



Memorandum

TO: Honorable Mayor &
City Council

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: The Public Record
September 27 & October 4 – October 10

DATE: October 16, 2019

ITEMS FILED FOR THE PUBLIC RECORD

Letters from Boards, Commissions, and Committees

Letters from the Public

1. Letter from Pacific Justice Institute, dated September 27, 2019, regarding Legal Concerns – Denial of Airport Contract Extension for Chick-fil-A.
2. Letter from Mary Helen Doherty, dated October 4, 2019, regarding Compensation for Victims of 2017 Coyote Creek Flood.
3. Letter from Anna Lisa Wilson, dated October 6, 2019, regarding Coyote Creek Flood Survivor.
4. Letter from Jarrod Doss, dated October 8, 2019, regarding Opposing the Vape Ban.
5. Letter from Verizon Wireless, dated October 8, 2019, regarding CPUC Notification – Verizon Wireless – SJ PLP 63 N. Autumn.
6. Letter from Tharon Chandler, dated October 8, 2019, regarding What kind of person really is Mr. William “Tharon” Chandler?

Toni J. Taber, CMC
TJT/tt City Clerk



September 27, 2019

PUBLIC RECORD 1

San Jose City Council
Sam Liccardo, Mayor
Charles Jones, Vice Mayor
Sergio Jimenez, Councilmember
Raul Peralez, Councilmember
Lan Diep, Councilmember
Magdalena Carrasco, Councilmember
Devora Davis, Councilmember
Maya Esparza, Councilmember
Sylvia Arenas, Councilmember
Pam Foley, Councilmember
Johnny Khamis, Councilmember
200 E. Santa Clara St.
San José, CA 95113

Re: Legal concerns – denial of airport contract extension for Chick-fil-A

Dear Mayor Liccardo and Honorable Members of the San Jose City Council:

This legal opinion letter, written on behalf of the American Family Association, Family Research Council, Salt and Light Council, Values Advocacy Council, California Family Council, and The Frederick Douglass Foundation of California, concerns the city council's recent decision to deny Chick-fil-A the opportunity to extend its concession contract with the San Jose International Airport.

Last year, the San Jose City Council approved a plan for concessions at the Mineta San Jose International Airport that included allowing Chick Fil A to operate in the airport until 2026. During the city council meeting held on April 9, 2019, the City Council considered a staff recommendation (19-175) to amend the agreement to extend the concession contracts from 2026 to 2028. LGBTQ advocates present at the meeting expressed concern with the city allowing Chick-fil-A in the airport because they deemed the company a "symbol of hate," presumably due to past statements by the founder regarding his own deeply held religious convictions.

In response, the city council voted 11-0 in favor of "withholding the two-year extension from any operator that does not operate 7 days per week, with direction to the City Attorney to work on language for future contracts to reflect the City's values." Upon the suggestion of Ken Yeager, former County Supervisor, the City also approved a request that the airport prominently display rainbow and transgender flags at the airport and next to the restaurant to combat any perceptions that might arise from Chick-fil-A's presence in the terminal.

Due to company policy allowing employees to rest and worship, Chick-fil-A is not open on Sundays. Therefore, they will not be entitled to the two-year extension that was approved for other

companies at the airport and their contract will expire in 2026. Such a policy by a California municipality to limit contracts to businesses that operate every day stands as constitutionally suspect in this context. Such a policy would not only eliminate traditional Christian businesses like Chick-fil-A, but would also push out Jewish and Seventh Day Adventist business owners which observe the Sabbath on Saturday not to forget Muslim business owners who observe Friday as their Holy Day.

As California-based and National non-profit legal and educational organizations focused on religious freedom and constitutional liberties, we are troubled by reports that the decision to deny the contract extension to Chick-fil-A may have been motivated by animus toward its perceived religious and ideological views.

The U.S. Supreme Court has made it clear that government policy cannot discriminate against a person or business due to their own deeply held religious beliefs and must remain neutral toward the free exercise of religion. *See Masterpiece Cakeshop, Ltd. v. Colo. Civil Rights Comm'n*, 138 S. Ct. 1719, 1720 (2018) (recognizing the specific series of events leading to the enactment or official policy are relevant to finding neutrality). Furthermore, “a bare...desire to harm a politically unpopular group” is not a legitimate government interest. *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 447. (1985).

