

Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

SUBJECT: The Public Record
May 4-10, 2007

DATE: May 11, 2007

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Letter from TMobile to City Clerk Lee Price dated May 3, 2007 regarding OCI Site Number SF15043/San Jose, CA.
- (b) Email from MTC to City Clerk Lee Price received May 4, 2007 regarding MTC's Draft Public Participation Plan.
- (c) Letter from Ty Truong to City Clerk Lee Price received May 4, 2007 against decision pending by the Parking Board to covert some or all of the public parking lots downtown from free on nights and weekends into paid during those times.
- (d) Letter from Former NAS Moffett Field Community Relations to the City Clerk Lee Price received May 7, 2007 regarding revised Restoration Advisory Board Meeting agenda.
- (e) Letter from David S. Wall to Mayor Reed and City Council dated May 7, 2007 regarding proposed Recycle Plus Rate Increase.
- (f) Advertisement from LAFCO to City Clerk Lee Price received May 7, 2007 to attend LAFCO Workshops on San Martin Incorporation Proposal.

Lee Price, MMC
City Clerk

LP/np

Distribution: Mayor/Council
City Manager
Assistant City Manager
Assistant to City Manager
Council Liaison
Director of Planning
City Attorney

City Auditor
Director of Public Works
Director of Finance
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San José Mercury News
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Public Record a

RECEIVED
San Jose City Clerk

2007 MAY -7 P 5: 04

May 3, 2007

City Clerk:
Lee Price
200 E. Santa Clara St.
San Jose, CA 95113

Re: OCI Site Number SF15043/ San Jose, CA.

Dear Ms. Price,

General Order 159-A (GO-159-A) of the California Public Utilities Commission (CPUC) requires cellular carriers to send a notification letter of a utility's intent to construct a cellular facility to CPUC's Safety and Enforcement Division within 15 business days of receipt of all requisite local land use approvals. The notification letter shall state that such approvals have been received, or that no land use approvals are required.

As set forth in GO 159-A, copies of the notification letter are required to be served concurrently by mail on the local governmental agency. Where the affected local governmental agency is a city, service of the notification letter to the city shall consist of service of separate copies of the notification letter upon the City Manager, the City Planning Director and the City Clerk. In order to comply with these requirements, I have enclosed a copy of the notification letter for our project within your city limits.

If you have any questions or require additional information, please contact Rod De La Rosa at (925) 521-5948.

Sincerely,



Renee Davis
Compliance Consultant
Omnipoint Communications Inc.

Attachments

T-Mobile®

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San Jose City Clerk

2007 MAY -7 P 5:05

May 3, 2007

Safety & Enforcement Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

RE: OCI Site Number SF15043/ San Jose, CA

This is to provide the Commission with notice pursuant to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California ("CPUC") that:

(a) The cellular company has obtained all requisite land use approval for the project described in Attachment A.

(b) That no land use approval is required because _____.

A copy of this notification is also being provided to the appropriate local governmental 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 Rod De La Rosa at (925) 521-5948 of Omnipoint Communications, Inc. dba T-Mobile, USA corporate identification number U-3056-C.

Very truly yours,



Renee Davis
Compliance Consultant

c: City of San Jose



ATTACHMENT A

1. Project Location:

Site Identification Number: **SF15043**
Site Name: **PG&E San Jose Substation B**
Site Address: **260 Coleman Ave.**
San Jose, CA 95110
Site Location: **San Jose, CA**
County: **Santa Clara**
Assessor's Parcel Number: **259-22-60**
Latitude: NAD 83 **37° 20' 28.47"**
Longitude: NAD 83 **121° 54' 80.81"**

2. Project Description:

Number of Antennas to be installed: **5**
Tower Design: **PG&E Tower**
Tower Appearance: **Existing PG&E Tower**
Tower Height:
A) Structure Height **95' 8"**
B) Top of antenna Height **95' 8"**
Building Size(s): **NA**

3. Business addresses of all Governmental Agencies

Santa Clara County
70 West Hedding Street
San Jose, CA 95110

4. Land Use Approval:

Use Permit
Building Permit No: 2007-010028-CI

5. If Land Use approval was not required: Explain reason for exemption and attach documentation from the jurisdiction (i.e. copy of ordinance) that officially states exemption:

