



# Memorandum

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

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

**SUBJECT:** The Public Record  
September 20 – 26, 2006

**DATE:** September 28, 2006

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## ITEMS TRANSMITTED TO THE ADMINISTRATION

### ITEMS FILED FOR THE PUBLIC RECORD

- (a) Letter from Don Blankenship, Chairperson of the San Jose Senior Citizens Commission to Mayor Ron Gonzales and Members of the San Jose City Council dated September 14, 2006 conveying the Commissions appreciation for the funding to keep senior centers that were on the facility re-use list operational through fiscal year 2006-07.
- (b) Letter from Don Blankenship, Chairperson of the San Jose Senior Citizens Commission to Peter Constant dated September 14, 2006 writing on behalf of the Commission to congratulate him on his election and to welcome him to the City of San Jose and extend him an invitation to attend a Senior Citizens Commission meeting at his earliest convenience.
- (c) Letter from the United States Department of Agriculture to Special Use Permittee, File Code 2700/1700 dated September 18, 2006 regarding compliance with civil rights laws. Brochure enclosed "Complying with Civil Rights Requirements; Your Responsibilities as a Public Service Provider with the USDA Forest Service".
- (d) Letter from Silicon Valley Leadership Group to Joseph Horwedel Director of Planning, Building and Code Enforcement dated September 21, 2006 regarding SUPPORT-Project File Number PP06-100. Household Hazardous Waste Facility.
- (e) Letter from Renee Davis to City Clerk Lee Price dated September 22, 2006 regarding OCI Site Number SF15075.
- (f) Memorandum from Bonnie Kobayashi, Administrative Officer, Finance Department to City Clerk Lee Price dated September 22, 2006 regarding Investment Reports (on file in the Office of the City Clerk).

- (g) Letter from David S. Wall to Mayor Gonzales and Members of the San Jose City Council dated September 26, 2006 regarding the San Jose Repertory Theatre.
- (h) Letter submitted via email from VEP Community Association to Thomas W. Fitzwater, Environmental Resources Planning Manager dated September 22, 2006 regarding Capitol Expressway Light Rail Project Supplemental Environmental Impact Report.



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  
SENIOR CITIZENS COMMISSION

5730 Chamberlin Drive  
San Jose, California 95118  
Tel: (408) 979-7915  
Fax: (408) 979-0536

2006 SEP 25 A 9 03

September 14, 2006

Mayor Ron Gonzales  
Members of the San José City Council  
San José City Hall  
200 East Santa Clara Street  
San José, CA 95113

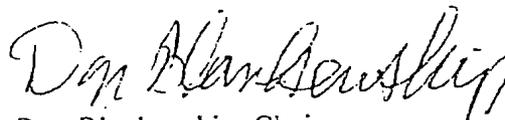
Dear Mayor Gonzales and Members of the City Council,

The San José Senior Citizens Commission would like to thank you for finding funding to keep senior centers that were on the facility re-use list operational through fiscal year 2006-07.

The Commission was involved at various levels of the evaluation and public input process and felt strongly that existing programs and services must be maintained for the older adult community. We are pleased that you recognize the value of these services and funded them for another year. We also appreciated that you understand the need to find qualified community-based organizations experienced in senior programming before turning the facilities over for re-use by said groups.

We appreciate your commitment to public service and senior citizen issues, and look forward to a continuing partnership to help improve services for older adults in the City of San José.

Sincerely,

  
Don Blankenship, Chairperson  
San José Senior Citizens Commission

cc: Mayor Ron Gonzales  
Council Member Linda LeZotte  
Les White, Acting City Manager  
Albert Balagso, PRNS Acting Director



Public Record b

SENIOR CITIZENS COMMISSION

RECEIVED  
San Jose City Clerk

5730 Chambertin Drive  
San Jose, California 95118  
Tel: (408) 979-7915  
Fax: (408) 979-0536

2006 SEP 25 A 9 03

September 14, 2006

Peter Constant, Councilmember-Elect  
San Jose City Council - District 1  
962 Westmont Court  
San José, CA 95117

Dear Councilmember-Elect Constant:

I am writing on behalf of the San José Senior Citizens Commission to congratulate you on your election and welcome you to the City of San José. We would like to extend an invitation to you to meet with the Commission and make a presentation at your earliest convenience. The Commission is very interested in meeting you and hearing your views on senior issues and other matters of importance to the City.

