



# Memorandum

**TO:** Honorable Mayor &  
City Council Members

**FROM:** Lee Price  
MMC, City Clerk

**SUBJECT:** The Public Record  
August 16 – 22, 2006

**DATE:** August 24, 2006

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## ITEMS TRANSMITTED TO THE ADMINISTRATION

- (a) Email received on August 21, 2006 from Uma Kapil to the City Clerk Lee Price regarding Bonfare Market robberies.

## ITEMS FILED FOR THE PUBLIC RECORD

- (b) Letter from David S. Wall to Mayor Gonzales and Members of San Jose City Council dated August 21, 2006 regarding San Jose Police Officer Robert Boose #3610.
- (c) Letter from David S. Wall to Mayor Gonzales and Members of San Jose City Council dated August 21, 2006 regarding San Jose Police Officers Brownlee #2793 and Cebrian #3708.
- (d) Memorandum from David Persselin, Debt Administrator, Finance to Lee Price City Clerk dated August 21, 2005 regarding Public Record Director's TEFRA Public Hearing.

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  
Public Information Officer

San Jose Mercury News  
Library

Public Record  
a

**Pimentel, Nora**

**From:** Price, Lee  
**Sent:** Monday, August 21, 2006 10:32 AM  
**To:** Pimentel, Nora  
**Cc:** Nader, Nadine; Attard, Barbara  
**Subject:** FW: our letter dt 23rd June,2005

Public Record - item referred to the Administration  
Nadine: I don't have any recollection of the previous letter although it was addressed to the IPA, who I am also copying.

**From:** City Clerk  
**Sent:** Monday, August 21, 2006 10:15 AM  
**To:** Price, Lee  
**Subject:** FW: our letter dt 23rd June,2005

**From:** uma kapil [mailto:ukkapil@yahoo.com]  
**Sent:** Sunday, August 20, 2006 1:13 AM  
**To:** cityclerk@sanjoseca.gov  
**Subject:** Fwd: our letter dt 23rd June,2005

Office Of City Clerk;  
200 East Santa Clara St;  
San Jose  
CALIF-95113                      Aug 20,2006

Sir,

**Re:Third Robbery in our Store on 19th Aug,2006 at 3AM by breaking the Big Front Glasses of Store.**

In furtherance to our letter dt06/23/2005,we enclose one letter dt 08/05/2005 which speaks for itself.

In this connection,we wish to inform you that the 2nd case filed against Mr Rajender Kapil,our Business Partner,has been withdrawn and closed in and by the Hon'able Court in California in the light of the facts explained therein.

However, the Ist case against our Sr Partner,Mr Suraj Kapil of Bonfare Market is persisting.Therefore, pl direct the authorities and Police Deptt concerned to look into this matter and close this false case as well and let us carry on our business activity as before.

We shall be thankful to you to say the least.

Allied to this, some miscreants have assaulted our Store on Aug 19, 2006 and broke the Front Glasses of the Store. They took away both the big Cash Registers of the Store and took whatever Cash was lying in the Registers. Obviously, these acts of robbery and vandalism are recurring and re-occurring owing to the less patrolling of Police in this area. Therefore, your intervention is required to check the deteriorating law and order problem and direct the concerned Authority to pay immediate heed to improve the worsening situation here.

Hope, Sir, you will take note of it and direct and intervene for the remedial steps in the matter,

Regards

SURAJ KAPIL  
Bonfare Market #22  
1175, E Julain Street,  
San Jose,  
CA-95127. 3rd Aug, 2006

P.S. The second case against our Partner, Mr Suraj Kapil has also been dismissed by the Superior Court, Santa Clara, Calif on 29.9.2005 since the Police authorities failed to produce the Video-Tape nor could produce any statement/proof in order to substantiate the alleged charge against our Business Partner. **However, we feel this are the direct off-shoot of Police Patrolling having been reduced in this area of late which has resulted into the spurt in the Crime graph. Only few days, the Western Union "Cashing Check" was looted in the broad day-light around 9 AM and the looters carried/snatched hundred and thousand of dollars and enjoyed thereafter.**

**The other day Registers with Cash of yet another Store at Mountain View was viewed by culprits and looted forcibly by them. No body came forward to resist them. Indeed, this sad.**

This all is, as a result of reduced Police Patrolling. Hence, we request you to take stock of the Business-men/Traders interest also and increase the Police patrolling in this area which has become vulnerable. Hope, you will heed and intervene soon.

At the sametime, we regret to bring to your notice that Calif Lottery has imposed ban on their Lottery despite the above abandonment of the two cases as result of which we can give customer service to Public. Our customers are feeling disappointed and exasperated on this account. And we do not have any plausible explanation for this.

