the police (did you not know that they would tell me to get lost?); I send you the phone numbers (you don't have contact info?)---and what can I expect from the City? Not much apparently---a reprimand (oh, I'll bet they are quaking in their steel-toed construction boots).

Sorry to have bothered you at all.

From: Starmer, Bud <Bud.Starmer@CityofPaloAlto.org>
Sent: Wednesday, September 12, 2018 11:26 AM
To: Deb Keating
Subject: RE: 510 Seale

Spoke to contractor, Hauling sub- contractor was at fault. Kelson Chu (General Contractor) will contact them and let them know Palo Alto Construction Hours and reprimand them.

Just go off the phone with Kelson, who apologized for the inconvenience. Kelson can be reached at 650-619-8968 if you have additional complaints.

Bud Starmer

From: Deb Keating [mailto:deb_keating@hotmail.com]
Sent: Wednesday, September 12, 2018 8:39 AM
To: Starmer, Bud
Subject: Re: 510 Seale

Bud, There are 3 signs posted on the chain fence:

1. Construction hours
2. Chelsea Court Designs, Designers/Decorators 408-399-7720
3. Young & Borlik, Architects 650-688-1950

That's it....I would think that the permit for construction that the City has on file would provide you all the info you need, but happy to let you know what's posted. A polite slap on the wrist, at this point, will not do it for me: please stand up for the residents. Thank you.

Let me know outcome. Appreciate the help,

From: Starmer, Bud <Bud.Starmer@CityofPaloAlto.org>
Sent: Wednesday, September 12, 2018 6:43 AM
To: Deb Keating
Subject: RE: 510 Seale

Good Morning Deb,

Yes , calling the police for an afterhours work violation is the remedy. Code enforcement or Building can respond during the work day 8 am to 4 pm . Any contact information you can provide relevant to a complaint will help us in contacting the responsible parties.

Bud Starmer

From: Deb Keating [mailto:deb_keating@hotmail.com]
Sent: Tuesday, September 11, 2018 8:50 AM
To: Starmer, Bud
Subject: Re: 510 Seale

Thank you for the reply.

1. There is a Construction Hours sign posted on the fence that surrounds the property.
2. I am not sure who the contractor is...there is a sign posted for an Architect firm and another for a Design firm. I can give you names of either or both but neither is for a Construction or Contractor firm.
3. Seemed crazy to call police on Saturday eve; however, I have evidence of the infraction on my phone (time/date should be embedded). Ticketing or fining should be possible and very deserved. Shall I call the police?

Not sure you should apologize for the contractor---I just want them held accountable. During the build, they have ignored the hours before, they have been rude, condescending when I asked for the weeds to be hacked down, and they have let the area get trashy and weedy (which migrated across to us). I don't think a feeble apology will placate me.

Let me know if you want the names of the architect and/or designer.

Thank you.

From: Starmer, Bud <Bud.Starmer@CityofPaloAlto.org>
Sent: Tuesday, September 11, 2018 7:49 AM
To: Deb Keating
Subject: RE: 510 Seale

Hello Deb ,

Sorry to hear contractor at 510 Seale is being irresponsible. I will drop by and talk to them. As the violation is occurring after regular work hours it should be reported to Palo Alto Police for a response. There should be a City provided Construction Hours Sign posted at all entries to the property . This sign allows CPA police to ticket the violators and is required for all projects that require a building permit.

If you have contractors contact information I will call them prior to my visit.

Thanks and Sorry for the Bad Mannered Contractor.

Bud Starmer

From: Deb Keating [mailto:deb_keating@hotmail.com]

Sent: Sunday, September 09, 2018 8:13 AM

To: Starmer, Bud

Subject: 510 Seale

Bud, I reside at 1925 Cowper St., adjacent to 510 Seale. My home is currently between 2 active construction sites. Not always pleasant, but so it goes around here.

Yesterday, Saturday Sep 8, after a day of noise from 1935 Cowper as the crew laid pavers and did other noisy, dusty landscaping projects, we heard noise a bit after 6pm. We attributed it to the 1935 crew cleaning up. However, at 7pm, I went out to walk my dog and explore the noise (I even thought it might have to do with the Stanford-USC game---I know, crazy, but....). At 510 Seale, a crew was busy at work: backhoe going, the metal eaves clanging, moving materials, 2 trucks out front being loaded with stuff (debris?).

I told one of the workers it was too late (7pm); he apologized and I thought they would immediately leave. But no, after my short dog walk, nothing had changed. Work continued.

Bud, I have had it. For years now, we have endured weeds encroaching in our yard, garbage migrating over the fence, noise, and lack of progress on what seems a fairly straightforward project at 510 Seale. They have pushed the "construction hours" rules in the past, but this was the worst I can remember.

Please stand up for us as residents. I have no idea who the contractor on 510 Seale is but they have violated their posted construction hours (and P.A. law, I believe). This is not the first time, but the worst for us. I would like some consequence. If disputed, please know that I have pictures on my phone which would document time and activity.

I'd like some action. I've had it. Thank you.

P.S. Just as a counterpoint, the contractor at 1935 Cowper has been very responsible. At the onset of project, he stopped by and introduced himself. When we had an issue, we called and he (Chris is his name) took care of the problem within 15 minutes. Both he and the women who is overseeing the work (she too dropped off her card at our home), have been solicitous. As I mentioned above, construction means noise and some debris; but at 1935 Cowper the work as been done with consideration of the neighbors. Pat on the back to these folks, Bud.

Carnahan, David

From: Anne Meyer <rmeyer3@comcast.net>
Sent: Tuesday, September 18, 2018 1:38 PM
To: Laleh Masnavi
Cc: Council, City; city.council@menlopark.org
Subject: Re: Bootup Ventures: New Request

Hi

I am happy you are supporting a good cause, but it is still undemocratic and impolite to blast noise over a residential neighborhood without warning ALL AFTERNOON.

The use of microphones is not necessary to support a fundraiser.

Please, City council members, let me know why this commercial property can get approval to blast noise over a residential neighborhood all afternoon?

Thank you,
Anne Meyer

On Sep 18, 2018, at 12:02 PM, Laleh Masnavi <laleh@bootupventures.com> wrote:

Dear neighbor,

Let me explain what the Sep 15th event was held for; it was the 12th annual fundraiser organized by Ivy and Pearls, a charitable organization providing college scholarships and public service projects in the City of Palo Alto and neighboring City of East Palo Alto.

This year, they approached us and BootUP was thrilled to be able to provide them with the space and play a role in their charitable efforts.

They had all the required permits and licensing from the city. The police and fire departments were notified too.

Apologies for any inconveniences this might have caused, but we hope you agree with us that it was for a great cause!!