Subject: Comment on MTC's Draft Public Participation Plan

MTC is releasing its Draft Public Participation Plan for comment. Newly adopted federal legislation requires metropolitan planning organizations such as MTC to adopt such a plan to provide the public with opportunities to be involved in the transportation planning process. As a result, we embarked on a four-month evaluation of our current public participation practices by requesting input from the public on how to best engage them in our transportation planning process. We conducted a Web survey and consulted with staff of numerous public agencies. In addition, we conducted focus groups with a range of interests, including:

-Representatives from MTC's three advisory committees -Peer Panel with public information officers from a range of local, state, regional and federal transportation and environmental protection agencies -Participants in a support group for low-income single parents attending college -Leaders of bicycle and pedestrian groups -transit union representatives -private transportation providers

The results of our efforts are incorporated into the Draft Public Participation Plan, which is available on MTC's Web site:

http://www.mtc.ca.gov/get_involved/participation_plan.htm

Draft Public Participation Plan Schedule:

Key dates leading up to adoption of the MTC Public Participation Plan are shown below.

May 4, 2007: Release of Draft Public Participation Plan for 45-day public comment period
June 8, 2007: Public hearing during MTC's Legislation Committee
June 20, 2007: 4 pm, close of public comment period for Draft Public Participation Plan
July 13, 2007: Response to public comments on plan and final review of draft plan by Legislation Committee and referral to full Commission
July 25, 2007: Commission action on final MTC Public Participation Plan

How to Comment:

We welcome your comments online at the above link, or send us your comments by replying to this email (info@mtc.ca.gov), or by U.S. mail to: MTC Public Information, 101 Eighth St., Oakland, CA 94607. You may also wish to attend the June 8 public hearing, which will take place as part of MTC's Legislation Committee, slated for 10 a.m. or following MTC's Planning and Operations committees, whichever occurs later.

Alternate Formats:

If you would like a printed copy of the draft document, or if you prefer an electronic copy in an alternate format, please call MTC's Library at 510.817.5836. We will be translating this document into Spanish and Chinese, as well as other languages upon request, and will make them available soon on MTC's Web site.

Public Record e

RECEIVED
San Jose City Clerk

2007 MAY -4 P 3: 28

Dear Sir or Madam:

There is a decision pending by the Parking Board to convert some or all of the public parking lots downtown from free on nights and weekends into paid during those times.

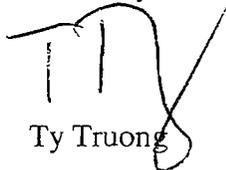
I believe this is a very bad idea; I ask you to override the Parking Board on this proposal and keep those lots free during those times.

There are numerous reasons to retain the policy of free lots.

- It attracts citizen downtown for both economic and arts events.
- It helps the artists and musicians to be able to perform or display without additional financial worry.
- It diversifies the city, making it a more enjoyable place, by 1) attracting "less commercial" events and 2) attracting those citizens less able to pay.
- It makes the city "special," building charm and love in the hearts of residents.

It would be a disaster and a travesty to allow the conversion to proceed without full and adequate input from common citizens and their representation on the Parking Board.

Sincerely,



Ty Truong

Public Record d



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San Jose City Clerk

2007 MAY -7 P 5:11

Former NAS Moffett Field
Mountain View, California

RESTORATION ADVISORY BOARD MEETING
AGENDA

Date/Time: Thursday, May 10, 2007, 7 to 9:10 p.m.

Location: Former NAS Moffett Field
Building 943
Mountain View, CA

7:00 to 7:15 WELCOME AND INTRODUCTIONS
REVIEW AGENDA
PRIOR MINUTES APPROVAL (March 8, 2007)
CIRCULATE DOCUMENT SIGN-UP SHEETS

7:15 to 7:25 REGULATORY UPDATE

7:25 to 7:30 RAB COMMUNITY CO-CHAIR ELECTION

7:30 to 7:35 HANGAR 1 REVISED EE/CA PROGRESS

7:35 to 7:50 SITE 25 STATUS UPDATE

7:50 to 8:50 MOFFETT FIELD REMEDIATION ACCOMPLISHMENTS

8:50 to 8:55 ELECTION RESULTS

8:55 to 9:10 RAB BUSINESS:
RAB RELATED ANNOUNCEMENTS
NEXT RAB MEETING: July 12, 2007, 7 to 9:30 p.m.
FUTURE RAB TOPICS

9:10 P.M. ADJOURN

David S. Wall
455 North San Pedro Street
San José, California 95110
Phone (408) - 287 - 6838
Facsimile (408) - 295 - 5999

RECEIVED
San Jose City Clerk

2007 MAY -7 P 1: 15

May 7, 2007

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

Re: Proposed Recycle Plus Rate Increase.