Therefore, you are requested to pl intervene and direct Calif Lottery to lift this ban in the interest of Customer Service to Public in general and

keeping the image of Judiciary being tarnished in particular.

Hope, Sir, your good-self will look into this soon,

Thanking you, sir,

SURAJ KAPIL  
Partner  
Bonfare Market  
1175, East Julian St  
SAN JOSE,  
CALIF-95116

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Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around  
<http://mail.yahoo.com>

Yahoo! Music Unlimited - Access over 1 million songs. Try it free.

How low will we go? Check out Yahoo! Messenger's low PC-to-Phone call rates.

Stay in the know. Pulse on the new Yahoo.com. Check it out.

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Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around  
<http://mail.yahoo.com>

**1.The Independent Police Auditor**  
San Jose,  
California

08/05/2005

**2.D.ESTRABAO,(2109)201.W.Mission Street,San Jose Police Department,CA-95110**

**Re:Case No:04-314-0192.False Charge of Misdemeanor Leveled against the Sr Partner of our Business Unit by one Perez Ivon.Report Type:240/242**

Apropos the Police Report submitted Mr D.Esrebao;Badge #2109;we wish to place the following stark facts relating to the fabricated incident which has been blown out of proportion and all sort of cooked-up,baseless and obnoxious lies have been packed in which, however, does not lend any credence to the factual narrative of your Police Report sent in to us:-

1. That as per averments of Perez Ivon,Suraj Kapil,was standing out side the Front Door and approached her from the right side which is well-nigh possible for him to do so since right side is fully blocked from the counter of the Business Store. He could only approach her from the right side if the alleged suspect remains hidden there or lies in the wait there in the right side. But by her own admission and averments, she confirms that alleged suspect, namely Suraj Kapil was already standing on the main entrance Door outside in full Public view and that too in broad day-light.Therefore, this is all manipulated and does not support her own contention and narration.

2.However,as per averment gathered by Mr D.Estraboa,Police Officer after having viewed the Video-Film,which was collected by him from the Business Store,the alleged Suspect,namely,Suraj Kapil,approached her from the left side and placed his arm on her shoulder whereas Perez Ivon averred that she was approached by alleged Suspect from the right side.Thus both the statements are in conflict with each other and do not bear out and support the contention of each other.Indeed,it is amusing to see that one person, the alleged suspect is approaching her from the both sidesviz:from the right as well as from the left side at one and same time. Therefore, her version is not plausible and is not in conformity with the version and conclusion of Video-tape reviewed by Police. Hence, this has been planted to mislead the Police.

3. On viewing the Video-tape pertaining to this alleged incident, by D. Estraboa, Police Officer, he has concluded that the alleged Suspect, has kissed her on lips whereas as per own statement given to Police, she has confirmed that she was not kissed on lips but on the neck. Therefore, circumstantial evidence does not support her storey which means this is after thought, deliberate and vindictive. Obviously, this deliberate play and story has been planted in order to cover-up the theft incident which was in progress. And, on preventing the theft taking place and being caught in the act, she sprang up with her unfathomable, cooked and concocted storey which, however, does not support her rationale or Video-tape. In other words, her version is once again not plausible and does not match with Video-tape by the Police on checking the Video-tape. Hence, this is self-contradictory.

As per own admission to Mr D. Estradao, Police Officer, she confirms that suspect kissed her on the right side of her neck whereas when Police called her to Police Station on 11/23/2004 for interview, she made a complete departure from her earlier stand/statement given to same Police Officer and confirmed she was kissed by suspect on the left side of her neck. Thus this is something baffling which does not appeal as she is now and then keeps on changing her statement. Obviously, this has been done to mislead the Police authorities. The Police has kept the digital format of her statement which will cross check her irresponsible and willfully misleading statements to un-necessarily buttressed her false case.

As per her own admission, she has stated that the alleged suspect, Suraj Kapil talked to her at great length in English pleading his innocence and further pleading him to help and shelter him and ignore, subside and make this case "go away" whereas in the same breath she states that her English knowledge is very limited and she does not understand much. But at same time, she understands all this stuff. Apart from this, she reprimanded the suspect in regard to his alleged immoral advances that people do not like being kissed by stranger and is the suspect is doing the same to his customers?

In addition, she states that suspect told her she is her like sister. These all sermons she gave to suspect in English which must have taken a great length of time whereas by her own admission she confirms that she was taken aback by the suspect's immoral advances and left the Business Store within seconds. This is being corroborated by the statement she has given to Mr D. Estrabhao, Police Officer. Pl see the Statement part.