We understand that an alternative reason was offered to the effect that the city is implementing a policy of limiting concession contract extensions to businesses that remain open seven days a week. In light of the concurrent vote to post rainbow and transgender flags in close proximity to Chick-fil-A, it is doubtful that the city could demonstrate that it has neutrally and consistently applied their policy to this matter.

Moreover, in California, the Unruh Civil Rights Act ensures that all business establishments provide and be provided with opportunities to engage in commerce, regardless of protected characteristics including religious views. Cal. Civ. Code Section 51 et seq. Just as there are no allegations that Chick-fil-A has actually discriminated against any customer or employee, the restaurant is entitled to have the merits of its contract considered without discriminatory reference to the religion of its executives, and with recognition of its own corporate free expression. *First Nat'l Bank of Boston v. Bellotti*, 435 U.S. 765 (U.S. 1978) (recognizing broad free speech rights of corporations).

This city-sponsored public shaming, discriminatory, and hateful branding of Chick-Fil-A at the airport also sets a dangerous precedent. If views on same-sex marriage – which is not approved of or celebrated in Mosques, Sikh Gurdwara Sahibs, Catholic and Evangelical Churches – can be targeted here, it can be targeted elsewhere in the public square. If the City can approve the placement of rainbow flags near Chick-Fil-A at the airport, they can do the same on the sidewalk in front one of their other locally owned restaurants, or in fact in front of any Jewish-, Muslim-, or Christian-owned establishment, not to mention in front of Mosques, Sikh Temples, churches, Catholic schools, etc.

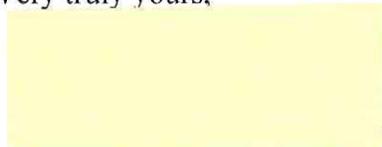
Even if the City were to carve out an exception just for places of worship, they would still have no exception for San Jose business owners and citizens who attend those places of worship whose religions and Holy Books teach them to uphold natural marriage.

If the council decision is allowed to stand, the City would be complicit in inhibiting commerce, and worse, the free exercise of religion, by persecuting Chick-Fil-A patrons, Friday Mosque attendees, Jewish-owned businesses, Sunday church-goers, and school children.

In view of the above, my clients implore the City to reconsider this declaration of war against religiously devout business owners. The slide towards authoritarianism does not start with arrests and violence. Instead, it begins with systematic legislative steps to isolate, marginalize, and discriminate against disfavored religious minorities and those with views that the powerful will not tolerate. Religious business owners, who sit as the target of this unprovoked attack, are in fact good citizens who provide jobs to the community and much needed tax revenue to the City. They pose no threat.

On behalf of my clients, I thank you for your reconsideration of this matter, and for your service to the community.

Very truly yours,



Kevin T. Snider, Attorney for American Family Association, Family Research Council, Salt and Light Council, Values Advocacy Council, California Family Council, and The Frederick Douglass Foundation of California

PACIFIC JUSTICE INSTITUTE
P.O. Box 276600
Sacramento, CA 95827



2019 OCT -1 PM 3:24
67 008
JAMES
CLERK

From: Mary Helen Doherty
Sent: Friday, October 04, 2019 1:41 PM
To: The Office of Mayor Sam Liccardo
Cc: District3 ; District7 ; City Clerk
Subject: Compensation for Victims of 2017 Coyote Creek Flood

I moved to San Jose in 1985 to take a management position in the Santa Clara County Health Department and have been living in _____ since 1991. Some of our neighbors closer to the Coyote Creek experienced damage from the 2017 flood and more folks in neighborhoods with fewer resources than ours suffered serious losses.

I am writing to you to urge your support to compensate the victims of the Coyote Creek flood where hundreds of San Jose residents suffered preventable losses, such as real property damage, loss of personal possessions, lost work time, emotional damages, etc

These losses and the City's negligence are all well documented at <https://floodingsanjosel.home.blog/> and <https://www.facebook.com/SJSubmerged1/>

I urge you to settle the damage claims that have been filed against the city of San Jose and to provide assurances to all of us that this will never happen again.

Thank you.