The Senior Citizens Commission has invited the Mayor and Council members to attend its meetings in the past and make presentations on District and citywide issues, programs and services. Although the Commission's focus is on elder issues, it is genuinely interested in other programs as well. Also, I am enclosing additional information regarding the Commission and aging services in San Jose.

Commission meetings are held the second Thursday of each month at the Office on Aging administrative offices located at Almaden Winery Community Center, 5730 Chambertin Drive, San Jose, CA, 95118. Monthly meetings are scheduled the second Thursday, from 1:30 to 4:30. The Senior Commission would be happy to arrange a time certain for you on an upcoming agenda. Commission staff may be contacted at 979-7915.

Again, we extend a warm welcome. The Commission looks forward to meeting with you soon.

Sincerely,

  
Don Blankenship, Chairperson  
San José Senior Citizens Commission

Enclosure

cc: Mayor Ron Gonzales  
Councilmember Linda J. LeZotte  
Les White, Acting City Manager  
Albert Balagso, PRNS Acting Director

Public Record  
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United States  
Department of  
Agriculture

Forest  
Service

Stanislaus National Forest

19777 Greenley Road  
Sonora, CA 95370  
(209) 532-3671  
FAX: (209) 533-1890  
TTY/TDD: (209) 533-0765  
<http://www.fs.fed.us/r5/stanislaus>

File Code: 2700/1700

Date: September 18, 2006

Dear Special Use Permittee:

As a Forest Service special use permit holder providing programs or activities to the public, you have agreed to comply with applicable laws, regulations, policy and direction. This includes civil rights laws. To help you understand your responsibilities in this respect, we are enclosing the brochure "*Complying with Civil Rights Requirements; Your Responsibilities as a Public Service Provider with the USDA Forest Service*".

The brochure provides a basic overview of your responsibilities for ensuring nondiscrimination in the delivery of your programs and activities to the public on the civil rights bases covered by Federal law. These bases include race, color, national origin, sex (in educational programs or activities), age, and disability.

We hope this brochure will be helpful to you and your staff. If you have any questions or need copies of the "And Justice for All" poster to display in your public reception areas, please contact the Special Use Administrator at (209) 532-3671 x 449.

Sincerely,

TOM QUINN  
Forest Supervisor

Enclosure



## What does the Forest Service do to ensure compliance with nondiscrimination responsibilities?

The USDA Forest Service will conduct reviews of your programs and activities on a periodic basis to ensure that they comply with Civil Rights laws.

## What Federal Civil Rights laws must you follow to ensure compliance?

U.S. Code	Statute	Prohibits Discrimination on the Basis of:
(42 USC 2000d-2000c)	Title VI of the Civil Rights Act of 1964	Race, Color, or National Origin
(20 USC 1681-1686)	Title IX of the Education Amendments of 1972	Sex (in educational programs and activities)
(42 USC 6101 et seq)	Age Discrimination Act of 1975, as amended	Age
(29 USC 794)	Section 504 of the Rehabilitation Act of 1973, as amended	Disability

### For More Information

The Forest Service is your partner in providing equal opportunity to the public. For more information, including reviews and accessibility, please contact your local Forest Service Special Uses Administrator.



The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, DC 20250-9410, or for Forest Service issues please call, toll free, (866) 632-9992 (Voice). TDD users can contact USDA through local relay or the Federal Relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice users). USDA is an equal opportunity provider and employer.



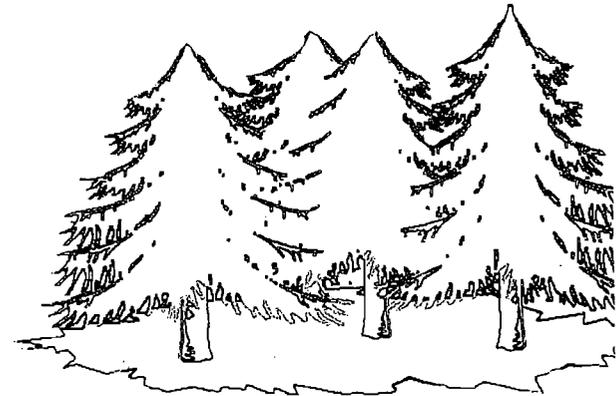
United States Department of Agriculture

Forest Service

Special Use Permits

## Complying with Civil Rights Requirements

Your Responsibilities as a Public Service Provider with the USDA Forest Service



“ Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination. ”