Warm regards,

Laleh Masnavi
VP, Operations
[BootUP Ventures](#)
68 Willow Rd, Menlo Park, CA 94025
M: 650-996-7651



On Mon, Sep 17, 2018 at 5:11 PM, <rmeyer3@comcast.net> wrote:

Title: homeowner in Palo Alto

First Name: anne

Last Name: meyer

Email: rmeyer3@comcast.net

Phone: 6503236767

Organization: Palo Alto neighborhood

Message: On 9/15/18 your facility blasted noise all afternoon and it was not pleasant to reading or enjoy my backyard. I feel this is very impolite to blast noise to a neighboring residential area. Could you please refrain from using any microphones in your future events. Thank you

Carnahan, David

From: Tony Ciampi <T.Ciampi@hotmail.com>
Sent: Wednesday, September 12, 2018 1:14 PM
To: Lee, David; Keene, James; City Mgr; Ng, Judy; Binder, Andrew; michael.gennaco@oirgroup.com; Council, City; Stump, Molly; Shikada, Ed
Cc: kamala_harris@harris.senate.gov; Nathan_Barankin@harris.senate.gov; Marguerite_Biagi@harris.senate.gov; Clint_Odom@harris.senate.gov; Lily_Adams@harris.senate.gov; dustin.brandenburg@mail.house.gov; katie.weiss@mail.house.gov; liz.argo@mail.house.gov; Anthony.Ratekin@mail.house.gov; Julian.Plank@mail.house.gov; kelsey.smith@mail.house.gov; christopher.livingston@mail.house.gov; alexandra.gourdinian@mail.house.gov; Philip_Maxson@mcconnell.senate.gov; asoltani@aclunc.org; btucker@aclunc.org; organizing@aclunc.org; aschlosser@aclunc.org; mrisher@aclunc.org; info@sanjosenaacp.org; naacpsfbr@att.net; actso@naacpnet.org; hollywoodbureau@naacpnet.org; info@lccr.com; info@anamericaninjustice.com; bharat_ramamurti@warren.senate.gov; elizabeth_warren@warren.senate.gov; Dan_Geldon@warren.senate.gov; Stephanie_Akpa@warren.senate.gov; blanca.jimenez@mail.house.gov; rykia.dorsey@mail.house.gov; Natasha_Hickman@burr.senate.gov; scheduling49@mail.house.gov; Phil_Maxson@mcconnell.senate.gov; Natasha_Hickman@burr.senate.gov
Subject: Review at the MAV recording Sgt. Lee
Attachments: 2017 Interim Report ID# 9064 Independent Police Auditor Info Report.pdf

David Lee
PAPD

Sgt. Lee,

Since you have been an officer for 12 years in the PAPD than you would know that you do not need a statement from me in order to hold your own officers accountable when they violate department policy and the Constitution. You could have spent as little as 20 minutes reviewing the MAV recording 4 weeks ago to come to a conclusion as to Ofc. Conde's actions. The fact that you have not demonstrates to me that your so called investigation is not about holding Ofc. Conde accountable and therefore there is no reason for me to communicate with you any further since your just wasting my time.

The fact is Captain Binder has already reviewed the MAV recording and decided that Ofc. Conde did not violate department policy or the Constitution also reveals that your investigation is bogus.

III. Internal Affairs Cases

Case # 1: Illegal Search and Excessive Force

Factual Overview

This matter stemmed from a use of force that originated when an officer responded to a family disturbance call in which a juvenile had been involved in a physical altercation with his older brother. By the time the officer responded, the juvenile's mother had found more than a hundred rounds of ammunition in a backpack belonging to him. The officer took information from the mother and brother and began looking for the juvenile.

5

The officer came across two other juveniles he knew to be the friends of the subject. The officer detained and searched the juveniles and during the detention, one of the juveniles started video recording the officer with a cell phone. The officer said he was blinded by the light of the phone and attempted to grab the phone. A struggle ensued during which the officer took the juvenile to the ground and handcuffed him. A search of the juveniles was conducted but no weapons were found. The officer released both juveniles without obtaining identification and without notifying their parents.

Shortly after the incident, the officer contacted his supervisor and advised him of the encounter.

Shortly after the incident, the officer contacted his supervisor and advised him of the encounter. The supervisor reviewed the Mobile Activated Video (MAV) video from the incident and reported his concerns up the chain of command. After that initial review, the matter was assigned to an outside investigator for investigation.

The investigator found that the officer lacked legal authority to detain, search, or handcuff either of the two juveniles or to search the backpack. The investigator further found that the improper detention led to a physical struggle with one of the juveniles. The investigator found that the force, handcuffing, and search was unreasonable, unlawful and excessive and in violation of PAPD policy.

Outcome and Analysis

The investigation in this matter as to the concerns about the search and use of force was timely, thorough, and objective. The assessment of video evidence, other communications, and interviews was appropriate and the subsequent summary and analysis was cogent and detailed. The conclusion that the officer's actions violated policy was supported by the factual record.

While the most concerning activity involved the illegal detention and excessive force, and was addressed appropriately, there were other potential performance lapses that were discussed in the investigation but not singled out in the analysis. For example, the report noted that despite the search of the two juveniles and use of force against one of them, the officer did not request or obtain any identification of them. PAPD's standard protocols are that in a matter of this nature, an officer would obtain identification of the juveniles, which was not done.

The officer also failed to complete a report of the initial response to the mother's residence until over a month after the incident. PAPD policy requires the completion of timely reports. The delay in this case could also have formed the basis for further disciplinary action.

Finally, one of the backup officers did not activate his MAV video when he responded to the incident. PAPD policy instructs officers to activate the video when responding to such a call.

incident. PAPD policy instructs officers to activate the video when responding to such a call. Nonetheless, this issue was not discussed during the investigator's analysis.

It is important that any and all potential violations of policy be addressed – not necessarily as a basis for a stronger consequence, but to ensure that accountability and correction for future

reference are occurring. Here, our understanding from the Department is that the additional above-noted shortcomings were indeed identified and addressed, although we received no documentation to corroborate this. Moreover, to the degree these other issues were addressed, they were done so in the larger context of the remediation and consequence, rather than isolated as “stand-alone” issues. This approach is clearly better than nothing, and accomplishes some of the same goals. But we continue to espouse the clearest possible delineations, especially for purposes of future reference and accountability.

Recommendation: When investigating an incident, all potential violations of policy should be identified, discussed, and resolved.

There was an additional performance issue that was also not addressed in the investigative report. When the officer made the initial call to the mother's residence, her English proficiency was limited, so the officer had the older brother translate. The older brother, however, was a participant in the family disturbance.

intervention.