Mary Helen Doherty

From: Wilson, AnnaLisa
Sent: Sunday, October 06, 2019 12:37 PM
To: City Clerk
Cc: District3; District7 <
Subject: Coyote Creek Flood Survivor

PUBLIC RECORD 3

Dear Mayor Liccardo:

I am a former resident of the Rock Springs neighborhood in San Jose. I am writing to you to urge your support to compensate the victims of the Coyote Creek flood where 100s of San Jose residents suffered preventable losses, such as real property damage, loss of personal possessions, lost work time, emotional damages, etc. These losses and the City's negligence are all well documented at <https://floodingsanjose.home.blog/> and <https://www.facebook.com/SJSubmerged1/>

The flood occurred during the second half of my first year in medical school. I am now a fourth year medical student and still, I cannot put this tragedy behind me. As much as I would like to start over, I go to bed with anxiety because my family still lives in your city in a run down neighborhood squeezed into a one-bedroom apartment. I go home maybe once a year around Christmas and the one bedroom apartment is a constant reminder of the flood and everything we lost. I want my family to be able to truly start over and it is so hard to believe that I could possibly graduate from medical school before any of this is resolved. When I take the stage to graduate, I will have one regret-- leaving my family so far away to deal with the flood and the aftermath alone. We have suffered for too long. I am asking you and City Council to allow us to finally begin to move past February 21, 2017.

I urge you to settle the damage claims that have been filed against the city of San Jose and to provide assurances to all of us that this will never happen again. And as you know, floods are likely to get worse with the impacts of global climate change!

Sincerely,

--

AnnaLisa Victoria Wilson, MPA

The views, opinions and positions expressed by the author of this email, are the author's alone. Unless otherwise stated, these views have not been endorsed by any particular government organization or educational institution.

From: Jarrod Doss

Sent: Tuesday, October 08, 2019 10:06 AM

To: The Office of Mayor Sam Liccardo

Subject: Opposing the vape ban.

PUBLIC RECORD 4

Dear mayor, I was a cigarette smoker for 6 years prior to vaping. I had tried everything to stop except chantix which has been shown to make people suicidal. The fact the city officials and yourself are essentially telling us vape product users that we don't matter is unacceptable. The many business owners I know in this area are gonna be the most affected. Their family's and loved ones will suffer because of this ban. Shops already heavily regulate themselves with not selling to people under 21, not allowing minors in AT ALL and only selling safe tested products.

I oppose this ban and hope you reconsider your actions against an industry that's all trying to better our future.

Sent from Yahoo Mail for iPhone

From: West Area CPUC

Sent: Tuesday, October 08, 2019 11:12 AM

To: Koki, Elizabeth ; Webmaster Manager; City Clerk

Cc: GO159Areports@cpuc.ca.gov; West Area CPUC <WestAreaCPUC@VerizonWireless.com>

Subject: CPUC Notification - Verizon Wireless - SJ PLP 63 N. Autumn

This is to provide your agency with notice according to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California ("CPUC"). This notice is being provided pursuant to Section IV.C.2.

If you prefer to receive these notices by US Mail, please reply to this email stating your jurisdiction's preference.

Thank you



October 8, 2019

GO159Areports@cpuc.ca.gov

Consumer Protection and Enforcement Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

RE: Notification Letter for SJ PLP 63 N. Autumn

San Jose, CA / GTE Mobilnet of California Limited Partnership / U-3002-C

This is to provide the Commission with notice according to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California ("CPUC") for the project described in Attachment A.

A copy of this notification letter is also being provided to the appropriate local government agency for its information. Should there be any questions regarding this project, or if you disagree with any of the information contained herein, please contact the representative below.

Sincerely,

Ann Goldstein

Verizon Wireless
Coordinator RE & Compliance – West Territory
1515 Woodfield Road, #1400, Schaumburg, IL 60173
WestAreaCPUC@VerizonWireless.com



CPUC Attachment A

Initial Build (new presence for Verizon Wireless)

VZW LEGAL ENTITY	JURISDICTION	PLANNING MANAGER	CITY MANAGER	CITY CLERK	COUNTY
GTE Mobilnet of California Limited Partnership	City of San Jose	elizabeth.kold@sanjoseca.gov	pbmaster_manager@sanjoseca.gov	cityclerk@sanjoseca.gov	Santa Clara

Site Name	PS Location Code	Site Address	Site APN	Site Coordinates (NAD 83)	Project Description	Number & type of Antennas	Tower Design	Tower Appearance	Tower Height (in feet)	Size of Building or NA	Type of Approval	Approval Issue Date	Approval Effective Date	Approval Permit Number	Resolution Number
SJ PLP 63 N. Autumn	317348	I/O 1 South Montgomery St, San Jose, CA 95113	N/A - Public ROW	37° 19' 54.36" N 121° 54' 04.77" W	Install Antenna and equipment on existing light pole.	(1) Cantenna	San Jose City Street Light Pole	Light Pole	32'-0"	N/A	Encroachment Permit	1/29/2016	1/29/2016		N/A