— President John F. Kennedy, in his 1963 message calling for the enactment of Title VI of the Civil Rights Act

## Who is required to comply with Federal Civil Rights laws?

If you are a holder of a special use permit or authorization from the Forest Service to provide programs or activities to the public, by law you must provide equal opportunity for all people to participate. For example, you should not deny or exclude anyone from programs, services, aids or benefits. Also you should not retaliate in any manner against a person who files a complaint or opposes any unlawful or discriminatory practice. The back of this brochure shows Federal Civil Rights laws that apply.

This brochure provides a basic overview of your responsibilities for ensuring nondiscrimination in the delivery of your programs and activities to the public on bases covered by Federal law. These bases include race, color, national origin, sex (in educational programs or activities), age and disability.

## What are your responsibilities for complying with Federal Civil Rights laws?

As a public service provider with the Forest Service, your responsibilities for complying with Federal Civil Rights laws include, but are not limited to:

- Signing a special use permit, which certifies that you will comply with Civil Rights laws. If you have sub-recipients, obtain a signed assurance from them. An example of a sub-recipient is a water ski school operating under a marina owner who holds a special use permit.

- Displaying the "And Justice for All" U.S. Department of Agriculture poster (AD-475C) in your public reception areas or other areas visible to the public. Contact your local Forest Service Special Uses Administrator to obtain copies.
- Including the following statement about nondiscrimination and how to file a complaint in your publications and outreach materials:

*"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age or disability. (Not all prohibited bases apply to all programs.)"*

*To file a complaint of discrimination: write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer."*

If the publications or materials are too small to permit the use of the full statement, at a minimum include the following statement, in print size no smaller than the text: *"This institution is an equal opportunity provider."*

- Including in your publications and outreach materials a statement of affiliation with the Forest Service, e.g., *"This institution is operated under special use permit with the \_\_\_\_\_ National Forest."*

- Providing program information in alternative formats for people with disabilities and in alternative languages for people with limited English proficiency, as appropriate to your customer base.
- Identifying a person to be responsible for ensuring your program is in compliance with Civil Rights requirements.
- Reviewing all your policies, procedures, and practices to ensure that they do not limit participation on the basis of race, color, national origin, age, disability, or sex (in educational programs and activities).
- Evaluating the accessibility of your programs and facilities. If they are not now accessible, develop a transition plan for making them accessible and then carry out the plan as appropriate.
- Ensuring that your staff understands their Civil Rights responsibilities including their role in the USDA complaint process.
- Providing outreach to a wide variety of communities to ensure diversity if you advertise or market your program.
- Providing information to the Forest Service on your outreach to participants in your programs and activities.



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San Jose City Clerk

September 21, 2006

2006 SEP 25 P 3: 25

224 Airport Parkway, Suite 620  
San Jose, California 95110  
(408)501-7864 Fax (408)501-7861

<http://www.svlg.net>

CARL GUARDINO

President & CEO

AART J. DE GEUS

Immediate Past Chair, SVLG

Synopsys, Inc.

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Cassatt Corporation

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Varian Medical Systems

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Santa Clara University

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Hitachi Global Storage Technologies

LEN PERHAM

Optimal Corporation

KIM POLESE

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Greater Bay Bancorp

DAVID J. SHIMMON

Celerity, Inc.

MICHAEL SPLINTER

Applied Materials, Inc.

JOYCE M. TAYLOR

AT&T Inc.

WILLIAM D. WATKINS

Seagate Technology

KENNETH WILCOX

Silicon Valley Bank

DAVID WRIGHT

EMC Corporation

JOANN ZIMMERMAN

Kaiser Permanent

Working Council Chair

LEON BEAUCHMAN

AT&T Inc.

Founded in 1977 by

DAVID PACKARD

Joseph Horwedel  
Director, Department of Planning, Building and Code Enforcement  
City of San Jose  
200 E. Santa Clara Street  
San Jose, CA 95110

Regarding: SUPPORT - Project File Number PP06 – 100. Household  
Hazardous Waste Facility

Dear Mr. Horwedel:

Thank you for the opportunity to comment on the proposed relocation of the Household Hazardous Waste collection facility from its present Senter Road location to the proposed location at 1608 Las Plumas Avenue.