Enclosed, is a double sided document I authored nine (9) years ago concerning another era when a 31% garbage increase was put forth by almost the same administrative miscreants at the Environmental Services Department (ESD) as the one of late.

Interesting to note, the real protectorate of the taxpaying public then is the same as today, the reliable, steadfast and Honorable City Auditor. My document cites four independent audits concerning ESD's failed attempts at a garbage program ten (10) years ago. As well as the San José Mercury News editorial on the subject of the garbage rate increase.

Does it not make YOU so very proud, as to immediately drop what YOU are currently doing, and call up the Interim City Manager (who created ESD years ago), and direct him to raid the "secret fund" YOU used to temporarily bail-out those overpaid *meinterosos pedesosos* at the Mexican Heritage Corporation, to fund REFORM #34; THE LONG OVERDUE INCREASE IN THE AUDITOR'S STAFF.

It works for me.

Respectfully submitted,

David S. Wall
05.07.2007

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**Cc: City Attorney / City Auditor / Interim City Manager
Director ESD / Director Code Enforcement**

31% Increase in Garbage Rate over five years.. **....and YOU can say Yeah or Nay!**

On the back of this flyer is an editorial by the Mercury News entitled, "7 percent increase in San Jose garbage rate is fair". You should read it and take heed of the deadline to respond. This article is misleading, does not report all of the facts relating to the proposed garbage rate increase and above all is far from being "fair".

In one part of the editorial the SJ Merc states, "The city's plan now is to balance things out over 5 years."

In another part of the editorial the SJ Merc states, "The base rate increase for the smallest garbage container, 32 gallons, is \$1 a month, taking the cost up to \$14.95, a 7.2 percent increase."

In another part of the editorial the SJ Merc states, "Rates also may increase in succeeding years, but by no more than 6 percent."

Let's look at the language and do the math. The editorial could mean over the next 5 years (1 year @ 7% and 4 years @ 6% = 31% increase) a substantial increase. If you break it down year by year like the SJ Merc does it appears to be a nominal increase and with the language, "Rates have stayed steady since 1993....San José's rates will remain lower than 70 percent of other cities in Santa Clara County." What a deal! Wrong San José Mercury News. It is a rip off of the tax-payers.

Mayor and Council should make the citizens aware of the four reports from the Office of the Auditor. The citizens then could make an educated decision whether or not to raise their garbage rates. The reports, to the average person, paint a portrait of incompetent management at ESD in which millions of tax-payer dollars were lost. The four reports also are available for citizens at no cost at the Office of the Auditor, located at 800 N. First Street and the telephone number is 277-4601. (Get the executive summaries of the reports from the internet <http://www.ci.san-jose.ca.us/> just click on the department icon, scroll to the Office of the Auditor and click on the reports listed below.) Warning- do not read these reports on a full stomach, they might make you vomit.

1. A REVIEW OF THE CITY OF SAN JOSE'S COMMERCIAL SOLID WASTE FRANCHISE AND AB 939 FEES- tendered to Council on June 1997.
2. AN AUDIT OF THE CITY OF SAN JOSE'S INTEGRATED WASTE MANAGEMENT SERVICES- tendered to Council on October 1997.
3. A REVIEW OF THE CITY OF SAN JOSE'S LANDFILL FEES AND TAXES- tendered to Council on September 1997.
4. AN AUDIT OF THE CITY OF SAN JOSE'S UTILITY BILLING SYSTEM- tendered to Council on April 1997.

To kill the increase, before February 23, 1998 write a letter to: Garbage Rate Increase, City Clerk, 801 N. First Street, San José, CA 95110 (277-4424). You must include your parcel number located on your property tax.

Raising the garbage rates without "firing" the responsible managers is not acceptable. Allowing ESD personnel to assist the City Clerk in counting the votes is paramount to "letting the Fox guard the Hen house". What is really going on here?

I, David S. Wall, intend to be a Candidate for District 3.
My mailing address is P.O. Box 7598, SJ CA 95150 Telephone/FAX 408.295.5999
Email DSWALL1@aol.com

5
1-15-98 228

7 percent increase in

San Jose garbage rate is fair

MERRY Christmas. Your garbage rates are going up.