From: Tharon Chandler

Sent: Tuesday, October 08, 2019 11:13 AM

To: ____; League of Conservation Voters; Editor; david.e.lewis; editor@californiademocrat.com; Qanda; Cal State ; letters@independent.com

Cc: Theleafchronicle News; Matt Daniels; MSU - The Standard Claire McCaskill City Clerk; cao@co.santa-barbara.ca.us; mail@santamariasun.com; Editor; gbonner@mtsu.edu; MIL; Katie Herzog; Letters To the Editor; mail@optv.org; oped@sacbee.com; opinion@ucsdguardian.org; features@ucsdguardian.org; Social Security Administration; Willichand; onlineeditor@theweek.com; Tharon Chandler

Subject: Re: What kind of person really is Mr william "Tharon" chandler?

Friends the "Lawrence County, TN" is the seat of a Heinous Mafia that needs to be taken down if only because of what they are doing to me (though i know they hurt others and a general fair economy also). The members i would have to mention, that need and deserve to be "censured" over what they have done to me; sadly would include my own father {WP Chandler}, my sibling brother AP Chandler and to mention a real boss must include Frank Brewer and his sons to be taken down, censured, charged and convicted of Crime.

Frank and Steve Brewer were obviously the "master-minds" of a heinous "Gay-Bashing" of me in September 1995 (and Brian Brewer took \$20 from me, admission fee at the front door of Lawrence County Tennessee National Guard Armory Bldg) and they are obviously involved with some sort of "law-suit" afterwards (as planned) and now the "auto accident" that disabled my car (and hurt my body, on 26 Aug 2019) and the "COVER" they have in this, in "Regard to the LAW" includes the most arrogant, gun wielding, police car/ Emt truck driving sort of MAFIA that plagues the USA (and in Tennessee it obviously includes not only **Nate Crawford** but also the Agutant General (and maybe the Secretary of State, in on a public "gay bashing", at the TN National Guard {**and they did that as just one part of a heinous, larger plan of assault and usury**}). And some corrupt Doctors/ Lawyers to include the Jacksons, of Dickson, TN. Those people {That Mafia} think they can do anything they decide with regard to "pay-checks/ check cashing, law-suits/ marriage laws and public norms. They must be stopped even though we don't have any normal white people to fill the void.

Will they \$teal more money for my mentioning their name? Isn't that obviously what they intended? CC: to former Governor Phil Bredesen. From;

Mr William "Tharon" Chandler

On Thursday, August 29, 2019, 03:49:01 PM PDT, Tharon Chandlerwrote:

What kind of person really is Mr william "Tharon" Chandler? As i was recently asked by a registered nurse, in the company of a California Hwy patrolman; we discussed that i rarely smoke cigarettes or any thing. I do not use chewing tobacco (haven't in over 23 years). I love all kinds of people but never get any love (not without paying for it). I'm a college graduate (Memphis 94), (after passing my GED at Union University in Nov 85). I'm a successful world traveler (50 states and 11 other countries). I have driven an auto legally every year since age 16 and often over 60 thousand miles per year.

What is causing my problems of homelessness and persecution? Sir, Mam, it is some strange kind of "identity theft" that started in my very first years of elementary school with others using my name to get special benefits and even pretending that a problem child was me, because their parents were ambitious (devious) social climbers in public jobs and wanted to send their boy eventually to Law School, or anyway not to the retarded class (as they feigned of me). My parents were the type to let that happen to me and then let it keep on ruining my life (in favor of my younger siblings whom don't mind "being better than their older brother" nor in taking a \$\$ payoff, nor their own "social promotion" at my expense; even though it is a cruel and painful thing and especially for someone whom cares much to be among others, as myself. Now they have stolen my inheritance and my "drivers license", for profit some how.

Every day in whatever place i go, there are some others trying to silence me, trying to force me to "move on". Wanting me to disappear but also needing my money or opportunity. Then there have been some American boys whom were "mamma's boys" and they get their feelings hurt around real/ natural men in ways they can't understand but that makes them want to "hit back" for no logical reason. It does hurt me and some others are aware, trying to help me tho they must be careful also, to not get killed by the heinous "Mafia" like the one named as such by the new Mexican President, in a recent "Christian Science Monitor" article. I am for peace and love! Me Mr Wm Tharon Chandler.

Thanks, from

Mr William "Tharon" Chandler