In essence, nothing transpired and this is bull and cook storey which defies reason and logic. Nor Video-tapes, bear any testimony to her version & lengthy stay in the Store for this great period which confirms her conversations for this great length of time with the suspect. Hence, this is mischievous, travesty of facts and perused with deliberate intent to harm, injure the suspect and hoodwink the Police as well. Hence, once again her version is not plausible and can not be relied upon.

As per own averments, she admits that her English knowledge is limited whereas she went to the Store to purchase an English magazine since this Magazine stand as Video-taped has only English magazines. There is not even a single Spanish magazine we keep there in this magazine stand. This is since we took over this business way back some three years. Therefore, this story to purchase the magazine has been planted as she had no intention to purchase the merchandise and mislead the Police to cover-up her theft.

As regards her frequent visit to our Store for business during 11 months, we wish to state that she never frequently visited this Store except once before as your good-self can get it confirmed from the Video-tapes available with us. Therefore, her statement is to mislead the Police.

Further she has stated that she left the Store within seconds of this alleged incident, and went outside and sat on bench at Bus Stop. At this point of time, she states that she saw the suspect going to the Counter of the Store which version is not correct in that it is well-nigh impossible to view the movement of suspect or for that any body else in the Store while sitting on the Bench of the Bus Stop. Therefore, her version is once again not plausible and has been planted to advance her story in order to cover-up her theft act.

In view of the cogent facts relating to the alleged incident, you will appreciate that the charge of misdemeanor, use of force or any violence was never committed by alleged suspect upon the person of Perez Ivon and all her statements have been willfully and unlawfully made to harass, victimize and besmirch the fair name of our Business which we doing here in USA since 1974; after having obtained our Business stay on the basis of investments.

As regards her admonition of this custom which, she thinks, is prevalent in our suspects country, we can only wish to clarify that nothing of this alleged incident as taken place as explained above and we only adhere and abide by our business culture; thereby providing fine services and goods and give our Customers the best treatment, rapport and there has never been any sort of complaint against the suspect from any quarter.

It may not be out of place to mention that the undersigned is a law abiding citizen of your esteemed country, pay handsome Gov Taxes out of our Trade, carry out his duties diligently and lawfully. Therefore, he felt astonished and dismayed to face these false charges without any basis whatsoever.

As regards her charge that the suspect is not aware of the system and customs here and only imposing the customs of his country, here I wish to state that the undersigned has been doing several responsible jobs in prominent Software companies situate at Silicon Valley, Calif, having worked with numerous gents and ladies here and enjoyed great rapport and camaraderie with them. Therefore, he was indeed surprised for having fastened with false, malicious and baseless charges of misdemeanor and sexual assaults. Obviously, this has been done to blackmail and tarnish the fair name of our Business.

In view of the above, we request you to order probe in the matter and dig out the factual position as also provide us the copy of Video-tape which will support our contention, prove our innocence and close the false case against our Sr Partner, Suraj Kapil, enabling us carry on our Business as usual.

In this connection, we draw your kind attention to the enclosed detailed report published in San Jose Mercury News Paper, dt 06/21/2005 wherein the Independent Police Auditor has looked into the numerous complaints from the citizens and taken remedial steps in the false cases instituted against some of the citizens. Here also, we hope and expect that your good-self look in to the whole matter without jaundice eye and dispense justice in the early course and close the false case against our Partner, Suraj Kapil.

Looking forward to your response in the early course,

Thanking you,

(SURAJ KAPIL) Partner,  
Bonfare Market # 22, 1175, E. Julian Street,  
San Jose, CA-95116



The Director,  
California Lottery,  
600, North Tenth Street,  
Sacramento,  
Calif-95814

July 15, 2006

Dear Sir,

**Re: In the matter of Bonfare Market #22, Retailer ID No. 693276, BIU No. 7945.**

In furtherance to our letter dt April 24, 2006 in response to yours of April 5, 2006, & your letter dt July 11, 2006, we wish to further clarify the cogent facts of both the cases as under:

1. That in regard to Case on or about June 20, 2005, retailer Rajender Kapil, the alleged violation of Penal Code Section 245(a)(1), pertaining to alleged assault with a Deadly Weapon: Not Firearm; and Vehicle Code Section 20002(a), Hit and Run: Death or Injury, we wish to state that this was a false, baseless and concocted story fabricated by the miscreants in order to cover up the forcible act of shoplifting. This false and malicious story did not stand the test of Law in the Court. Accordingly, the Superior Court, Santa Clara, California, granted Bail Order as also did not file any criminal charges whatsoever till date against the retailer, namely, Rajender Kapil. and imposing any penalty whatsoever on retailer, namely, Rajender Kapil.