The notice from the San Jose city clerk probably wasn't the most welcome note people received a few days before the holiday. But, timing aside, the plan to raise residential rates wasn't the work of the Grinch.

Rates have stayed steady since 1993, when Recycle Plus went into effect. Until now, city officials have been able to negotiate with the private contractors to keep the rates steady, mainly by agreeing to extend their contracts to the maximum length. But those optional extensions have run out. So between now and 2002, when new contracts will take effect, customers will have to cover increases in costs, such as fuel.

Actually, residential rates never have covered the costs of Recycle Plus. For years,

commercial garbage fees have subsidized home collections. The city's plan now is to balance things out over five years. It's only fair.

Even so, officials say when the proposed changes take effect in July, San Jose's rates will remain lower than rates in 70 percent of other cities in Santa Clara County. And no other city has as extensive a recycling and yard waste operation.

The base rate increase for the smallest garbage container, 32 gallons, is \$1 a month, taking the cost up to \$14.95, a 7.2 percent increase. The largest (and seldom used) container, 128 gallons, will go from \$55.80 to \$59.80 a month. Rates also may increase in

Editorial

The opinion of the Mercury News

To protest the hike

Because of Proposition 218, people have a right to protest the fee increase and can kill it if a majority write letters before the next public hearing and the final vote of the city council on Feb. 24. The address is: Garbage Rate Increase, City Clerk, 801 N. First St., San Jose, CA 95110. Include your parcel number.

succeeding years, but by no more than 6 percent.

Could costs be cut to keep rates down?

Probably. In both the private and public sectors, when you really have to do it, you find a way. But eventually it affects service. And people seem to like their garbage service now.

Putting these contracts out to bid by private companies creates competition that saves taxpayers' money. The billing that has been done by city employees is about to be contract-

ed out as well. But even competitive bidding can't keep costs from ever going up.

Recycle Plus has been an adventure. Naysayers were sure families would rebel

against having to separate all those papers and plastics and cans and use all those different containers. But people got into it. Families who thought they'd need big garbage cans found the smaller, cheaper ones were plenty big.

According to Lou Garcia, soon retiring as head of the city's environmental services department, only 15 to 20 percent of residents really don't seem to like recycling. They tend to be men over 50. Otherwise, folks across all age groups and ethnic lines seem to take to it.

As a consequence, San Jose is on target to achieve the state-mandated 50 percent reduction in the amount of waste going into landfills by 2000.

Someday, perhaps contractors will be able to get enough money from the sale of the used materials to cover the cost of garbage collection. In the meantime, residents will need to keep picking up the tab. But it's money well spent.



INFORMATIONAL WORKSHOPS ON
SAN MARTIN
 INCORPORATION PROPOSAL

TO CITY COUNCIL MEMBERS
 C/O THE CITY CLERK
 City of San Jose
 200 East Santa Clara Street
 San Jose, CA 95113

FIRST CLASS MAIL

95113\$1905 C056



LAFCO WORKSHOPS ON SAN MARTIN INCORPORATION PROPOSAL

As you may be aware, LAFCO is processing a proposal for the incorporation of the Town of San Martin. Incorporation is a complex process that must meet specific legal requirements. In order to provide information on the process and requirements, LAFCO will be conducting two workshops, one in the community of San Martin and the second at the upcoming LAFCO meeting. The workshops will provide an overview of:

- Purpose and proposed boundaries of incorporation
- Incorporation process and legal requirements
- Timeline and costs involved in processing the San Martin incorporation proposal

First Workshop	Thursday, May 17, 2007 6:30 to 8:30 PM San Martin Lions Club Hall 12415 Murphy Avenue San Martin, CA 95046
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Second Workshop	Wednesday, May 30, 2007 10:30 AM to 12:00 PM Board of Supervisors - Chambers 70 West Hedding Street, 11th Floor San Jose, CA 95110
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QUESTIONS?

Please contact:
 neelima.palacherla@ceo.sccgov.org OR
 dunia.noel@ceo.sccgov.org
 Phone: (408) 299-6415 Fax: (408) 295-1613

WHO SHOULD ATTEND?

- Proponents of the San Martin incorporation proposal
- Residents of San Martin community
- County departments providing services to the area
- Neighboring cities
- Special districts providing services to the area
- Other interested parties

BACKGROUND MATERIALS

Available on the LAFCO website:
www.santaclara.lafco.ca.gov
 under the "What's New?" section