



# Memorandum

**TO:** RULES AND OPEN GOVERNMENT COMMITTEE **FROM:** Rosario Neaves

**SUBJECT:** PUBLIC RECORDS APPEAL - **DATE:** March 12, 2019  
**THOMAS BAKER**

Approved

Date

3/15/19

## RECOMMENDATION

Deny the appeal from Thomas Baker regarding the City's response to his request for public records seeking records related to communication between Thomas Baker and the Office of the City Manager.

## BACKGROUND

A request, dated January 6, 2019 and January 7, 2019, was received from Thomas Baker (Attachment A). This request sought any records from City Manager Dave Sykes and Executive Assistant to the City Manager Sandra Cranford for the following records: emails, meeting schedules, and meeting notes.

The responsive documents, sent on January 17, 2019 (Attachment B), were provided to Mr. Baker by Open Government Manager Anh Tran. This letter informed Mr. Baker of the responsive documents and the closure of his request. Mr. Baker confirmed receipt of the letter and responsive documents on January 18, 2019.

On February 1, 2019, Mr. Thomas submitted an appeal (Attachment C) to the Office of the City Clerk stating he did not believe the City provided all the documents related to his request.

## ANALYSIS

Mr. Baker requested for: emails, meeting schedules, and meeting notes for the period beginning November 16, 2018 8:00 a.m. through January 6, 2019 5:00 p.m. that pertain to or include the following complete or any sub-string of the words: recreational vehicles, RVs, Baker, Kirk Park, Foxchase, Evans, Adamo, petition, resources, neighbors, Ortbal, Wells, and Edmonds-Mares.

After conducting a record search, City Manager Dave Sykes and Executive Assistant to the City Manager Sandra Cranford provided all records to Open Government Manager Anh Tran for

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processing. All responsive documents were provided without any redactions and no documents were withheld for exemption or privilege.

**CONCLUSION**

Mr. Baker has been provided all records related to his request. He has been informed that there are no other records responsive to his request.

**COORDINATION**

This memorandum was coordinated with the City Attorney's Office.

/s/

ROSARIO NEAVES

Director of Communications

For questions, please contact Anh Tran, Open Government Manager, at [anh.tran@sanjoseca.gov](mailto:anh.tran@sanjoseca.gov).

**ATTACHMENTS**

Appendix A: Original Requests from Thomas Baker

Appendix B: Response to the Request

Appendix C: Original Appeal from Thomas Baker

## Appendix A: Original Requests from Thomas Baker



### Public Records Request Form

*This form is not required to submit a request, but helps the City with tracking and responding.*

#### To be Completed by the Requestor

Name of Requestor: Thomas Baker

Agency/Company:

Address: SAN JOSE, CAL. 95125

Phone:

Fax:

Email:

*Please tell us how you would like for the City to respond to your request:*

☐ Walk-In/Personal Pick-Up

☐ Fax

☒ Email

☐ Mail

☐ Other

#### Requested Documents (Please be as specific as possible)

Please send me all Mr. David Sykes e-mails, meeting schedules and meeting notes for the period beginning - 11/16/18 at 8 AM until 1/6/19 at 5 PM - which pertain to or include the following words - either the complete word or any substring of these words - recreational vehicles, RVs, Baker, Kirk Park, Foxchase, Evans, Adamo, petition, resources, neighbors, ortbal, wells, Edmonds-mares.

#### For Internal Use Only

Request Received	Request Completed (Notification Given of Record Availability)	Request Picked-Up/Mailed/Faxed
Date Due: _____ Staff Initials: _____	Date: _____ Staff Initials: _____	Staff Initials: _____
<b>How Request Was Received</b>	<b>Notification</b>	<b>Completion</b>
<input type="checkbox"/> Walk-in <input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input type="checkbox"/> Email <input type="checkbox"/> Other _____	Assigned to: _____ 1 <sup>st</sup> Response: _____ 2 <sup>nd</sup> Response: _____	<input type="checkbox"/> Pick-Up <input type="checkbox"/> Faxed <input type="checkbox"/> Mailed <input type="checkbox"/> Other _____



## Public Records Request Form

*This form is not required to submit a request, but helps the City with tracking and responding.*

### To be Completed by the Requestor

Name of Requestor: Thomas Baker

Agency/Company:

Address: SAN JOSE, CAL 95125

Phone:

Fax:

Email:

*Please tell us how you would like for the City to respond to your request:*

☐ Walk-In/Personal Pick-Up

☐ Fax

☒ Email

☐ Mail

☐ Other

### Requested Documents (Please be as specific as possible)

Please send me all Ms. Sandra Cranford's e-mails, meeting schedules and meeting notes for the period beginning - 11/16/18 at 8 AM until 1/6/19 at 5 PM - which pertain to or include the following words - either the complete word or any substring of these words - recreational vehicles, RVs, Baker, Kirk Park, Foxchase, Evans, Adamo, petition, resources, neighbors, ortbal, wells, Edmonds-mares.

### For Internal Use Only

Request Received	Request Completed (Notification Given of Record Availability)	Request Picked-Up/Mailed/Faxed
Date Due: _____ Staff Initials: _____	Date: _____ Staff Initials: _____	Staff Initials: _____
How Request Was Received	Notification	Completion
<input type="checkbox"/> Walk-in <input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> Phone <input type="checkbox"/> Email <input type="checkbox"/> Other _____	Assigned to: _____ 1 <sup>st</sup> Response: _____ 2 <sup>nd</sup> Response: _____	<input type="checkbox"/> Pick-Up <input type="checkbox"/> Faxed <input type="checkbox"/> Mailed <input type="checkbox"/> Other _____

## Appendix B: Response to the Request

**From:** Thomas Baker [REDACTED]  
**Sent:** Friday, January 18, 2019 7:54 AM  
**To:** PublicRecordsRequest  
**Subject:** Re: Public Records Request

Thanks!

I'll review this information and let you know if I have any questions.

Tom

On Thu, Jan 17, 2019 at 12:57 PM PublicRecordsRequest  
<[PublicRecordsRequest@sanjoseca.gov](mailto:PublicRecordsRequest@sanjoseca.gov)> wrote:  
Hi Tom!