At no point of time, the Police Authority, the Peace Officer, District Attorney and Hon'able Court, pursued any alleged charge and honourably released retailer, Rajender Kapil. The Court Order dt July 20, 2005 speaks volumes of it and bears eloquent testimony to our above contention. Perhaps, the best intention of Peace Officer was of restoring the peace for having not pressing in the alleged charges whatsoever since in the aftermath of our detailed reply and rebuttal dt 23rd June, 2006 (copy enclosed) which was sent to both District Attorney, Police Authority, San Jose, California, vis-a-vis the bare facts of the case; the Police Authority, came to know about our version & factual position of this false story. Therefore, please get abreast of all the developments of the Case as of now. Therefore, in view of no criminal charges having been filed till date viz after the lapse of more 13 months in the course of 2 years probation, it can not be contemplated that any criminal charges have been filed least to say any charges have been existing for this great length of time & proved in the Court whatsoever which should invite & attract any further prejudiced view from you in form of having indefinite ban on the Lottery. Obviously, we are feeling handicapped in providing Customer Service to Public which we should in accordance with the nature of our Trade. Numerous customers are feeling disappointed and exasperated owing to this deficiency in service which we are supposed to render to Public in terms of our Trade practices in vogue here.

2. Similarly, the Second Case relating to retailer, Suraj Kapil, was also of shoplifting in the Business Store which was also closed by the Court, Santa Clara, since District Attorney and Police Authority did not deem it fit to prove the alleged charges as referred to in the body of their 9 Pages charge-sheet/misdemeanor complaint DA No: 050307085 CEN \* SK WARR \* as filed by them earlier in the Superior Court of California, in the light of his comprehensive reply dt 08/06/2006, sent to District Attorney and Police Authority. Allied to this, nor it was deemed fit by the Police Authority to come forward in the forum of the Court to file the video-tapes relating to the alleged false incident

in the Court.

After having allowed umpteen times, the opportunity to Police Authority to file the Video-tapes in support of their 9 pages charge-sheet, the Superior Court of California, County of Santa Clara, San Jose Facility, dropped this Crime of Battery, in violation Penal Code Section 242-243(a), a Misdemeanor filed against Suraj Kapil, retailer, and closed the entire Case. Instead of bringing the alleged Video-tape to prove the earlier misdemeanor charge, the Police authority transferred the concerned Police Officer who was handling this case from the inception and somersaulted in that they abandoned the alleged misdemeanor charge in violation of Penal Code Section 242-243(a) and filed a new charge in violating Penal Code section 415(1) which was closed thereafter in the wake of non-production of Video-tapes in the forum of Court, after the same was taken by the Police Officer, transferred at a later stage, from the Business Store. Therefore, it was an after-thought. And, the Court also closed this after the failure of Police Authority to defend the alleged original charges contained in charge-sheet/complaint allegedly in violation of Penal Code Section 242-243. Any other stand other than this smacks of prejudiced and partisan view which is a contempt of Court.

3. As regards retailer personal and business conduct, we wish to state that we are Business Investor here in your esteemed country and are in this trade/business for great length of time whereby have served our vast clientele honestly and with integrity. Earlier, both the retailers have worked in numerous responsible positions in Software Silicon Valley & have enjoyed great rapport and camaraderie with hosts of gents and ladies here. Thus, we are fully equipped with the environments here and have over the great period, acquired expertise to run the business activity of this kind. We shoulder our business responsibility, pay handsome monthly Taxes to the Govt treasury and serve our clientele with personal meticulous care. There has never been a single incident that is indicative of dishonesty, illegal or criminal activity on or off the premises.

At the sametime, your good-self will appreciate that these incidents are in the nature of trade hazards which are related to by and large to any other Business activity or Trade in the other area of business activity. Only last week, two such similar incidents occurred in California wherein the retailers were handled & Cash Registers were forcibly shoplifted and taken by the miscreants in Mountain View. Police authority has sought the help of the Public vis-a-vis the whereabouts the miscreants but no trace so far. I see the News paper story. Sometime back, in our own square in the vicinity, Cashing Check premises, the Employess were handled; Cash was snatched and looted by the miscreants and all others were just mute and helpless spectators. Therefore, we are also placed in this similar enviable situation and try our best to avoid such incidents despite maximum provocations at times in the Business Store.

Hope, the above would find due appreciation at your end and will be pleased to lift the ban imposed in the light of cogent facts as above on Lottery Contract enabling us to run our Business as before. We shall be grateful to you to say the least,

Looking forward to receive your prompt reply in the early course,

Thanking you,

(SURAJ KAPIL)  
SR PARTNER,

BONFARE MARKETS  
# 22,1175,EAST JULIAN STREET,  
SAN JOSE,  
CALIF-95116  
CALL:408-295-7287

Public Record  
b.