Case # 2: Complaint re Traffic Stop

Factual Overview:

A female motorist initiated this case by contacting the Department in the aftermath of a traffic stop in a parking lot. Three PAPD officers had been at the lot for some time, dealing with a group of juveniles who had been engaged in minor delinquency, when a witness informed them that a driver had collided with a parked police car. An officer ran over to confront the driver, who ended up complaining about the way she had been treated.

The involved officer's in-car audio and video system recorded a significant amount of the encounter. This gave the Department a basis for moving forward with the investigation, even though the original complainant (who had spoken directly to the Chief) was not responsive to subsequent efforts at contacting her.³

The recordings established that the woman had in fact collided with the car as she was attempting to leave the lot; however, there was no apparent damage. She also maintained that she had not been attempting to leave the scene but was instead looking for an appropriate place to pull over and deal with the issue. The officer, for his part, clearly did not believe her, and was sarcastic and somewhat argumentative in the resulting verbal exchanges.

The situation was made more complicated by the woman's not yet having a California driver's license, though she had been a resident for several months. The officer ultimately cited her for this infraction, and required someone else to come get her from the scene – though he told her he had made the "erroneous" decision to refrain from impounding the vehicle.

The investigation determined that the subject officer, though within his rights to cite the driver, had been needlessly condescending and demeaning in his approach to doing so. His conduct was found to have been “discourteous” in violation of the relevant PAPD policy.

Outcome and Analysis:

This was a meticulously analyzed case by the handling supervisor. We agreed with the “sustained” determination, and with the thoughtful explanation that accompanied it. Notably, the involved officer himself seemed at the time of the interview to recognize shortcomings in his own performance. He comes across as humble and introspective, and the discussion gets quite detailed and specific about the problematic aspects of the encounter, and some concrete alternatives that the officer might have tried.

In short, the Department did an effective job of providing constructive review and accountability in conjunction with this incident.

Case # 3: Complaint re Traffic Stop

Factual Overview:

Will Ofc. Conde be charged for violating the law?



Binder, Andrew <Andrew.Binder@CityofPaloAlto.org>

Mon 8/13, 12:14 PM

You ↴

Mr. Ciampi – I've had an opportunity to review the incident where Officer Conde contacted you on the 9th.

Please let me know if you'd like to discuss it further and the best way to contact you.



Andrew Binder | Police Captain
250 Hamilton Avenue | Palo Alto, CA 94301
D: 650.329.2449 | M: 650.785.1682
E: andrew.binder@cityofpaloalto.org

City of Palo Alto sued over ... <https://paloaltonline.com/news/2017/05/10/palo-alto-police-sued-over-police-dog-bite>

ABCmouse.com Early ... Library - City of Palo A...



Uploaded: Wed, May 10, 2017, 4:57 pm

City of Palo Alto sued over police-dog bite

Teen was allegedly mauled during unprovoked attack during a police investigation

City of Palo Alto sued over ... <https://paloaltonline.com/news/2017/05/10/palo-alto-police-sued-over-police-dog-bite>

ABCmouse.com Early ... Library - City of Palo A...

still a juvenile. It alleges Fourth Amendment violations for police use of excessive force and unlawful search and seizure.

The lawsuit also alleges violations of California civil rights laws against hate violence and guaranteeing protection from threats, intimidation, coercion and interference with an individual's constitutional rights. Other claims include assault, battery, false arrest and imprisonment, intentional and negligent infliction of emotional distress, negligence and violations of the state dog bite statute.

3 Bed | 2 Bath | House: 1,587 SF | Lot: 11,627 SF
OPEN SATURDAY & SUNDAY!
OFFERED AT
\$2,400,000
The AW Team
LEARN MORE

The teen was walking or standing with friends on April 7, 2016, at about 2 a.m. at the corner of [Bryant Street and Bryant Court](#). Police arrived with their sirens on and stopped their squad cars at the two corners where the teens were located, according to the civil complaint.

An officer allegedly pulled up to the boy with her gun drawn. The boy allegedly had his hands raised in the air, did not run and was compliant, the lawsuit claims. He did not have any warrants and was not on probation or parole. A police dog ran out of the back seat of an officer's vehicle and allegedly attacked the boy, according to the complaint. The teen was eventually taken to a hospital for treatment and was arrested, but no charges were filed.

The complaint does not mention why he was arrested. Palo Alto police Sgt. David Lee said on Wednesday that he could not release any information about the case.

<https://paloaltonline.com/news/2017/05/10/palo-alto-police-sued-over-police-dog-bite>

<https://chiefburns.weebly.com/murray-dog-attack.html>



No. 1 in Palo Alto and the mid-Peninsula

ARCHIVES ABOUT SPOTLIGHT ELECTION 2016 OPINION COMMENT

HOMEPAGE | PALO ALTO | City settles suit over attack by police dog for \$250,000

City settles suit over attack by police dog for \$250,000

BY ALLISON LEVITSKY
Daily Post Staff Writer

The city of Palo Alto has agreed to pay \$250,000 to the black Palo Alto High School senior who was mauled by a police dog two years ago — a sum that includes attorney fees.

"The settlement is a compromise resolution that serves the interest of the city and the plaintiff," City Attorney Molly Stump told the Post.

David Helbraun, a principal in the San Francisco-based Helbraun Law Firm, represented 18-year-old Tajae Murray, and his mother, Alecia Hafner.

Helbraun will not ask for attorney fees, and declined to reveal the amount that he had initially sought for Murray and Hafner, or the city's counteroffer.



Murray Dog Attack - Palo Alto Police Chief Dennis Burns ...

chiefburns.weebly.com

Just like the Tyler Harney case the City of Palo and the Palo Alto Police settles another excessive use of force law suit before the Plaintiff, in this case Tajae Murray could obtain the evidence as to why there is no recording of the Dog Jumping Out of the Patrol Car. If there was video than this aspect of the lawsuit would not be in dispute as it is.

<https://corruptpaloaltonpolice.weebly.com/missing-videos.html>

CONCLUSION

Based on the analysis described in this report, it is my opinion to a reasonable degree of scientific certainty, that both Temores and Burger Taser Videos have been altered and edited, removing content.