City Staff has identified and collected the following attached documents that are responsive to your two requests (also attached).

Should you believe that you have been inappropriately denied access to City of San José public records, you may appeal that denial with the City Council Rules and Open Government Committee. For more information on the appeals process, see <http://www.sanjoseca.gov/DocumentCenter/View/1078>.

This completes and closes your requests.

Have a wonderful day,  
Anh

### Open Government Manager

City of San José | Office of the City Manager  
200 East Santa Clara Street - Tower, 17th Floor | San José, CA 95113  
(408) 535-8120 work | (408) 920-7007 fax  
[PublicRecordsRequest@sanjoseca.gov](mailto:PublicRecordsRequest@sanjoseca.gov)  
[Learn More About the Public Records](#)  
[Website](#) [Twitter](#) [Facebook](#) [RSS](#) [Notify Me](#)

## **Cranford, Sandra**

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**Subject:** Thomas Baker 1:1  
**Location:** 1734  
  
**Start:** Fri 11/16/2018 9:00 AM  
**End:** Fri 11/16/2018 9:30 AM  
  
**Recurrence:** (none)  
  
**Meeting Status:** Meeting organizer  
  
**Organizer:** Sykes, Dave

## Re: Meeting follow up

Thomas Baker [REDACTED]

Sun 1/6/2019 12:36 PM

T. Baker

To: Sykes, Dave <Dave.Sykes@sanjoseca.gov>;

Cc: Cranford, Sandra <Sandra.Cranford@sanjoseca.gov>;

Dear Mr. Sykes,

I am sorry that the city of San Jose continues to neglect my neighbors and myself.

When we met in November, I asked you about three things:

1. A quantification of Mr. Ortbal's requirements for installing the signs restricting vehicles over 6 feet in height from parking at specific locations within the city of San Jose. These signs are already in place at Foxchase Drive, Adamo Drive and Evans Lane. In each of these cases, the city of San Jose was unable to prove any aspect of compliance with Mr. Ortbal's requirements. This was not addressed in your e-mail.
2. An update regarding the status of the petition that my neighbors and I submitted. As I told you in our meeting, this petition was submitted in response to numerous RV's. I gave you pictures of several of them at Kirk Park when we met. I also sent you an e-mail with a picture on 12/6/18 identifying additional RV's at Kirk Park. I gave you a copy of our petition signed by 130 neighbors. It was submitted some time after I met with Ms. Edmonds-Mares and Ms. Laura Wells. This was because they did nothing in response to our complaints. It was also to meet Mr. Ortbal's requirements.
3. The status of the research that Ms. Laura Wells promised regarding the enforcement of the 72 hour rule. This is also not addressed in your e-mail.

As I told you at our meeting, the city of San Jose continues to impede and effectively disregard the will of the people in our efforts to protect the children who play at Kirk Park. This places the city of San Jose and its taxpayers in a libelous position.

You state, "The Department of Transportation has also reviewed the petition you submitted to Councilmember Rocha's office last year, requesting that the City install "No Parking Vehicles Over 6 Feet High signs on Briarwood Drive". As previously shared with you, resource availability of traffic engineers to respond to parking regulation requests are severely limited". "Resource Availability" is a different tact and one not mentioned previously. This was not something that Mr. Ortbal included in his list of requirements. Furthermore, there were no issues with resources when the aforementioned signs were installed. Why is this a problem now?

I would opine that, indeed the city of San Jose has expended vast resources to do nothing to resolve the RV problem in our neighborhood. These same resources could have easily been used to install the signs described in our petition, throughout the entire city. You have to admit that this is a very weak argument – particularly when it comes to the safety of the young people who play at Kirk Park. You can do better, Dave.

I really didn't expect that you or the city of San Jose would address my neighbors and my requests and you've performed accordingly.

I would appreciate you addressing the matters that we discussed. In the meantime, I will follow up with Mr. Ortbal.

Thanks.

Tom Baker

On Fri, Jan 4, 2019 at 9:08 AM Sykes, Dave <[Dave.Sykes@sanjoseca.gov](mailto:Dave.Sykes@sanjoseca.gov)> wrote:

Hello Mr. Baker and Happy New Year,

This is a follow-up to our meeting on November 16, 2018. Since our meeting I have had the opportunity to review prior communication that you have received from Julie Edmonds-Mares (prior Deputy City Manager). You have also received numerous responses from Jim Ortbal and other staff in the City. I also reviewed the issue with John Ristow our Interim Director of Transportation. I am satisfied that the City has worked diligently in responding to your many requests in a manner that is consistent with current City Council policy priorities and established service delivery levels.

As shared with you previously, in March 2017 during a City Council hearing on work priorities, Councilmember Don Rocha submitted an item for Council consideration on addressing RV concerns. In evaluating many high priority projects, the City Council decided not to allocate resources to this effort. The Department of Transportation has also reviewed the petition you submitted to Councilmember Rocha's office last year, requesting that the City install "No Parking Vehicles Over 6 Feet High signs on Briarwood Drive". As previously shared with you, resource availability of traffic engineers to respond to parking regulation requests are severely limited. Additionally, the parking concerns you have raised with City staff, primarily about one RV, do not rise to the level of being chronic or widespread. As such, City staff have completed satisfactory follow up on the requests you made during our meeting and have concluded any further work on this specific issue.

I appreciate your diligence on this issue and I am hopeful that my review and response brings closure to your request. To report new instances of parking violations in your neighborhood, please continue to use the My San Jose app or web portal.

David Sykes

City Manager

City of San José

408-535-8111



FW: updates?

Sykes, Dave

**From:** Thomas Baker [REDACTED]  
**Sent:** Tuesday, December 11, 2018 6:49 PM  
**To:** Sykes, Dave <Dave.Sykes@sanjoseca.gov>  
**Subject:** Re: updates?

Great. Thanks for your response. I'll look forward to a mutually beneficial resolution.

Tom Baker

On Tue, Dec 11, 2018 at 6:35 PM Sykes, Dave <Dave.Sykes@sanjoseca.gov> wrote:

Hi Thomas, thanks for your patience. I assure you I have not lost track of this and will get back to you before holidays.