As you may know, the Silicon Valley Leadership Group (SVLG) represents over 200 member companies located throughout Silicon Valley, with over 250,000 employees. SVLG was organized by David Packard nearly 30 years ago to engage business leaders on public policy issues affecting both the economic and quality of life interests of Silicon Valley residents. Many of our members, and their employees, are located within Santa Clara County, and so would be served by the County's operation of the Householder Hazardous Waste (HHW) collection facility.

SVLG is supportive of this proposal for the following reasons:

- The service provided by the HHW collection center prevents contamination of our region's natural resources; water ways, ground water and soils, by providing convenient, free, proper disposal opportunities for common, but potentially harmful materials for all County residents.
- The location of the propose facility is appropriate, as it is -
  - o Conveniently located to many regional residents
  - o Provides adequate and appropriate space for collection operations, traffic flow, employee parking, etc.
  - o Is consistent with the majority of uses in the area (commercial/light industrial)
  - o Not likely to create traffic, parking or other conflicts with existing uses in the area
  - o Not likely to create any adverse environmental, security, public health or safety impacts to the existing uses, or the region.

SVLG is aware that any operation involving hazardous materials carries some risks. However, the mitigations for those risks are clearly explained in the Initial Study document. Additionally, the multiple regulatory requirements

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San Jose City Clerk

2006 SEP 26 P 1:51

September 22, 2006

City Clerk  
Lee Price  
200 East Santa Clara St.  
San Jose, CA 95113-1905

Re: OCI Site Number SF15075

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 DeLaRosa at (925) 521-5948

Sincerely,



Renee Davis  
Compliance Consultant  
Omnipoint Communications Inc.

Attachments

## ATTACHMENT A

### 1. Project Location:

Site Identification Number: **SF15075**  
Site Name: **Hope Church**  
Site Address: **3195 Senter Rd**  
County: **San Clara**  
Site Location: **San Jose, CA**  
Assessor's Parcel Number: **494-01-017**  
Latitude: NAD 83 **37\*19\*\*13.797"**  
Longitude: NAD 83 **-121\*49\*\*38.54"**

### 2. Project Description:

Number of Antennas to be installed: **3**  
Tower Design: **Monopole**  
Tower Appearance: **Monopole**  
Tower Height:  
A) Building Height **N/A**  
B) Structure Height **62'**  
C) Top of Antenna Height **41'6"**  
Lease Area: **6' X 10'**

### 3. Business addresses of all Governmental Agencies

**15 City of San Jose, CA**  
200 East Santa Clara St  
San Jose, CA 95113-1905

### 4. Land Use Approval:

**16 Building Permit**  
No. 2006-017948-CI  
Issued: 9/18/2006

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:*

# T-Mobile®

August 22, 2006

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

**RE: OCI Site Number SF15075 Hope Church**

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 DeLaRosa 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, CA



Public Record  
f.

# Memorandum

**TO:** Lee Price

**FROM:** Bonnie Kobayashi

**SUBJECT: FILE FOR PUBLIC RECORD:  
INVESTMENT REPORTS**

**DATE:** September 22, 2006

The City's Investment Reports are sent via email to the City Council and others (including the City Clerk's Office) in addition to posting the reports to the City's website ([www2.csifinance.org](http://www2.csifinance.org)). We are submitting the following paper copies of the reports for filing for the public record. (On File in the Office of the City Clerk)

- Monthly Investment Report for April 2006
- Monthly Investment Report for May 2006
- Quarterly Investment Report for the Period of April 2006 through June 2006
- Monthly Investment Report for July 2006

If you have any questions, please contact me at 535-7041.

BONNIE KOBAYASHI  
Administrative Officer  
Finance Department

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2006 SEP 22 P 12:46

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

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San Jose City Clerk

2006 SEP 26 P 3:43

September 26, 2006

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

**Re: San José Repertory Theatre or San José "Rip-Off" Theatre**

Mayor Gonzales and Members San José City Council;

In the Arts and Entertainment section in the Sunday (September 24, 2006) San José Mercury News, "A PROFILE OF S.J. REP'S TIMOTHY NEAR" was offered up for consideration.

The article was just another attempt to give credibility to this congenital losing venture. The article contained opinions of theater insiders and supporters who only served their own interests with aggrandizements of Ms. Near's dedication to the REP and for providing leadership.