EXHIBITS

- CD containing AVI file of sample edit from Burger Taser Cam Video. (I can be played in computer)

Gregg Stuchman
Chief Forensic Analyst

Missing Videos

corruptpaloaltonpolice.weebly.com

A History of Missing Videos

<https://corruptpaloaltonpolice.weebly.com/pattern-and-practice.html>

<https://chiefburns.weebly.com/>

<https://chiefburns.weebly.com/exhibit-5.html>

<https://chiefburns.weebly.com/exhibit-7.html>

 TASER ANALYSTS

January 26, 2011

Steven A. Sherman
Freytag, Pfeifer & Sherman
1031 E. 10th St.
Santa Ana, CA 92705-7101
RE: Ciampi v. Palo Alto

Analysis: I reviewed the TASER Cam video from V06-015525 and V06-015020, as well as, download reports from the TASER X 26 electronic control devices (ECDs) with serial numbers X00-292463 and X00-292417. Video footage from in-car cameras, Summary: TASER Cam video from V06-015525 and V06-015020, as well as, the download reports from TASER X 26 electronic control devices (ECDs) with serial numbers X00-292463 and X00-292417 were downloaded within forty-eight hours for TASER X 26 ECDs and TASER Cam video recording at the time of the event. There is absolutely no evidence to indicate editing or manipulation of the device data or video in question. Further, there is no evidence that Plaintiff did in fact receive the intended taser dart application.

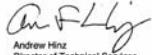

Andrew Hinz
Director of Technical Services
TASER International

EXHIBIT 7 - Palo Alto Police Chief Dennis Burns Violates ...

chiefburns.weebly.com

Andrew Hinz is an EXPERT. He states in his expert reports that TASER CAMS V06-015525 and V06-015020 recorded the March 15, 2008 incident and then were destroyed.

Tony Ciampi

Carnahan, David

From: Arlene Goetze <photowrite67@yahoo.com>
Sent: Tuesday, September 18, 2018 1:30 PM
To: Sara Cody; Cindy Chavez
Subject: RFK--New group- Stop Chronic Health of US Kids

Forwarded by Arlene Goetze, NO Toxins for Children, photowrite67@yahoo.com 9/18/18

Children's Health Defense Will Tackle "Avalanche of Children's Unprecedented Health Epidemics" Sept. 13, 2018 . New group evolves from World Mercury Project led by Robert F. Kennedy, Jr, attorney.

- * Autism rates are as high as one in 28 boys in some states
- * One in 6 children has a learning or behavioral disorder
- * Last year over 15,000 children were diagnosed with cancer

- * U.S. kids are 70% more likely to die before adulthood than kids in other rich countries

- * America's infant mortality is much higher than in peer nations.
75% of youth not eligible for military service
- * Send for Generation Sick, a free CHD E-Book

By the Children's Health Defense Team

There is no greater crisis facing our world today than the chronic disease epidemic that has sabotaged the health of our children. To date, World Mercury Project's advocacy work has focused primarily on the toxic effects of mercury – one of the most neurotoxic substances on Earth – and the epidemic of neurodevelopmental disorders such as autism, plaguing our children.

Recent research has documented that not only has autism dramatically increased, but our children are the sickest generation ever with over half suffering with a life-long chronic disease.

Children born in the 1990s and early 2000's diagnosed with autism, were the tip of the iceberg with regard to injury and mercury is just one of many harmful exposures fueling the chronic childhood health conditions and injuries we see today. **In response to this knowledge, World Mercury Project is changing both its name and the focus of its advocacy efforts.**

As the new name implies, **Children's Health Defense (CHD)**, has a bigger, bolder mission to end the childhood health epidemics by:

- * Exposing causes and eliminating harmful exposures
- * Holding those responsible accountable
- * Seeking justice for the injured and
- * Establishing safeguards to ensure this never happens again

CHD has the same dedicated staff and board with Chairman, Robert Kennedy, Jr. and Vice Chairman, JB Handley leading our efforts. The organization will continue to publish its popular online newsletter *Kennedy News and Views*. And, followers on social media will automatically be switched over to the new Facebook, Twitter and YouTube accounts in the next couple of days.

"Our children's ability to develop and thrive is being sabotaged by an avalanche of unprecedented health epidemics now affecting 54% of our children. This is unacceptable," said Mr. Kennedy.

The facts are sobering:

- * Autism rates are as high as one in 28 boys in some states,
- * One in 6 children has a learning or behavioral disorder,
- * One in every 9 children has attention deficit hyperactivity disorder (ADHD),
- * 13% of kids in public school receive special education services.
- * Food allergies, including severe anaphylactic reactions, increased 50% from 1997 to 2011.
- * Last year over 15,000 children were diagnosed with cancer.
- * There is an epidemic of autoimmune illnesses like diabetes, rheumatoid arthritis and eczema and half of U.S. adolescents have suffered from a mental, emotional or behavioral disorder.
- * U.S. kids are 70% more likely to die before adulthood than kids in other rich countries
- * America's infant mortality is much higher than in peer nations.

The social and emotional impact of these epidemics on children and their families are enormous as are the financial impacts on our educational and medical systems.

In a video, Mr. Kennedy asks, "Why are our federal agencies not asking the essential question, 'What is debilitating America's children?' We need to know that answer and we need to stop these exposures to our children today."

Generation Sick, a free CHD E-Book, details the childhood epidemics, the suspected environmental culprits and the steps needed to protect children.

To build awareness of the health problems facing the world's children, CHD is asking everyone to tell their story with the hashtag #MyChildToo if they or a loved one suffers from a chronic disease or was injured by an environmental toxin or vaccine.

The campaign gives parents and others affected by epidemics—including autism, ADHD, allergies, rheumatoid arthritis, diabetes and more—a platform to tell their stories of unnecessary and devastating injuries.

CHD is planning multiple legal strategies in an effort to defend the health of our children and obtain justice for those already injured. Your support is essential to CHD's successful mission.+++

Join the movement. Visit www.childrenshealthdefense.org

Kennedy: "Why are our federal agencies not asking the essential question, 'What is debilitating America's children?' We need to know that answer and we need to stop these exposures to our children today."

You can download Generation Sick: The Facts Behind the Children's Health Crisis and Why It Needs to End here:

<https://childrenshealthdefense.org/ebook-sign-up/>

Sign up for free news and updates from Robert F. Kennedy, Jr. and the Children's Health Defense. Your donation will help to support us in our efforts.

Republishing Guidelines [Children's Health Defense • Help Children's Health Defense and RFK, Jr. end the epidemic of poor health plaguing our children.](#)

Please share with your email lists and social media.

Carnahan, David

From: Judy Adams <judyblueeyes1@gmail.com>
Sent: Monday, September 17, 2018 5:57 PM
To: Council, City
Subject: Sept. 17 City Council meeting - housing issues

Re Agenda item #10:

My city, Menlo Park, is in the process of reviewing a proposed tenants' relocation costs ordinance and I have urged them, **and urge Palo Alto to take more assertive action to protect tenant's rights.** Despite the dire predictions from landlords and developers about the passage of Prop 10, the Affordable Housing Act, and the repeal of Costa Hawkins, what is above all important, is providing low income housing NOW, not demolishing any existing housing or building more office space without building low-income housing for city workers, those who serve you lunch, coffee, have minimum wage jobs, and the homeless, who are priced out of housing and have long (energy wasting, polluting) commutes to come to work in Palo Alto. We need to balance the income demographics on the Peninsula. You will notice the formulaic responses of landlords' responses, but listen also to the individual stories of those middle- and low-income workers, families, trying to live in Palo Alto and take the civic responsibility for maintaining diversity in Palo Alto!