David Sykes  
City Manager  
City of San Jose

> On Dec 7, 2018, at 7:39 AM, Thomas Baker [REDACTED] wrote:

>

> Dear Mr. Sykes,

>

> The RV's are still a problem at Kirk Park. I attached a picture for you. This vehicle has been at Kirk Park for some time. The young people that play at Kirk Park are in jeopardy and this hazard exposes the city to a libelous position. My neighbors and I are counting you to help us. If nothing else, will you please arrange to have the signs installed that limit the height of vehicles parking at Kirk Park to less than six feet? These are just like the signs on Evans Lane, Foxchase Drive and Adamo Drive. My neighbors and I would hope that the city would treat us just like the people at the locations that I mentioned and not discriminate against us. It's why we all signed the petition that I gave you.

>

> It's now been about three weeks since we met. If you prefer, I could continue to try to work with Mr. Ortbal. My neighbors and I are willing to do whatever it takes to protect our young people.

>

> I'm not sure why the city of San Jose has worked to impede the efforts of my neighbors and myself. It's most unfortunate.

>

> Thanks.

>

> Tom Baker

>

> On Fri, Nov 30, 2018 at 3:19 PM Thomas Baker [REDACTED]mailto:[REDACTED]  
wrote:

> Dear Mr. Sykes,

>

> It's been about two weeks since we met. Do you have any updates regarding the issues that we discussed?

>

> Thanks.

>

> Tom Baker

> <120618 RV picture.jpg>

Fw: updates?

Cranford, Sandra

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**From:** Thomas Baker [REDACTED]  
**Sent:** Tuesday, December 11, 2018 6:48 PM  
**To:** Sykes, Dave  
**Subject:** Re: updates?

Great. Thanks for your response. I'll look forward to a mutually beneficial resolution.

Tom Baker

On Tue, Dec 11, 2018 at 6:35 PM Sykes, Dave <[Dave.Sykes@sanjoseca.gov](mailto:Dave.Sykes@sanjoseca.gov)> wrote:

Hi Thomas, thanks for your patience. I assure you I have not lost track of this and will get back to you before holidays.

David Sykes  
City Manager  
City of San Jose

> On Dec 7, 2018, at 7:39 AM, Thomas Baker [REDACTED] wrote:

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>

> Thanks.

>

> Tom Baker

>

> On Fri, Nov 30, 2018 at 3:19 PM Thomas Baker [REDACTED] <mailto:[REDACTED]>  
wrote:

> Dear Mr. Sykes,

>

> It's been about two weeks since we met. Do you have any updates regarding the issues that we discussed?

>

> Thanks.

>

> Tom Baker

> <120618 RV picture.jpg>

FW: a brief meeting

Sykes, Dave

**From:** Thomas Baker [REDACTED]  
**Sent:** Thursday, November 08, 2018 4:56 PM  
**To:** Sykes, Dave <Dave.Sykes@sanjoseca.gov>; Ortbal, Jim <Jim.Ortbal@sanjoseca.gov>  
**Cc:** Cranford, Sandra <Sandra.Cranford@sanjoseca.gov>  
**Subject:** Re: a brief meeting

Dear Mr. Ortbal,

If you read through this chain of e-mails, you'll see that I'm scheduled to meet with Dave Sykes on 11/16/18 at 9 AM. No doubt you're busy at that time. I think it's important for you to attend as your input is extremely valuable.

I would appreciate you attending this meeting. Would it be possible for you to suggest a few dates and times to Sandra Cranford when you and Mr. Sykes are available?

Thanks.

Tom Baker

On Thu, Nov 8, 2018 at 1:51 PM Sykes, Dave <Dave.Sykes@sanjoseca.gov> wrote:

Hi Tom, I look forward to meeting with you. For the record, I have not asked Jim to attend.

David Sykes  
City Manager  
City of San José  
408-535-8111

**From:** Thomas Baker [mailto:[REDACTED]]  
**Sent:** Thursday, November 08, 2018 9:26 AM  
**To:** Sykes, Dave <Dave.Sykes@sanjoseca.gov>  
**Cc:** Cranford, Sandra <Sandra.Cranford@sanjoseca.gov>  
**Subject:** Re: a brief meeting

Dear Mr. Sykes,

I am interested in meeting with you and would prefer that Mr. Ortbal also attend. It does not appear that Mr. Ortbal is agreeable to that. As a compromise, I would be willing to meet with you if you agree to follow up on

the issues we discuss. I would also ask for a subsequent meeting so that we could discuss your findings. I would hope that the information you provide as a result of your research would lead to mutually beneficial conclusions for my neighbors and myself.

I hope you find this fair and are willing to proceed.

Thanks.

Tom Baker

On Thu, Nov 1, 2018 at 4:09 PM Thomas Baker [REDACTED] wrote:

Dear Mr. Sykes,

Thanks for your willingness to engage. I'm looking forward to meeting with Mr. Ortbal and yourself as well. I will look forward to 11/16/18 at 9 AM when you're able to confirm Mr. Ortbal will be in attendance. I do not think this is an unreasonable request given his background and familiarity.

I know Mr. Ortbal has been promoted to another position but that should not preclude his participation in a meeting where his vast knowledge would be extremely valuable – ensuring our productivity and mutual success.

In my career, I have been promoted to other positions as well. This has not prevented me from providing expertise in my previous roles. I'm sure you've been promoted to other positions too and I would expect that you were willing provide your expertise in your prior roles. It's the professional thing to do and I'm sure that as a highly competent manager, you would agree.

As I mentioned, another option would be for me to meet with Mr. Ortbal without you. That might work better and I would be willing to participate on any day at any time.

If you are truly interested in "understanding (my neighbors and my) concerns better", then including Mr. Ortbal is the right thing to do.

Thanks.

Tom Baker

On Thu, Nov 1, 2018 at 1:59 PM Sykes, Dave <[Dave.Sykes@sanjoseca.gov](mailto:Dave.Sykes@sanjoseca.gov)> wrote:

Hi Tom, I look forward to meeting with you and understanding your concerns better. Jim has been promoted to Deputy City Manager and has taken on a new portfolio of work.