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

RECEIVED  
San José City Clerk  
2006 AUG 21 P 12:43

August 21, 2006

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

**Re: San José Police Officer Robert Boose #3610**

Mayor Gonzales and Members San José City Council;

I wish to report on the exemplary conduct of **San José Police Officer Robert Boose #3610**.

Earlier this month, I became aware as to a commotion emanating from the public street. When I arose to investigate, I noticed from my bedroom window, a tow-truck "hooking up" what later was identified as a derelict vehicle.

I then exited my house and observed a San José Police Officer communicating with the tow truck driver. Shortly afterwards, I made the acquaintance of **San José Police Officer Robert Boose #3610**.

In between calls, **Officer Boose**, on his own initiative, was clearing the public street of vehicles in violation of law. One was towed and at least one other was entered into the vehicle abatement computer system. In addition, **Officer Boose** also inquired about any activities of the criminal element in my neighborhood.

This incident brings two important issues for consideration. One is to recognize a dutiful San José Police Officer whose *self initiative* helps to alleviate automobile congestion in a downtown neighborhood, that **YOU** permit to occur, by permitting **HIGH DENSITY LIVING PROJECTS THAT DO NOT PROVIDE FOR ADEQUATE PARKING ON SITE** (which will be discussed at another writing) and the obvious necessity to place **VEHICLE ABATEMENT** under the direct control of the San José Police Department (which apparently will require another writing).

Please extend my sincere appreciation to **Officer Boose** and to the **San José Police Department** for their continued, unabated service to our neighborhoods.

Respectfully submitted,

David S. Wall 8.21.2006

Cc: Chief of Police / City Attorney / City Auditor / Interim City Manager

Public Record

C

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

RECEIVED  
San José City Clerk  
2006 AUG 21 P 12: 43

August 21, 2006

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

**Re: San José Police Officers Brownlee #2793 and Cebrian #3708**

Mayor Gonzales and Members San José City Council;

I wish to report on the exemplary conduct of **San José Police Officers Brownlee #2793 and Cebrian #3708** concerning an event (06-224-0539) involving the protection of a stray dog in the area of Rankin and North San Pedro Streets.

**Officers Brownlee and Cebrian** were involved with the protection of a stray dog from being hit by a motor vehicle. Several neighbors were participating with the Officers to establish ownership of the dog, securing the dog to a street lamp post, and the providing the dog with a dish of fresh water (for it was a hot day).

**Officers Brownlee and Cebrian**, while waiting for Animal Control to respond and or the establishment of the identity of the ownership of the dog, made inquiries as to the state of the neighborhood regarding any criminal activity to various neighbors.

Whereas, I cannot comment on all of the issues contained in the conversations between all of the neighbors the Officers communicated with, **the chronic issue of speed limit violations was adamantly raised by one neighbor and confirmed by myself.**

“Speeding”, by vehicular traffic on North San Pedro Street, reached an unacceptably perilous level several months ago. Council Member Chavez has been notified by residents of the Vendome Neighborhood association of the issue, but has been to date, ineffective in resolving this very dangerous condition.

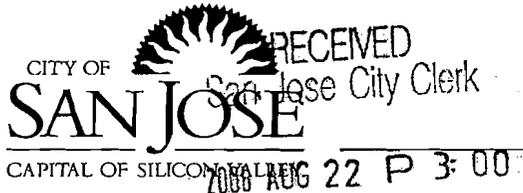
I believe the San José Police **should be directed** to initiate a vigorous, unmerciful enforcement of speed limit violations, not only in my neighborhood (where they can use my property to post the guys and gals with the radar guns), but throughout the City as well. Modifications as to significant increases in the BAIL SCHEDULES for speed limit violations should also be simultaneously made.

**Please communicate my thanks to Officers Brownlee and Cebrian for a job well done in protecting the life of the dog while also taking note of neighbors' comments on the activities of the accursed criminal element.**

Respectfully submitted,

David S. Wall 8.21.2006

Cc: Chief of Police / City Attorney / City Auditor / Interim City Manager



Public Record d.

# Memorandum

**TO:** Lee Price  
City Clerk

**FROM:** David Persselin

**SUBJECT:** Public Record  
Director's TEFRA Public Hearing

**DATE:** August 21, 2006

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Attached is Certificate No. 2006-3, Meeting Report, sign-in sheet, agenda packet and Notice of Public Hearing for the Director's TEFRA Public Hearing of July 28, 2006. The hearing was published and the agenda was posted as required by law.

Please file as part of the public record. If you have any questions, please call me at extension 57012.

A handwritten signature in black ink, appearing to read "David Persselin".