I urge the city to not only maintain a reasonable cap on office development (actually a strong cap to re-balance the over-development) and establish a reasonable rent cap - we cannot let rental housing inflation continue to rise so that only the privileged and high income tech workers can afford to live in Palo Alto. That's your civic responsibility, not allowing un-checked rental rates to price out so many future Palo Altans!

Respectfully,

Judy Adams

Carnahan, David

From: Nadia Naik <nadianaik@gmail.com>
Sent: Thursday, September 13, 2018 4:44 PM
To: Council, City
Cc: Shikada, Ed; De Geus, Robert; Keene, James; Goodwin Eileen
Subject: Time sensitive: Topic for upcoming CC and Rail Committee Meetings

Dear City Council,

As you know, Caltrain is currently working on their business plan and is seeking feedback from cities.

As the Friends of Caltrain email points out, there are a number of key issues we should be thinking about locally AND regionally.

I would like to recommend that the Rail Committee agendize this topic ASAP and that the Rail Committee and City Council write a formal letter to Caltrain with our thoughts on this plan. An official letter would send a unified message of support and would highlight the issues that we are most interested in as this Business Plan moves forward. Caltrain plays a vital role in our community and we should be very involved throughout the Business Plan process given that we have the second highest ridership outside San Francisco.

If you have any questions or need any additional information, please let me know.

Regards,
Nadia Naik

----- Forwarded message -----

From: Green Caltrain <donotreply@wordpress.com>
Date: Thu, Sep 13, 2018 at 2:49 PM
Subject: [New post] Should Caltrain plan to keep up with ridership growth? Board workshop next month
To: <nadianaik@gmail.com>

alevin posted: "On Thursday, October 4 at 9am, the Caltrain board will hold a workshop on one of the biggest topics to consider in the business plan for the service - how aggressively to plan for ridership growth. Read on for more on the big questions that the Caltrain b"

New post on Green Caltrain



[Should Caltrain plan to keep up with ridership growth? Board workshop next month](#)

by [alevin](#)

Carnahan, David

From: Alice Jacobs <aquayyellow@gmail.com>
Sent: Wednesday, September 12, 2018 6:01 PM
To: Council, City
Subject: Traffic issues, California Ave area
Attachments: IMG_20180912_172105.jpg; IMG_20180912_172050.jpg; IMG_20180912_172058.jpg

Dear most of the city council and the mayor,

Do you don't think we have traffic issues eh? PLEASE VIEW ATTACHED PHOTOS THAT I TOOK 40 MINS AGO. Well this is Park Blvd at 5:20pm. This backs up earlier than that. I had trouble getting home from my children's swim practice because so many unmindful and inconsiderate people were blocking the intersection at the Park Blvd/Oregon Expwy light. And just think, the two giant recent developments that have been built on Park Blvd are still vacant. Oh and not to mention what extra load the gargantuan parking garage on Sherman and the Civil servant building will bring to this area. I mean can you imagine what it's gonna be like after those are built. No you cannot because from your actions I gather that you don't care about us residents who actually pay the taxes to the city.

The problem with this line of cars is not just the long line of inconsiderate driver trying to get home after a long day (I can't even leave the city at night.) It's that they cross over the bike lane and cause a mess for bikers. Oh just wait until the time change and it gets dark. I predict something tragic.

Alice Jacobs
123 Sherman Ave.

Sent from Droid



NO PARKING
ANY TIME

BIKE &
BICYCLES ONLY



50'
API 5.24
USA

NO PARKING
ANY TIME

BIKE LANE
SCHOOL ZONE

SHARE THE ROAD

Carnahan, David

From: D Martell <dmpaloalto@gmail.com>
Sent: Wednesday, September 12, 2018 3:03 PM
To: Eggleston, Brad
Cc: Kleinberg, Judy; Keene, James; Shikada, Ed; Council, City; Kniss, Liz (internal); Scharff, Gregory (internal); Drekmeier, Peter; Bill Johnson; Jay Thorwaldson; Esther Wojcicki; Gennady Sheyner; sdremann@paweekly.com; Dave Price; Allison@padailypost.com; EmiBach@padailypost.com; AnnaEshoo@mail.house.gov; Anne.Ream@mail.house.gov; Senator.Hill@senate.ca.gov; Alex Kobayashi; Supervisor.Simitian@bos.sccgov.org; JRosen@dao.sccgov.org; tharman@dao.sccgov.org; richard@alexanderlaw.com; Aram James; Stump, Molly; Gaines, Chantal; Hospitalier, Jon; Jonsen, Robert; Goodell, Erin; Minor, Beth; Brettle, Jessica
Subject: URGENT -- Power Wash downtown University Avenue NOW

Mr. Brad Eggleston
Director of Public Works
City of Palo Alto

Hi Brad,

I continue to receive overwhelming community support to keep up the cause. Many shopkeepers and residents are listening in on our narrative.

- "Thanks Danielle! I support your efforts."
- "Thanks, and you have our support."
- "Much appreciated. Thanks."
- "Great letter Danielle. Keep on it."
- "Hi Danielle, Thanks!"

Here are just half-a-dozen reactions I received to the email you sent to me yesterday.

- "Mr. Eggleston's response is a very shameful representation of our city. What crap!!!"
- "This is straight up dirt and not stains by any means, can they come downtown to do a walk thru? I would love to show them the front of our shop. This area has not been cleaned (with power washing) for @ least 4 years."
- "I have worked Downtown for 25 years, and the last 5 have been the worst I have seen downtown Palo Alto. If it gets cleaned daily/weekly, why am I sweeping and picking up garbage and discarded food from the sidewalk with gloves?"
- "I sweep everyday in front of our shop to try to make the front look clean, so I do look at the sidewalk and street daily. Thank you for taking on this task. This is something that is long overdue."

- "We like clean streets. It's a reflection of the community. I've never seen it so dirty. They use to power wash every month."
- "I got so upset when I read Mr. Eggleston's email that I almost fell off my chair, and my husband had to tell me to calm down."

I welcome your offer to meet. Shopkeepers and residents are up-in-arms by your rhetoric! Because you fail to acknowledge the disturbing state of filth found downtown and the urgency to address this issue --*and prefer to promote City Hall with false accolades for their concern and maintenance*-- I propose the two of us get together, minus your minions, one-on-one, for a 5-min walk-through.

I'll be in touch to schedule.