David Sykes  
City Manager  
City of San José  
408-535-8111

**From:** Thomas Baker [mailto:[REDACTED]]  
**Sent:** Thursday, November 01, 2018 12:33 PM  
**To:** Cranford, Sandra <[Sandra.Cranford@sanjoseca.gov](mailto:Sandra.Cranford@sanjoseca.gov)>; Sykes, Dave <[Dave.Sykes@sanjoseca.gov](mailto:Dave.Sykes@sanjoseca.gov)>  
**Subject:** Re: a brief meeting

Dear Mr. Sykes and Ms. Cranford,

Thank you for your willingness to work together.

I'm hoping that you all can help me understand the reluctance to include Mr. Ortbal in a meeting. Another option would be for me to meet with Mr. Ortbal without including Mr. Sykes.

As Mr. Sykes said in his 10/22 e-mail to me, "In response to your request for me to arrange a meeting with Mr Ortbal, I want to make sure it is a **productive use of time, or results in a different outcome than what has been previously accomplished in previous meetings** and communication with you".

Including Mr. Ortbal in a meeting would certainly ensure productivity because he is the most informed. It would also result in an outcome different than what was previously accomplished.

Furthermore, since Mr. Ortbal is now the Assistant City Manager, what reason could there possibly be for not including him as I'm assuming there is some sort of hierarchical relationship?

Mr. Sykes and I have the same goals. I want to be absolutely sure that our goals are met. Not including Mr. Ortbal gives cause to conclude that our mutually beneficial goals won't be achieved.

Thanks.

Tom Baker

On Thu, Nov 1, 2018 at 8:46 AM Cranford, Sandra <[Sandra.Cranford@sanjoseca.gov](mailto:Sandra.Cranford@sanjoseca.gov)> wrote:

Dear Mr. Baker,

The City Manager is committed to meeting with you on Nov. 16 at 9:00. He will determine who will be in the meeting. I hope that Nov. 16 at 9:00 a.m. will still work for you.

Thank you,

Sandy

---

**From:** Thomas Baker [REDACTED]  
**Sent:** Tuesday, October 30, 2018 11:04 AM  
**To:** Cranford, Sandra  
**Subject:** Re: a brief meeting

Thanks Ms. Cranford,

I will plan on being there after you confirm Mr. Ortbal will attend. If he is unable to attend, I would ask that you arrange a different time and date to ensure his attendance.

Tom Baker

On Tue, Oct 30, 2018 at 10:42 AM Cranford, Sandra <[Sandra.Cranford@sanjoseca.gov](mailto:Sandra.Cranford@sanjoseca.gov)> wrote:

Hi,

Friday, Nov. 16 at 9:00 would work great. The meeting will be in the City Manager's conference room 1734 located on the 17th floor of City Hall. I will check in with Mr. Ortbal on his attendance. Thank you for letting me know.

Thank you,

Sandy

---

**From:** Thomas Baker [REDACTED]  
**Sent:** Tuesday, October 30, 2018 10:29 AM  
**To:** Cranford, Sandra  
**Subject:** Re: a brief meeting

Hello Ms. Cranford,

Thanks for the note.

I am able to meet with Mr. Ortbal *and* Mr. Sykes on 11/16/18 at 9 or 10.

It's very important that Mr. Ortbal attend so I'm assuming that will be the case.

Thanks.

Tom Baker

On Tue, Oct 30, 2018 at 9:22 AM Cranford, Sandra <[Sandra.Cranford@sanjoseca.gov](mailto:Sandra.Cranford@sanjoseca.gov)> wrote:

Dear Mr. Baker,

Would you be available to come here to City Hall to meet with Dave Sykes on Friday, Nov. 16 at 9:00 or 10:00 a.m.?

Thank you,  
Sandy

---

**From:** Thomas Baker [REDACTED]  
**Sent:** Monday, October 29, 2018 5:43 AM  
**To:** Sykes, Dave  
**Cc:** Cranford, Sandra  
**Subject:** Re: a brief meeting

Dear Mr. Sykes,

Thank you for your willingness to meet. In your 10/11/18 e-mail to me, you stated, "Hi Tom, Sandy will schedule a time". I am counting on you to follow through.

Thanks.

Tom Baker

On Wed, Oct 24, 2018 at 12:12 PM Thomas Baker [REDACTED] wrote:

Dear Mr. Sykes,

I am glad that we have the same goals with regards to using our time in a productive manner when we meet. I am optimistic that the results of meeting, in person, with you and Mr. Ortbal will accomplish a great deal.

I will look forward to hearing from Sandy.

Thanks.



Tom Baker

On Mon, Oct 22, 2018 at 1:12 PM Thomas Baker [REDACTED] wrote:

Dear Mr. Sykes,

Thank you for acknowledging the efforts of my neighbors and myself. We consider this an extremely important matter. Therefore, I would like to meet with you in person and will come to your office.

It would also be preferential to have Mr. Ortbal attend.

My neighbors and I are taxpayers and I think it's not asking too much to meet.

Thanks.

Tom Baker

On Mon, Oct 22, 2018 at 8:00 AM Sykes, Dave <[Dave.Sykes@sanjoseca.gov](mailto:Dave.Sykes@sanjoseca.gov)> wrote:

Mr Baker:

In response to your request for me to arrange a meeting with Mr Ortbal, I want to make sure it is a productive use of time, or results in a different outcome than what has been previously accomplished in previous meetings and communication with you. The City has worked diligently in responding to your many previous requests in a manner that is consistent with current City Council policy priorities and established service delivery levels. I understand that you indicated that the Audit is a new development. As a result of the Audit, the City Administration will be working to implement the approved recommendations within the timeframes set forth in the City Administration's response to the City Auditor. It does not however change the nature of the issues or the applicability of the previous response by our staff. I will ask Sandy to arrange a time that you and I can connect by phone to discuss the content of the meeting that you are requesting. In the meantime, to report any future instances of parking violations in your neighborhood, please use the standard reporting tools that have been previously described to you.