DAVID PERSSELIN  
Debt Administrator, Finance

## Attachments

cc: Ed Moran, City Attorney's Office  
(no attachments)

**Certificate No. 2006-3**  
**of the**  
**MAYOR**

The undersigned, Ron Gonzales, Mayor of the City of San José (the "City"), hereby certifies as follows:

1. I am the Mayor of the City, duly elected by the people of the City.
2. Pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the "Code"), I am the chief elected executive officer of the City, and, as such, I am the "applicable elected representative" of the City authorized to approve the issuance of bonds by or on behalf of the City.
3. California Statewide Communities Development Authority ("CSCDA") proposes to issue an aggregate principal amount not to exceed \$25,000,000 of its revenue bonds, designated as Monte Alban Apartments (the "Bonds"), to finance the costs of the acquisition and rehabilitation of a 192-unit multifamily rental housing development located at 1324 Santee Drive in the City of San José (the "Project").
4. The City caused to be published on July 12, 2006 in the *San Jose Post Record* a newspaper of general circulation in the City, a notice of a public hearing to be held on July 28, 2006, at 3:00 p.m. concerning the issuance of the Bonds, all in accordance with the requirements of Section 147(f) of the Code.
5. On July 28, 2006, the Deputy Director of Finance, pursuant to Municipal Code Section 5.06.430, held a duly noticed public hearing pursuant to Section 147(f) of the Code, at which hearing interested persons were given an opportunity to express their views for or against the issuance of the Bonds and on the nature and location of the Project.
6. I have been provided with summaries of the hearings and information concerning the Project and the Bonds.
7. Pursuant to Section 147(f) of the Code, I hereby approve the issuance of not to exceed \$25,000,000 principal amount of the Bonds by CSCDA.
8. This action is taken expressly for purposes of Section 147(f) of the Code and nothing contained herein shall be construed to signify that the Project complies with the planning, zoning, subdivision and building laws and ordinances applicable thereto or to suggest that the City or any officer or agent of the City will grant any such approval, consent or permit that may be required in connection with the Project, or that the City will make any expenditures, incur any indebtedness or proceed with the financing of the Project.

Executed this 16<sup>th</sup> day of August, 2006.

  
\_\_\_\_\_  
RON GONZALES  
Mayor of the City of San José

CITY OF SAN JOSE FINANCE DEPARTMENT  
DIRECTOR'S TEFRA PUBLIC HEARING

MEETING REPORT  
July 28, 2006

**1. Call to Order**

Hearing Officer Julia H. Cooper, Deputy Director of Finance, called the meeting to order at 3:08 p.m.

**2. Minutes**

Minutes of previous meeting of April 3, 2006, were noted and filed.

**3. Purpose of Hearing**

The public hearing is required by the Tax Equity and Fiscal Responsibility Act of 1982. Following consideration of oral petitions and staff recommendation, the Mayor of San Jose will execute certificates indicating that the hearings were held for the projects and will be filed with the City Clerk.

Ms. Cooper opened the public hearing at 3:09 p.m.

The noticed public hearing is required by Section 147(f) of the Internal Revenue Code of 1986 as amended. The hearing is on the proposed issuance, by the California Statewide Communities Development Authority ("CSCDA") intent to issue tax-exempt Multifamily Housing Revenue Bonds in an amount not to exceed \$25,000,000. Proceeds from the sale of the proposed bonds will be used for the acquisition and rehabilitation of the **Monte Alban Apartments** project located at **1324 Santee Drive, San José**.

Any comments provided at the hearing will be made available to the CSCDA prior to their taking action on a bond sale resolution. Ms. Cooper asked if there were parties present who wished to voice their opinion and provide comments on the proposed issuance of bonds, to be recognized by raising their hand.

There were no commentators and Ms. Cooper closed the hearing at 3:11 p.m.

**4. Adjournment**

The meeting was adjourned at 3:12 p.m.

**Certificate No. 2006-3 was Adopted**

  
\_\_\_\_\_  
JULIA H. COOPER, Deputy Director of Finance  
Hearing Officer

# Sign In Sheet

## CITY OF SAN JOSE - FINANCE DEPARTMENT DIRECTOR'S TEFRA PUBLIC HEARING

San Jose City Hall  
200 East Santa Clara Street, Room T-1352  
San Jose, CA 95113-1905  
3:00 p.m., July 28, 2006  
Scott P. Johnson, Director