Regards,
-Danielle

Danielle Martell
dmPaloAlto@gmail.com
 Palo Alto City Council candidate, 2016 & 2005

From: **Eggleston, Brad** <Brad.Eggleston@cityofpaloalto.org>
 Date: Tuesday, September 11, 2018
 Subject: URGENT -- Power Wash downtown University Avenue
 To: D Martell <dmpaloalto@gmail.com>
 Cc: "Kleinberg, Judy" <Judy@paloaltochamber.com>, "Keene, James" <James.Keene@cityofpaloalto.org>, "Shikada, Ed" <Ed.Shikada@cityofpaloalto.org>, "Minor, Beth" <Beth.Minor@cityofpaloalto.org>, "Brette, Jessica" <Jessica.Brette@cityofpaloalto.org>, "Drekmeier, Peter" <pdrekmeier@earthlink.net>, Bill Johnson <BJohnson@pawebly.com>, Jay Thorwaldson <jaython@well.com>, Dave Price <price@baydailypost.com>, "Allison@padailypost.com" <Allison@padailypost.com>, "EmiBach@padailypost.com" <EmiBach@padailypost.com>, "Anne.Rream@mail.house.gov" <Anne.Rream@mail.house.gov>, Alex Kobayashi <Alex.Kobayashi@sen.ca.gov>, "Supervisor.Simitian@bos.sccgov.org" <Supervisor.Simitian@bos.sccgov.org>, "richard@alexanderlaw.com" <richard@alexanderlaw.com>, "Gaines, Chantal" <Chantal.Gaines@cityofpaloalto.org>, "Hospitalier, Jon" <Jon.Hospitalier@cityofpaloalto.org>

Dear Ms. Martell,

Thanks for contacting me about this important issue. The Public Works team agrees it is important to keep our downtown clean and properly maintained. For the past 15 years, the City has budgeted annually about \$75,000.00 to pressure wash the University downtown area monthly. Staff also meets monthly with the Downtown Business District in order to confirm all cleaning issues are addressed as soon as possible. We currently have one staff member stationed in the downtown to sweep the sidewalks and pick up litter Monday through Saturday. We also sweep the street in this area three times each week.

Staff initially developed this program based on benchmarking with other like cities with similar customer volume and age of infrastructure. That said, we recognize that staining has occurred on some sections of the older sidewalk sections due to food and drink and tree droppings. These stains appeared before our program had begun. Stain removal was attempted in the beginning of our program and some areas improved, while others did not. Some of these stains, which have set into the porous layers of the concrete and are impossible to remove, may be what you are identifying.

My staff would be happy to meet with you on University Avenue if there are specific areas you would like to discuss. Alternatively, we could check into problem spots if you have photos or could describe their locations.

Best regards,
Brad

Brad Eggleston

Interim Director of Public Works

City of Palo Alto

650.329.2636

brad.eggleston@cityofpaloalto.org

----- Forwarded message -----

From: D Martell <dmpaloalto@gmail.com>

Date: Tue, Sep 11, 2018 at 12:47 PM

Subject: URGENT -- Power Wash downtown University Avenue

To: <Brad.Eggleston@cityofpaloalto.org>

Brad, what can I do to help you? --DM

From: Eggleston, Brad <Brad.Eggleston@cityofpaloalto.org>

Date: Tuesday, August 28, 2018

Subject: URGENT -- Power Wash downtown University Avenue

To: D Martell <dmpaloalto@gmail.com>

Hello Ms. Martell,

Thanks for reaching out about University Avenue cleanliness. I'm checking into the status and our cleaning program, and will get back to you later this week.

Regards,

Brad

Brad Eggleston

Interim Director of Public Works

City of Palo Alto

650.329.2636

brad.eggleston@cityofpaloalto.org

From: D Martell <dmpaloalto@gmail.com>
Sent: Tuesday, August 28, 2018 2:09 PM
To: Eggleston, Brad <Brad.Eggleston@ CityofPaloAlto.org>
Cc: Council, City <city.council@cityofpaloalto.org>; Kleinberg, Judy <Judy@paloaltochamber.com>; Keene, James <James.Keene@CityofPaloAlto.org>; Shikada, Ed <Ed.Shihada@CityofPaloAlto.org>; Minor, Beth <Beth.Minor@CityofPaloAlto.org>; Brettle, Jessica <Jessica.Brettle@CityofPaloAlto.org>; Kniss, Liz (internal) <Liz.Kniss@CityofPaloAlto.org>; Scharff, Gregory (internal) <Greg.Scharff@CityofPaloAlto.org>; Drekmeyer, Peter <pdkmeier@earthlink.net>; Bill Johnson <BJohnson@pawebly.com>; Jay Thorwaldson <jaython@well.com>; Dave Price <price@baydailypost.com>; Alison <Allison@padailypost.com>; Emi Bach <EmiBach@padailypost.com>; Anne Ream <Anne.Ream@mail.house.gov>; Alex Kobayashi <Alex.Kobayashi@sen.ca.gov>; Supervisor Simitian <Simitian@bos.sccgov.org>; richard <richard@alexanderlaw.com>
Subject: URGENT -- Power Wash downtown University Avenue

Mr. Brad Eggleston
Public Works Director
City of Palo Alto

Dear Mr. Eggleston:

University Avenue is *long* overdue to receive a Power Washing.

As a life-long resident, I have never seen the sidewalks so black and dingy with filth and grime. For some time, Palo Alto locals, shopkeepers, and visitors are complaining to me because they're totally grossed out by downtown's neglect. I speak for my community when I say, downtown Palo Alto deserves better treatment.

As the newly-promoted Public Works Director (late-July), I appeal to you to take charge and Power Wash our beautiful University Avenue.

Please respond.

Respectfully,
-Danielle Martell
dmpaloalto@gmail.com
Palo Alto City Council candidate, 2016 & 2005

COUNCIL MEETING

9/17/18
[] Placed Before Meeting
[] Received at Meeting

Herb Borock
P. O. Box 632
Palo Alto, CA 94301

September 17, 2018

Palo Alto City Council
250 Hamilton Avenue
Palo Alto, CA 94301

**SEPTEMBER 17, 2018, CITY COUNCIL MEETING, ORAL COMMUNICATIONS
PROHIBIT NEW APPLICATIONS FOR PC ZONE DISTRICTS
EXAMPLES OF MUNICIPAL CODE LANGUAGE**

Dear City Council:

At your August 27, 2018, meeting, during Oral Communications, I distributed to you a letter advocating the prohibition of new applications for PC zone districts; the retention of existing PC zone district regulations for (a) inspections and enforcement, (b) minor changes to a development plan and schedule, and (c) failure to meet a development schedule; the addition of language to the PC zone district regulations for termination of a PC zone district; and the addition of language to Title 18 for adequate notice of proposed changes.