David Sykes

City Manager

City of San José

408-535-8111

**From:** Thomas Baker [mailto:[REDACTED]]  
**Sent:** Monday, October 22, 2018 6:50 AM  
**To:** Sykes, Dave <[Dave.Sykes@sanjoseca.gov](mailto:Dave.Sykes@sanjoseca.gov)>  
**Cc:** Cranford, Sandra <[Sandra.Cranford@sanjoseca.gov](mailto:Sandra.Cranford@sanjoseca.gov)>  
**Subject:** Re: a brief meeting

Hello Mr. Sykes,

Are there any updates to this? I have not heard from anyone about scheduling a meeting.

Thanks.

Tom Baker

On Thu, Oct 11, 2018 at 1:29 PM Sykes, Dave <[Dave.Sykes@sanjoseca.gov](mailto:Dave.Sykes@sanjoseca.gov)> wrote:

Hi Tom, Sandy will schedule a time

David Sykes

City Manager

City of San José

408-535-8111

**From:** Thomas Baker [REDACTED]

**Sent:** Thursday, October 11, 2018 9:28 AM

**To:** Sykes, Dave <[Dave.Sykes@sanjoseca.gov](mailto:Dave.Sykes@sanjoseca.gov)>

**Subject:** Re: a brief meeting

Dear Mr. Sykes,

It was nice to meet you on 10/2.

I'd still like to spend a little time with Mr. Ortbal. He has not responded to my voice mail messages.

I'm counting on you to arrange a meeting.

Would you please let me know of a few dates/times that might work so that I could meet with him?

Thanks.

Tom Baker

On Sat, Sep 29, 2018 at 10:44 AM Thomas Baker [REDACTED] wrote:

Dear Mr. Sykes,

Would you be able to arrange a brief meeting for me with Mr. Jim Ortbal? I have been trying to reach him but he has not responded to my voice mail messages or my e-mails. It wouldn't take that long and would be very helpful. We'd communicated previously.

Thanks.

Tom Baker

FW: a brief meeting

Sykes, Dave

📎 1 attachments (686 KB)

Re: the RV problem in the city of San Jose;

**From:** Sykes, Dave  
**Sent:** Wednesday, January 02, 2019 8:53 AM  
**To:** Ristow, John <John.Ristow@sanjoseca.gov>  
**Cc:** Cranford, Sandra <Sandra.Cranford@sanjoseca.gov>  
**Subject:** FW: a brief meeting

Here is a summary email that Jim sent me back in October. The attachment has the background. I ended up not sending the email below and instead met with Mr Baker.

David Sykes  
City Manager  
City of San José  
408-535-8111

**From:** Ortbal, Jim  
**Sent:** Monday, October 15, 2018 4:16 PM  
**To:** Sykes, Dave <[Dave.Sykes@sanjoseca.gov](mailto:Dave.Sykes@sanjoseca.gov)>; Cranford, Sandra <[Sandra.Cranford@sanjoseca.gov](mailto:Sandra.Cranford@sanjoseca.gov)>  
**Subject:** FW: a brief meeting

DAVE AND SANDY, BELOW IS A DRAFT RESPONSE TO MR BAKER (INCLUDING EMAIL FROM JULIE E-M TO HIM FROM OCT 2017). LET ME KNOW IF YOU NEED ANYTHING ELSE.

Mr Baker:

In response to your request for me to arrange a meeting with Mr Ortbal, I do not think it would be a productive use of time, or result in a different outcome than what has been previously communicated to you by Deputy City Manager Julie Edmonds-Mares in the attached email. The City has worked diligently in responding to your many previous requests in a manner that is consistent with current City Council policy priorities and established service delivery levels. I understand that you indicated that the Audit is a new development. As a result of the Audit, the City Administration will be working to implement the approved recommendations within the timeframes set forth in the City Administration's response to the City Auditor. It does not however change the nature of the issues or the applicability of the previous response by Ms Edmonds-

Mares. Accordingly, to report any future instances of parking violations in your neighborhood, please use the standard reporting tools that have been previously described to you.

David Sykes  
City Manager  
City of San Jose

**From:** Thomas Baker [REDACTED]  
**Sent:** Thursday, October 11, 2018 9:28 AM  
**To:** Sykes, Dave <[Dave.Sykes@sanjoseca.gov](mailto:Dave.Sykes@sanjoseca.gov)>  
**Subject:** Re: a brief meeting

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Thanks.

Tom Baker

On Sat, Sep 29, 2018 at 10:44 AM Thomas Baker [REDACTED] wrote:

Dear Mr. Sykes,

Would you be able to arrange a brief meeting for me with Mr. Jim Ortbal? I have been trying to reach him but he has not responded to my voice mail messages or my e-mails. It wouldn't take that long and would be very helpful. We'd communicated previously.

Thanks.

Tom Baker

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** David Sykes

**SUBJECT: COUNCIL PRIORITY SETTING  
RESULTS**

**DATE:** March 13, 2017

Approved



Date

3/14/17

## INFORMATION

On March 7, 2017, the City Council held a two-part Priority Setting Session, first voting to add items to the Priority List, then ranking those items in priority order.

### *NOMINATED IDEAS*

The following seven items were added to the Council Priority List:

- Riparian Corridors and Bird-Safe Design
- Accessory Dwelling Units & Garage Conversion Ordinance
- Personal Care Business Compliance Initiative
- Anti-Displacement Preference Ordinance
- Spurring High Density Development Along Transit Corridors
- Development of a Soft-Story Retrofit Program
- Update Urban Design Guidelines

The following nine nominated items did not receive enough votes to move forward to the Council Priority List and have been dropped:

- Priority Response to SPUR and Staff Identified Work Items
- RV and Unattached Trailer Parking Regulations
- Revision to Council Policy 6-30, Public Outreach Policy for Pending Land Use and Development Proposals
- Build a Better BART Initiative
- Private Percent for Art Ordinance
- Private Property Graffiti Abatement Ordinance
- Data Retention & Use Policy
- City Hall Facility Use Policy Updates
- "Easy Urbanism" Deregulation Program

HONORABLE MAYOR AND CITY COUNCIL  
March 13, 2017  
Subject: Council Priority Setting Results  
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*COUNCIL PRIORITY LIST*

The updated Council Priority List is available in the Attachment. The Priority Setting ballots can be viewed here: <http://www.sanjoseca.gov/DocumentCenter/View/66718>.