Print Name	Signature	Title	Company Name	Address	Phone Number
Scott P. Johnson	<i>NOT PRESENT</i>	Director of Finance	City of San Jose	200 E. Santa Clara St, 13th Floor, Tower, SJ 95113	408-535-7001
Julia H. Cooper	<i>Julia H. Cooper</i>	Deputy Director of Finance	City of San Jose	200 E. Santa Clara St, 13th Floor, Tower, SJ 95113	408-535-7011
Andrea Y. Maestre	<i>Andrea Y. Maestre</i>	Analyst	City of San Jose	200 E. Santa Clara St, 13th Floor, Tower, SJ 95113	408-535-7016
Paul Lippert	<i>NOT PRESENT</i>		City of San Jose	200 E. Santa Clara St, 12th Floor, Tower, SJ 95113	408-975-4443
Ed Moran	<i>[Signature]</i>	Chief Dept CA	"	" 16th Flr	408 535 1920
DAVE PERSSONIN	<i>[Signature]</i>	DEPT ADMINISTRATOR	"	" 13th Flr	408-535-7012



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**SAN JOSÉ FINANCE DEPARTMENT  
DIRECTOR'S TEFRA PUBLIC HEARING**

**SAN JOSÉ CITY HALL  
200 EAST SANTA CLARA STREET, ROOM T-1352  
SAN JOSÉ, CA 95113-1905**

**MEETING AGENDA  
3:00 P.M., JULY 28, 2006  
SCOTT P. JOHNSON, DIRECTOR OF FINANCE**

**1. Call to Order**

**2. Minutes**

**3. Purpose of Hearing**

The public hearing is required by the Tax Equity and Fiscal Responsibility Act of 1982. Following consideration of oral petitions and staff recommendation, the Mayor of San José will execute certificates indicating that the hearings were held for the projects and will be filed with the City Clerk and submitted to California Statewide Communities Development Authority ("CSCDA").

**Open Hearing for Monte Alban Apartments Project**

**Name: Monte Alban Apartments Project  
Developer: Monte Alban Associates, LLC, a California  
Limited Liability Company  
Location: 1324 Santee Drive, San José  
Bond Amount: \$25,000,000.00**

**Commentators**

**Close Hearing for Monte Alban Apartments Project**

**4. Adjournment**

**CITY OF SAN JOSE FINANCE DEPARTMENT  
DIRECTOR'S TEFRA PUBLIC HEARING**

**MEETING REPORT  
April 3, 2006**

**1. Call to Order**

Hearing Officer Julia H. Cooper, Deputy Director of Finance, called the meeting to order at 10:15 a.m.

**2. Minutes**

Minutes of previous meeting of December 8, 2005, were noted and filed.

**3. Purpose of Hearing**

The public hearing is required by the Tax Equity and Fiscal Responsibility Act of 1982. Following consideration of oral petitions and staff recommendation, the Mayor of San Jose will execute certificates indicating that the hearings were held for the projects and will be filed with the City Clerk.

Ms. Cooper opened the public hearing at 10:15 a.m.

The noticed public hearing is required by Section 147(f) of the Internal Revenue Code of 1986 as amended. The hearing is on the proposed issuance, by the California Statewide Communities Development Authority ("CSCDA") intent to issue tax-exempt Multifamily Housing Revenue Bonds in an amount not to exceed \$17,000,000. Proceeds from the sale of the proposed bonds will be used for the acquisition and rehabilitation of the **Lexington Apartments** project located at 1350, 1360, 1370 & 1380 Lexington Drive, San José.

Any comments provided at the hearing will be made available to the CSCDA prior to their taking action on a bond sale resolution. Ms. Cooper asked if there were parties present who wished to voice their opinion and provide comments on the proposed issuance of bonds, to be recognized by raising their hand.

There were no commentators and Ms. Cooper closed the hearing at 10:16 a.m.

Ms. Cooper opened the public hearing at 10:17 a.m.

The noticed public hearing is required by Section 147(f) of the Internal Revenue Code of 1986 as amended. The hearing is on the proposed issuance, by the California Statewide Communities Development Authority ("CSCDA") intent to issue tax-exempt Multifamily Housing Revenue Bonds in an amount not to exceed \$28,000,000. Proceeds from the sale of the proposed bonds will be used for the acquisition and rehabilitation of the **Regency Apartments** project located at 1315 to 1317, 1355 to 1357 and 1403 to 1405 Eden Avenue, San José.

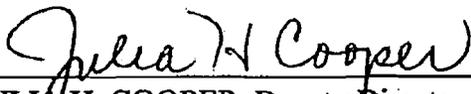
Any comments provided at the hearing will be made available to the CSCDA prior to their taking action on a bond sale resolution. Ms. Cooper asked if there were parties present who wished to voice their opinion and provide comments on the proposed issuance of bonds, to be recognized by raising their hand.

There were no commentators and Ms. Cooper closed the hearing at 10:18 a.m.

**4. Adjournment**

The meeting was adjourned at 10:18 a.m.