Today's letter provides examples of Municipal Code language that implements those suggested changes.

18.38.010 Specific purposes.

The PC planned community district was previously included in the Zoning Code, but is no longer allowed for new applications. The regulations in this Chapter have been retained for inspections and enforcement of previously approved PC zone districts; for minor changes to a development plan or schedule; and for termination of a PC zone district. Chapter 18.77 has been amended to provide adequate notice for proposed minor changes to an existing PC zone district.

18.38.070 Change in development plan

Only minor changes may be made to a development plan approved by the City Council. All such minor changes shall be processed according to Section 18.76.020(b)(2)(I) the same way as projects that the Director determines will significantly alter the

character or appearance of a building or site. No change to a development plan may be processed as an "over the counter project" [18.76.020(b)(1)(B)]; or as a major project [18.76.020(2)(A) - (H)] that must instead apply for a zone change to a zone district that is not a PC zone district.

18.38.130 Change in development schedule.

[retain existing language]

18.38.140 Failure to meet development schedule.

[delete last sentence of subsection (b)]

18.38.160 Inspections.

[retain existing language]

NEW SECTION

18.38.990 Termination.

If a use authorized by a PC district is discontinued for a period of twelve months, the PC zone district approval will no longer be in effect. The Director shall initiate a zone change for the property subject to the PC district.

AMEND CHAPTER 18.77

Add the following to 18.77.070(d) Decision by the Director

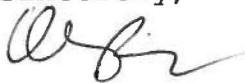
(5) For PC districts, notice of the proposed Director's decision shall be given by mail to owners and residents of property within 600 feet of the property, by publication in a local newspaper of general circulation, by e-mail, and by posting in a public place. The Director's decision shall become final fourteen days after the date notice is mailed or published, whichever is later, unless an appeal is filed.

ATTACHMENT

Attached is a copy of an article from 40 years ago by Bob Moss about the PC zone district and attempts to remove the Council and the public from the process.

Thank you for your consideration of these comments.

Sincerely,



Herb Borock

Attachment:

Bob Moss, "P-C or Wild Card Zoning", *Grapevine*, March 9 - April 12, 1978 (3 pages)

P-C or Wild Card Zc

By Bob Moss

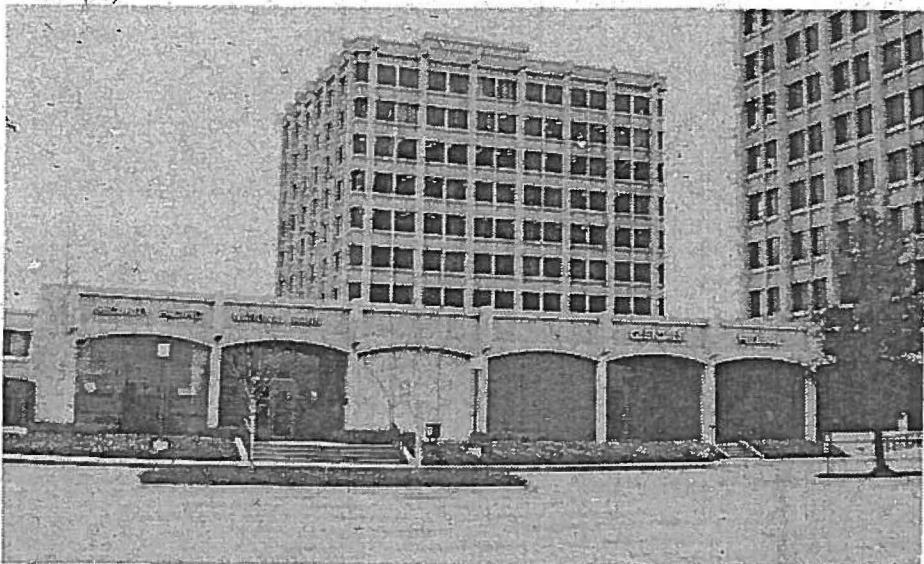
Most people are unaware of what a P-C zone is, or how it can affect the community. It is a catch-all zone which can be applied anywhere, has no specific setback, height, or maximum lot coverage requirements, and allows increases in density, intensity of use and changes in land use. In theory the city obtains some tangible benefit from a P-C such as limiting uses or requiring extra landscaping. Examples of P-Cs are all the

gas stations at San Antonio and Middlefield, the Holiday Inn, several manufacturing and office buildings along Embarcadero and Bayshore, the office building at Hamilton and Byron, Palo Alto Square at Page Mill and El Camino, and apartments at 101 Alma and at Bayshore and Amarillo.

P-Cs are particularly advantageous to sophisticated developers who are expert enough to use the P-C to get a

building approved which would be rejected in standard zones. It often is used to subvert subdivision ordinances. The average citizen would have great difficulty working the system to get a P-C for his own property, even if he had the time and money to pursue an application.

For years P-Cs were rarely requested. From 1955 to early 1974 there were 63 P-Cs approved. Thir-



Palo Alto Square, at Page Mill and El Camino, an example of a "Planned Community" zone project.

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teen of the 34 P-Cs approved between Jan. 1960 and Dec. 1974 increased densities in residential zones. There were at least 18 P-C applications between Mar. 1976 and Oct. 1977. Ten were approved, one is pending. The number of P-C applications seems to be accelerating. Why so many P-Cs? Partly because the El Camino moratorium specifically exempted P-Cs, but mainly because the developer gains a significant advantage. It often is easy to see how the developer gains, but much harder to see the benefit to the city. Often no permanent benefits are obtained, such as when the extra landscaping dies or is removed. In a 1974 survey of the 63 projects, the major violation was lack of plantings or landscaping, and lack of adequate maintenance.

Enforcement of zoning ordinances is by complaint of citizens. Even when inspectors found violations in their 1974 review of P-Cs, the attitude of the staff was to send out one or two notices, and then ignore any followup unless someone else complained. In the Palo Alto West apartment case many gross violations of the P-C were found, and the owner was notified in April 1974; But there was no followup until the fall of 1976, when residents of the apartments protested conditions there. Since each P-C is unique, it is almost impossible for an individual to know that the conditions of the P-C are being violated, and in what manner. This means that for all practical purposes there is no enforcement whatsoever of the P-Cs.

Further complicating P-C enforcement is the final process of P-C approval. After public hearings and formal adoption of the P-C by the Council, the ARB Planning Director and developer negotiate final design details. These details can include landscaping, exact placement of streets and buildings, setbacks, sideyards, amenities such as pools, playgrounds and tennis courts and their precise placement, and parking. The clarity with which these items are shown on final plans and documents varies. This inconsistency further complicates enforcement, because in practice a citizen must

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search out all documents and records relating to the P-C in order to learn what is supposed to be there, and compare it with what exists.