Staff will work on the priority items, including items that received zero votes in the ranking, with work effort allocated to higher-ranked items. Please keep in mind that project complexity may differ from item to item and departmental capacity may differ from department to department. As a result, some lower-ranked items may be completed sooner than higher ranked items.

  
DAVID SYKES  
Assistant City Manager

For questions please contact David Sykes, Assistant City Manager, at 408-535-8185.

Attachment - Final Ranked Council Priority List

## Attachment Final Ranked Council Priority List

Based on the Council voting exercise, the following 24 items were selected as Council Priorities, and are presented in ranked order with those getting the highest number of votes listed first. Progress will be tracked on all items on the Priority List.

Rank	Policy/Ordinance Name Description	Votes 3/7/17
1	<b>Update the City's Rental Rights and Referrals Program</b> Explore modifications to strengthen the City's rent control ordinance (rent registry, notices of rent increase, banking); and the creation of ordinances to address retaliatory evictions; income discrimination, major capital improvement pass-through, displacement and relocation (Ellis).	*Carried over from previous Priority Setting process.
2	<b>Local Hiring/Local Business/Apprentice Utilization Program</b> Create policies encouraging the hiring of local workers and contracting of local and small businesses, using the City of Sunnyvale's recently approved program as a model.	*
3	<b>Mobile Home Conversions</b> Review and potentially amend the Mobile Home Conversion Ordinance to address the protection of health, safety and welfare of mobile home park residents, including any needed General Plan amendments.	*
4	<b>Housing Rehabilitation Program (Homeless Veterans Vouchers)</b> Develop a program using the Low and Moderate Income Housing Asset Fund in the City's Affordable Housing Investment Plan to establish a housing rehabilitation program incentivizing landlords to participate in housing voucher or coupon programs for homeless veterans.	*
5	<b>Disadvantaged Business Enterprises</b> Explore expanding existing DBE program beyond Airport to other City departments and contracts.	*
6	<b>Electronic Billboards</b> Options for public and private property that will allow electronic digital off-site advertising signs or billboard installations.	*
7	<b>Downtown and/or Citywide Parks Operations and Maintenance Financing District</b> To study and make recommendations to the City Council for a long term financing district for parks operations and maintenance. The study will look at citywide and downtown as options.	*



Rank	Policy/Ordinance Name Description	Votes 3/7/17
8	<p><b>Development of a Soft-Story Retrofit Program</b></p> <p>Explore developing a program to incentivize the seismic retrofit of multifamily soft-story buildings. An incentive program may motivate owners to retrofit inadequate structures that pose a safety risk to over 24,000 San Jose residents who live in the approximately 1,093 "soft-story" buildings. Lead Department: Housing; Support: PBCE and OES</p>	13
9	<p><b>Accessory Dwelling Units &amp; Garage Conversion Ordinance</b></p> <p><i>Accessory Dwelling Units:</i></p> <ul style="list-style-type: none"> <li>-Support the Planning Department's recommendations to revise the Zoning Code to ensure that the City's Second Unit Ordinance is in conformance with the provisions of Senate Bill 1069 (Wieckowski), which requires jurisdictions to relax some requirements for second units, also called accessory dwelling units;</li> <li>-Direct the Administration to: (a) Eliminate any impediments to the conversion of detached garages or other accessory units to residential use; (b) Consider changes that would increase the number of potential lots in R-2 zones; (c) Study an amnesty program that would legalize illegal non-conforming accessory dwellings as long as they are brought up to the standards included in the City's ordinance; (d) Encourage a robust public information effort to help residents understand the potential for second units, and the process for development.</li> <li>-Additionally, to "Not require for the secondary dwelling a minimum area of 80 s. f. of private open space with a minimum width of 8 feet."</li> </ul> <p><i>Garage Conversion Ordinance:</i></p> <ul style="list-style-type: none"> <li>-An ordinance to establish procedures whereby owner-occupants of single-family residential real property on which certain illegal garage conversions now exist would have a limited time to seek to legalize converted garages. Landlords could be required to provide some affordable housing in exchange for the legalized unit. Explore the possibility of reducing the parking requirements if the unit's close enough to a major transit stop.</li> </ul>	11

Rank	Policy/Ordinance Name Description	Votes 3/7/17
10	<p><b>Personal Care Business Compliance Initiative</b></p> <p>Personal Care Business Compliance Initiative that includes:</p> <p>a) <del>An update to the San Jose Municipal Code (SJMC) requiring all personal care businesses that provide any form of massage services to provide a "state registration certification" and any required permits to be approved prior to receiving the city's business tax certificate.</del></p> <p>b) A registry requiring all personal care businesses that provide any form of massage services to annually register prior to obtaining a business tax certificate with an additional cost-recovery fee for a city employee position to proactively coordinate administrative processes and inspection for compliance.</p> <p>c) A moratorium on the distribution of new <del>business tax certificates and</del> massage parlor permits to all personal care businesses that provide any form of massage services during the initiative development up to a period of one year with an option to extend per council's approval.</p> <p>(d) - Conduct outreach and discussion with industry business professionals.</p>	8
11	<p><b>North San José Policy Review</b></p> <p>Review of North San José development policies, fees, and development capacity allocations.</p>	7
12	<p><b>Spurring High Density Development Along Transit Corridors</b></p> <p>Development of an incentive plan to spur investment in high-density development within the General Plan land use designation "transit residential" by exploring a targeted decrease in the \$17/square foot Housing Impact Fee and other fees, to include looking at alternative payment schedules to the current up-front payment requirement.</p>	6
13	<p><b>Anti-Displacement Preference Ordinance</b></p> <p>Explore the development of policy that will allow a set-aside in affordable housing developments that prioritizes residents who are being displaced that live in low-income neighborhoods undergoing displacement and/or gentrification.</p>	5
14	<p><b>Update Urban Design Guidelines</b></p> <p>Update citywide urban design guidelines for our key commercial districts, including Downtown and Berryessa.</p>	3