As I was reading the article, I became so increasingly nauseous, I almost vomited.

**Ms. Near's salary reported as being \$136,208 dollars for the 2004-2005 year, the only time period that salary was accounted for left me puzzled as to how much money she made over the past eighteen (18) years as "Artistic Director" (of The Rep.). "She (Ms. Near) refused to be interviewed for this article". (Go figure.)**

What is clear about Ms. Near's conduct: nepotism in "hiring her sister Holly", being "neither successful in raising money or enthusiasm", and the Rep's \$3.3 million dollar debt is the only egregious administrative conduct the taxpayers know about. **The only other example of egregious administrative conduct, that eclipses Ms. Near's, is YOURS AND THAT OF FORMER MAYOR'S AND COUNCIL MEMBERS for permitting this farce to fester like a putrefying bubo.**

**Only a MORON or an aggregate of MORONS would vote for anything that permits the San José Repertory Theatre to continue.**

**TERMINATE WITH EXTREME PREDJUDICE:** the employment contract with: Ms. Near, her complete staff, the Board of Directors *and all public funding* for the **San José Repertory Theatre**. **Simultaneously**, make inquiries of our Honorable City Attorney if any revenue can be repatriated back from the **San José Repertory Theatre** to the coffers of the taxpayers.

**Remember, our San José Firefighters are serving proudly without a decent contract.**

Respectfully submitted,

David S. Wall 9.26.2006

Cc: City Attorney / City Auditor / Interim City Manager



## **VEP Community Association**

Representing More Than 2000 Families in the Blossom Valley Area of South San Jose Since 1969

September 22, 2006

Submitted Via Email

Thomas W. Fitzwater, Environmental Resources Planning Manager  
VTA Environmental Planning  
3331 North First Street, Building B  
San Jose, CA 95134-1927

Subject: Capitol Expressway Light Rail Project Supplemental Environmental Impact Report

Dear Mr. Fitzwater, VTA Staff, and VTA Board of Directors:

Thank you for this opportunity to comment on the scope and content of the upcoming Draft Supplemental Environmental Impact Report for the Downtown East Valley Improvement Plan--Capitol Expressway Light Rail Project (the Capitol Expressway Corridor).

VEP Community Association requests that any and all mention of the section of Capitol Expressway from Neiman to State Route 87 be removed from the supplemental EIR and scope of the overall project EIR. We understand the recommended light rail solution in Volume II of the April 2005 Final EIR (Document #2001092014) does not include this section, but Volume I still shows the full corridor.

Funding for the "west reach" is so far in the future (beyond 10 to 20 years, if ever) that the current EIR will clearly be outdated by that time. Moreover, it would be unfair to continue to designate the "west reach" as a rail transit corridor, potentially granting generous density, parking, and traffic impact waivers to urban development projects along this corridor, when there is no guarantee that mitigating transit improvements will ever be built. It is also unfair to allow the distant potential of light rail in the "west reach" to impede much needed nearer-term Capitol Expressway road and landscaping improvements.

Our request is based upon your response to Comment P7-60 in Volume II of the Final Environmental Impact Report dated April 2005 (typical of many of the responses to VEP's specific questions), "At its meeting on August 5, 2004, the DTEV PAB deferred project level decisions, including design options and project phasing, on the Light Rail Alternative Phase 2 between Neiman Boulevard and SR 87 until land use and transportation decisions associated with the U.S. 101 Central Corridor Study and Evergreen Smart Growth Strategy have been further developed and approved. Therefore, the area referred to as "the west reach" is not part of the Recommended Light Rail Alternative."

In summary, we ask that any and all references to rail transit on Capitol Expressway between Neiman and Hwy 87 be removed from the EIR since its potential future existence there is purely speculative in terms of funding and probable technical infeasibility. Land use decisions for development along the "west reach" should not be based upon rail transit corridor designation. Nor should nearer-term road or landscaping improvements be impeded based on speculation that this may become a rail transit corridor in the future.

Sincerely yours,

Marilyn Rodgers, President  
(408) 225-7553

cc: VTA Board of Directors, c/o Cindy Chavez, Chair; Santa Clara County Supervisor Don Gage; San Jose City Council Member Nancy Pyle; San Jose City Council, c/o Lee Price, City Clerk.