The new zoning ordinance, which was recently transmitted to the City Council by the Planning Commission, proposes a major complicating factor. It would allow the Director of Planning, at his own discretion, and with no review by the Council or

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notice to adjacent property owners, to modify P-Cs (and some other types of development). The changes are supposed to be "minor administrative changes," but "minor" is undefined. As an example of what the Planning Director considers minor, he approved a covered carport at 101 Alma which will cover a greater area than the building itself.

The latest wrinkle is approval of pre-existing developments as "as-built" P-Cs. This was attempted but

denied in the case of the golf and tennis shop at El Camino and Vista in 1976, but recent efforts by developers to regularize their developments have been more successful.

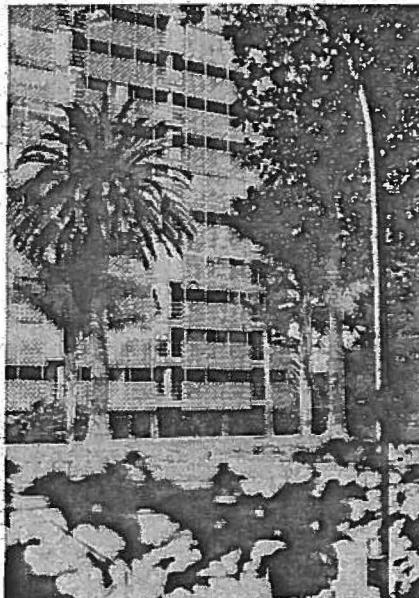
For example, Palo Alto West apartments, which was listed by the staff as the worst offender regarding violation of their P-C requirements, removed a wading pool, took out barbecue pits, paved playground areas, allowed play equipment and landscaping to deteriorate, and still obtained City Council approval after the fact to permit most of these violations to go unpunished by amending the P-C to essentially the existing conditions. The property owner's letter asking for this favor extensively cited problems with children and complaints of vandalism, and gave that as an excuse for not maintaining play equipment and trying to exclude children from the apartments.

Recently the Town House motel at El Camino and Maybell and the

Cezano property at El Camino and Los Altos have sought P-C zoning of the already existing structures, with some additions. In the motel case, it was approved without the additions, but with a sidewalk (which was not desired by the community) and some landscaping added. The Cesano request was deferred until January, but was not met with enthusiasm.

In each case the excuse for approving P-Cs for as-built projects was the greater control the city has over uses of the property. Past experience has shown that this tight control is a myth. If the developer wishes to, he will violate the requirements of the P-C with only a slight chance of being caught, and almost no chance of being punished since City Manager Sipel and City Attorney Green say the desire is to obtain compliance, not to punish. In fact no developer or owner has ever been fined or suffered any court-directed penalty for violation of his P-C, and action was only begun in one or two isolated cases. The normal approach seems to be for a P-C to be violated and go unreported for some time. When it finally is brought to the attention of city officials, they try to mediate an understanding with the property owner, which usually results in an agreement to relax some of the controls which were the excuse for allowing the P-C initially.

Palo Alto's P-C ordinance is much looser than that of Santa Clara County, or those of most other cities. Mr. Blaney, a land use and planning consultant to Palo Alto, described it as "wild card zoning," and said it allowed far more and restricted far less than any similar zone in this area. The P-C zone has been much abused in the past, both in the granting and the enforcement. It should be applied very sparingly and with tight controls and regular inspection to assure that the public purposes for its approval are met and maintained.



This high-rise at 101 Alma is a P-C zone project in a residential neighborhood.

County of Santa Clara

Office of the Clerk of the Board of Supervisors
County Government Center, East Wing
70 West Hedding Street
San Jose, California 95110-1770
(408) 299-5001 FAX (408) 938-4525



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the County of Santa Clara Board of Supervisors has scheduled a public hearing at the meeting indicated below to consider the following application.

Tuesday, September 25, 2018, no earlier than 10:00 a.m.

Public Hearing to consider proposed text amendments to the County of Santa Clara Ordinance Code Appendix I (Zoning) - Article 4, Chapter 4.20 (Supplemental Development Standards) to add a new Section 4.20.L30: "Inclusionary Housing for the Stanford University Community Plan Area". (Supervisorial District 5)

Tuesday, September 25, 2018, no earlier than 10:00 a.m.

Public Hearing to consider an affordable housing impact mitigation fee ordinance for academic space within the Stanford Community Plan Area. (Supervisorial District 5)

ALL INTERESTED PERSONS MAY APPEAR AND BE HEARD during the public hearing in regard to the above-referenced consideration in the Board of Supervisors Chambers, 70 West Hedding Street, First Floor, San Jose. Written communications should be filed with the Clerk of the Board prior to the hearing date.

IF YOU CHALLENGE THIS LAND USE DECISION IN COURT, you may be limited to raising only those issues that you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Office of the Clerk of the Board of Supervisors prior to, or at, the public hearing.

DOCUMENTS WILL BE ON FILE in the Office of the Clerk of the Board of Supervisors located on the 10th floor at the address given above, on or before the Friday preceding the hearing.

THIS NOTICE OF PUBLIC HEARING is given pursuant to the order of the Clerk of the Board of Supervisors as required by the Government Code of the State of California.

BOARD OF SUPERVISORS
MEGAN DOYLE, CLERK

FOR FURTHER INFORMATION relating to the proposal above please contact:
Shawn Whiteman (408) 299-5788

Board of Supervisors: Mike Wasserman, Dave Cortese, Cindy Chavez, Ken Yeager, S. Joseph Simitian
County Executive: Jeffrey V. Smith



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EXECUTIVE DIRECTOR
Al Mollica

Dear Councilmember Tanaka,

Thank you for voting in favor of finalizing the agreement with Pets In Need to provide animal care services for Palo Alto residents.

My colleagues and I continue to believe that a partnership between Palo Alto and Pets In Need will be mutually beneficial. Not only will it save the city annual operating funds and ensure residents have access to humane animal services locally, it will allow Pets In Need to save more neglected, abused and at-risk animals.

We are continuing to work with city officials to finalize the agreement and I hope to see you at another council meeting soon.

In the meantime, please let me know if you have any questions. As always, you have an open invitation to visit our shelter in Redwood City to learn more about our operation and to meet our staff.

Thanks again,

Al Mollica
Executive Director

Thank you for your support last week, Greg!

RETURN ADDRESS:

305 St. Martin Drive
Redwood City, CA 94065



I support Castilleja's proposal to increase enrollment and modernize its campus because...

We've been fortunate to have two daughters go to Casti + they are thriving! Please support the school's investment in education! Lisa Yell



Office of the Clerk

Please distribute to all City Council Members
250 Hamilton Avenue, 7th Floor
Palo Alto, CA, 94301