Rank	Policy/Ordinance Name Description	Votes 3/7/17
15	<b>Riparian Corridor &amp; Bird-Safe Buildings</b> Develop a work plan to: -Study the impacts of bird strikes in San José; -Explore the implications of incorporating current voluntary bird-safe design measures as a City-wide requirement along riparian habitats, creek corridors and open spaces; and, -Evaluate if additional environmental review may be needed to implement a City-wide program.	2
16	<b>Commercial Impact Fee for Affordable Housing</b> Research the potential of a non-residential development fee as an additional source of revenue for affordable housing development.	1
17	<b>Downtown Active Storefronts Initiative</b> Penalty fees for storefronts that been inactive over one year; allocation of all collected penalty fees toward an incentive program that assists property owners in activating their storefronts; exploration of new tools and recommendations that will require new development in the PBID to activate ground floor space or storefronts. To include Citywide business districts or commercial areas.	1
18	<b>San José is Open for Business/Legal Non-Conforming Uses</b> Clarify Title 20 to reduce the evidentiary burdens for businesses and property owners seeking to establish a longstanding, legal nonconforming use.	1
19	<b>Food and Clothing Distribution at City Parks</b> Review and update the Municipal Code policy regarding the distribution of food and clothing at City Parks.	1
20	<b>Medical Marijuana</b> Explore whether to allow medical marijuana distributors, manufacturers, and testing labs to operate in San José, and if so, how many and where. (Note: marijuana land use and regulatory issues could be impacted by the outcome of Proposition 64 on the November 8, 2016 California ballot.)	1
21	<b>Real Estate Transactions Streamlining (Phase 3)</b> Review of the leasing program for both properties where the City is Landlord and where the City is Tenant.	0
22	<b>Development Agreement Policy</b> Provide more specific guidance for the use of Development Agreements, specifically for developments receiving City incentives and as a financing tool for urban villages	0
23	<b>Off-Sale of Alcohol at Grocery Stores Streamlining</b> Modify Code provisions to streamline the permit process for sale of alcohol at grocery stores.	0

Rank	Policy/Ordinance Name Description	Votes 3/7/17
24	<b>Zoning Ordinance Quarterly Modifications</b> Minor revisions to Zoning Ordinance that do not require major analysis, raise community concerns or cannot be found exempt from CEQA. This is a recurring placeholder that facilitates economic development, permit streamlining, and General Plan implementation.	0




9/29/2017

Re: the RV's parking in our neighborhood

 Reply all |  Delete Junk | 

## Re: the RV's parking in our neighborhood

Edmonds-Mares, Julie

  Reply all | 


Tue 5/2/2017 4:29 PM

To: Thomas Baker [REDACTED] Wells, Laura


Cc: Ortbal, Jim; Duenas, Norberto 

Sent Items

You forwarded this message on 8/15/2017 12:38 PM

03-14-17-CMO Coun... 

430 KB

 Show all 1 attachments (430 KB) Download Save to OneDrive - City of San Jose

Dear Mr. Baker,

**Regarding an RV that parks near [REDACTED]:**

Following up on our meeting in April and per your request, linked here and also excerpted at the end of this email is the Municipal Code section (17.72.580), from the chapter on community preservation and that includes discussion of motor vehicles.

Regarding your concerns about the RV owner living or sleeping in the RV when parked on a neighborhood street, staff from the City's Code Enforcement Division, the Police Department and the Parking Compliance Unit in the Department of Transportation have worked to investigate any illegal conduct, as follows:

- Our Code Enforcement Division has responded to two cases filed by you concerning [REDACTED]. The first case was about the RV, and on 5/16, staff found it to be parked legally on the street. As Code Enforcement staff have explained to you, they only handle vehicle issues when those vehicles are on private property. Streets are public property, and issues concerning RVs when parked on public streets fall to the Police Department. The second case was about the RV and yard waste, and when investigated on 8/16 by Code Enforcement staff, the RV was not at the residence and there was no evidence of any yard waste at or near the subject property.
- Our Police Department personnel came out to Wawona Drive on numerous occasions over the past year to investigate whether the RV was being used for sleeping purposes when parked on a public street. Sgt. Donohue shared with me that he has provided you with his direct cell phone number, which you have used on a regular basis, to report when you see the RV in your neighborhood. Each time you have done so the vehicle has been subsequently moved, thereby remaining in compliance with the 72-hour regulation. Sgt. Donohue also connected the RV owner to a non-profit program that allows RV parking at another location during the week.
- The Parking Compliance Unit in the City's Department of Transportation has also investigated your concerns on numerous occasions over the past year. When the RV was observed parked in the

or California Vehicle Codes.

You also requested that staff in the City Department of Transportation (DOT) consider placing height-related parking restrictions on your street. As shared previously by the Department of Transportation Director, Jim Ortbal, resource availability of traffic engineers to respond to parking regulation requests are severely limited. Exploring other alternatives to address RV concerns was included by your Councilmember, Don Rocha, in March 2017 during a City Council hearing on work priorities (Item 3.3 on March 7 agenda). In evaluating a slate of high priority projects, the City Council decided not to allocate resources to this effort. A copy of the Information Memorandum with the Council Priority Setting Results is attached here for your reference.

As you and I discussed, the parking restrictions for your street would also need the support of a majority of residents on your street, and most often such restrictions are done as they pertain to limiting overuse of street parking by outside users, and very rarely involve height limitations.

At this time, City staff have diligently addressed your concerns about this RV, but to date have found the RV to be parked and used in a lawful manner.

I recognize that you are asking a range of questions, but ultimately we will come back to the fact that the RV has been found to be in compliance with the law. If you feel the laws should be more stringent, you will need to work with your neighborhood and your elected representatives to make such changes happen.

Sincerely,

Julie Edmonds-Mares  
Deputy City Manager

Excerpt from [www.sanjoseca.gov/MunicipalCode](http://www.sanjoseca.gov/MunicipalCode):

**17.72.580 - Activities prohibited on property designed or used as a residence.**

Subject to Section 17.72.585, the following activities on any property designed or used as a residence constitute property blight:

A. Wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, painting, or servicing, in any setback area, of any airplane, aircraft, motor vehicle, special mobile equipment, boat, trailer, machinery, equipment, appliance or appliances, furniture or other personal property.