**Certificate Nos. 2006-1 and 2006-2 Adopted**

  
\_\_\_\_\_  
JULIA H. COOPER, Deputy Director of Finance  
Hearing Officer

## Notice of Public Hearing

NOTICE IS HEREBY GIVEN that the City of San José's Finance Department, at an open session, on July 28, 2006 at 3:00 PM will hold a public hearing on the intent by the California Statewide Communities Development Authority ("CSCDA") to issue tax-exempt multi-family housing revenue bonds for the acquisition and rehabilitation of the following projects:

<u>PROJECT/UNITS</u>	<u>LOCATION</u>	<u>DEV./OWNER</u>	<u>AMOUNT</u>
Monte Alban Apartments 192 Units	1324 Santee Drive San Jose, CA 95122	Monte Alban Partners, LP	\$25,000,000.00

All those interested in matters related to either the issuance of the bonds or the location or operation of the projects are invited to attend and be heard at the open session, which will commence at 3:00 PM and will be held in Room T-1352, at 200 E. Santa Clara Street of the City of San José, California 95113. If you have any questions with respect to this matter, please call J. Paul Lippert, Senior Development Officer, Department of Housing of the City of San José, at (408) 975-4443 or Michael LaPierre of CSCDA, at (925) 933-9229 ext. 212.

Dated: July 10, 2006

Lee Price, City Clerk  
City of San José, California

(to be published no later than July 14, 2006)

PAPER	SENT
PR	7-10-06
PUBLISH	July 12, 2006
AGENDA	PROOF

SAN JOSE POST-RECORD

95 S. Market st., Ste. 535, SAN JOSE, CA 95113  
Telephone (408) 287-4866 / Fax (408) 287-2544

This space for filing, stamp, only

San Jose City Clerk

2006 JUL 17 A 11:13

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CECILIA DELGADO  
SAN JOSE CITY CLERK  
200 E. SANTA CLARA ST.  
SAN JOSE, CA - 95113

SJ#: 993951

**NOTICE OF PUBLIC HEARING**  
NOTICE IS HEREBY GIVEN that the City of San José's Finance Department, at an open session, on July 28, 2006 at 3:00 PM will hold a public hearing on the intent by the California Statewide Communities Development Authority ("CSCDA") to issue tax-exempt multi-family housing revenue bonds for the acquisition and rehabilitation of the following projects:

PROJECT/UNITS	LOCATION	DEV/OWNER	AMOUNT
Monte Alban Apartments	1324 Santee Drive, San Jose, CA 95122	Monte Alban Partners, LP	\$25,000,000.00

All those interest in matters related to either the issuance of the bonds or the location or operation of the projects are invited to attend and be heard at the open session, which will commence at 3:00 PM and will be held in Room T-1352, at 200 E. Santa Clara Street of the City of San José, California 95113. If you have any questions with respect to this matter, please call J. Paul Lippert, Senior Development Officer, Department of Housing of the City of San José, at (408) 975-4443 or Michael LaPierre of CSCDA, at (925) 933-9229 ext. 212.  
Dated: July 10, 2006  
Lee Price, City Clerk  
City of San Jose, California  
7/12/06

SJ-993951#

**PROOF OF PUBLICATION**

(2015.5 C.C.P.)

State of California )  
County of SANTA CLARA ) ss

Notice Type: GPHSJ - SAN JOSE CITY PUBLIC HEARING

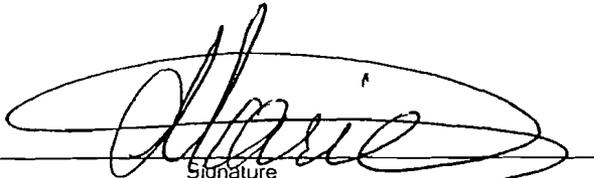
Ad Description: MONTE ALBAN APTS.

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the SAN JOSE POST-RECORD, a newspaper published in the English language in the city of SAN JOSE, county of SANTA CLARA, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of SANTA CLARA, State of California, under date 02/03/1922, Case No. 27844. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

07/12/2006

Executed on: 07/12/2006  
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

  
Signature

CITY OF SAN JOSE FINANCE DEPARTMENT  
DIRECTOR'S HEARING

AFFIDAVIT OF POSTING OF MEETING NOTICE

STATE OF CALIFORNIA        )  
  )  
COUNTY OF SANTA CLARA    )        SS

I hereby certify that, pursuant to and in accordance with the provisions of State legislation required by AB 2674, on **Tuesday, July 25, 2006**, I posted a notice for a Director's TEFRA Public Hearing for the **Monte Alban Apartments** project, a copy of which is attached hereto as Exhibit A and made a part hereof by reference as though fully set forth herein verbatim, by posting said Exhibit A at a public location at least seventy-two (72) hours prior to said public meeting. I declare under penalty of perjury that the foregoing is true and correct.

  
Andrea Y. Maestre  
Analyst II