B. The use of any motor vehicle for living or sleeping quarters in any place in the city, except in a location lawfully operated as a mobilehome park or travel trailer park, subject to the following:

1. Nothing contained in this section shall be deemed to prohibit bona fide guests of a city resident from occupying a recreational vehicle upon residential premises with the consent of the resident for a period not to exceed seventy-two hours; and
2. Any recreational vehicle so used shall not discharge any waste or sewage into the city's sewer system except through the residential discharge connection of the residential premises on which the recreational vehicle is parked.

**Sent:** Friday, April 7, 2017 10:29 AM  
**To:** Edmonds-Mares, Julie; Wells, Laura  
**Cc:** Ortbal, Jim; Duenas, Norberto  
**Subject:** the RV's parking in our neighborhood

Dear Ms. Edmonds-Mares and Ms. Wells,

Thanks for taking the time to meet with me on Thursday.

The reason that I contacted the city manager's office is because Mr. Ortbal was not forthcoming with me regarding the signs on Foxchase Drive and Evans Lane. Therefore, I do not know what other potential solutions might have been possible with regards to the situation in our neighborhood. What are they?

It's not fair that my neighborhood is subjected to a different set of standards for the signs that restrict the parking to vehicles that are less than 6 feet in height like the signs on Foxchase Drive and Evans Lane. Why is my neighborhood subjected to such discrimination?

The Department of Transportation for the city of San Jose has had more than enough time to research potential solutions to the issue that we discussed today. The fact that the odometer isn't visible and trailers don't have one has been known for many years before our meeting. What is the reason that the Department of Transportation didn't research this before now?

I would be glad to research potential solutions to solve the problem regarding RV's not moving the required amount of distance as specified in municipal code. However, I have no reason to think that the Department of Transportation would consider my recommendation as they chose to unfairly ignore my request about the signs.

If the Department of Transportation isn't able to enforce the distance requirements with regards to the municipal code, then my recommendation would be to eliminate it altogether. Wouldn't the resources be better used somewhere else?

I'd written two letters to Chief Eddie Garcia regarding this issue and my interactions with his officers. One letter dated, 9/2/16 was about Sergeant Teresa Jeglum. She came to my house to tell me that she (and her subordinate officers) were not going to respond to any more of my calls (or my neighbor's calls) for service. I wrote another letter to Chief Garcia on 11/23/16. I had been working with Lieutenant Greg Lombardo – who was helpful. I had asked Lieutenant Lombardo to help me facilitate a change in the municipal code by writing a letter about its unenforceability. He refused to do this because he said it's against department policy to take a political stance on an issue. How could this be the case when Chief Garcia campaigned for the passage of Measure F? Unfortunately, Chief Garcia chose not to respond to either of my letters. Why would the chief ignore concerns about our neighborhood?

department pension issue, more than \$10 thousand dollars to send several councilmembers on a trip to Denver and now Mayor Liccardo wants to pay the college tuition for the city's young people. How is it that my and my neighbors issue remains unresolved?

My action item was to check my notes and to see when I talked to the police department about someone living in the RV. Just to clarify, this is the Southwind by Fleetwood RV. The license number of this vehicle is [REDACTED]. I have an entry in my notes that I talked to Officer Bible, badge number 4255 on 7/8/16 when the RV was at Kirk Park. This was at about 8:30 AM. Officer Bible said he spoke to the woman in the RV at Kirk Park. It appeared to him that she had spent the night in the RV because she was just waking up and had on pajamas.

I also found in my notes that I'd talked to Heather Hoshii on 6/7/16 and sent her a follow up e-mail on 6/17/16. This exchange was about the very same issue(s) that we discussed today. How frequently do we need to discuss this issue so that it's resolved? Here is part of the text of my e-mail to Heather on 6/17:

When we talked on 6/7, you agreed that the owner of this vehicle was in violation of the spirit of the law. What is the enforcement policy considering your acknowledgement? You also indicated that you had alternative means by which the policy could be enforced. For example, I told you that there were obvious signs of vehicle habitation – curtains in the windows; hoses and extension cords connecting the vehicle to the house at [REDACTED]. You said that you would work with the Code Enforcement department to address this. What were the results of your having contacted that department? You further stated in your e-mail that, "there were no signs of vehicle habitation". What signs of habitation does the Officer look for? You state that when the, "Officer returned to complete his investigation on 6/10/16", the vehicle had moved the required 1/10 of a mile within the 72 hour period. How is the distance measured? Kirk Park is not 528 feet from where the RV was previously stored – it's less. As I explained to you on 6/7, the occupants residing at 1593 Wawona drive, do not work. They watch for the City vehicle to check the inhabited RV. What attempts have been made to enforce the policy during non-business hours? Ms. Hoshii responded on 6/20/16. Part of her e-mail is as follows:

If you would like to contact the Code Enforcement group to request an investigation regarding illegal power hook ups the Code Enforcement Service Desk can be reached at (408) 535-7770.

Over the last two (2) months the Parking Compliance Unit has provided a significant amount of resources to investigate the concerns you have expressed regarding the RV parked in the vicinity of [REDACTED]; however, the results of our investigations have demonstrated the RV is not in violation of any of the Municipal Codes, Ordinances or California Vehicle Codes the Parking Compliance Unit is tasked with enforcing or has the authority to enforce.



9/29/2017

Re: the RV's parking in our neighborhood

----- Regarding the parking -----  
I would like the cities help in resolving this issue and I will look forward to our next meeting.

Thanks.

Tom Baker

## **Appendix C: Original Appeal from Thomas Baker**

**From:** Thomas Baker [REDACTED]  
**Sent:** Friday, February 01, 2019 6:39 AM  
**To:** Taber, Toni <toni.taber@sanjoseca.gov>  
**Subject:** My Public Records Request

Dear Ms. Taber,

I'd like to appeal my recent Public Records Request. I don't believe that Mr. David Sykes or Ms. Sandra Cranford have provided all the information related to my request.

I would like to attend the Rules Committee Meeting on 2/6/19. Will you please be sure that I'm on the agenda?

Thanks.

Tom Baker