



Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

SUBJECT: The Public Record
June 18-July 22, 2010

DATE: July 23, 2010

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Notification letter from T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a/ T-Mobile (U-3056-C) to Consumer Protection and Safety Division dated June 10, 2010 for T-Mobile Site No. SF14150A.
- (b) Notification letter from T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a/ T-Mobile (U-3056-C) to Consumer Protection and Safety Division dated June 10, 2010 for T-Mobile Site No. SF24670A.
- (c) Letter from Senior Citizens Commission Vice Chair, Martha O'Connell dated June 15, 2010, expressing opposition to reducing the scheduling of Senior Citizens meetings to a quarterly basis.
- (d) Notification letter from T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a/ T-Mobile (U-3056-C) to Consumer Protection and Safety Division dated June 18, 2010 for T-Mobile Site No. SF15064B: San José City College.
- (e) Letter from County of Santa Clara Public Health Department Director, Daniel Peddycord and Health Officer Martin Fenstersheib to Mayor Reed and San Jose City Council dated June 22, 2010 writing in support of implementation of a Tobacco Retailer Permit Program.
- (f) Email from Sebastopol City Council Member Craig Litwin submitting an article from the San Francisco Chronicle regarding the success of Sebastopol's medical marijuana dispensary ordinance and operations.
- (g) Notification letter from T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a/ T-Mobile (U-3056-C) to Consumer Protection and Safety Division dated June 24, 2010 for T-Mobile Site No. SF24429A..

- (h) Letter from David Wall to Mayor Reed and City Council dated June 25, 2010 regarding "The Ghetto Life: Update on the SCEP".
- (i) Letter from Civil Service Commissioner/Presiding Officer Emily Cote to Mayor Reed and the City Council dated July 1, 2010, announcing her resignation from the Civil Service Commission, effective September 1, 2010.
- (j) Letter from Southwest Airlines Chairman of the Board President and Chief Executive Officer Gary Kelly to Mayor Reed dated July 1, 2010 in regard to the opening of the new terminal at the Norman Y. Mineta San José International Airport.
- (k) Letter from David Wall to Mayor Reed and City Council dated July 2, 2010 regarding "The Ghetto Life: Update on the SCEP".
- (l) Letter from Local Agency Formation Commission of Santa Clara County (LAFCO) Clerk Emmanuel Abello to the City Clerk dated July 6, 2010 providing a Notice of Cancellation of the August 4, 2010 LAFCO Meeting.
- (m) Letter from Local Agency Formation Commission of Santa Clara County (LAFCO) Executive Officer, Neelima Palacherla to the City Clerk dated July 6, 2010 submitting a Notice of Protest Hearing to be held September 2, 2010.
- (n) Letter from David Wall to Mayor Reed and City Council dated July 8, 2010 regarding "The Ghetto Life: Update on the SCEP". (Photographs on file in the Office of the City Clerk)
- (o) Memorandum from Assistant Director of Finance Julia Cooper to the City Clerk dated July 13, 2010, providing documentation regarding the Director's TEFRA Public Hearing of June 15, 2010.
- (p) Letter from Civil Service Commissioner Dave Busse to the Civil Service Commission and Staff dated July 14, 2010, announcing his resignation from the Civil Service Commission, effective September 1, 2010.
- (q) Letter from Aaron R. Resendez, Council Member candidate for District 5 election to the Rules and Open Government Committee dated July 16, 2010, offering criticism of negative campaigning tactics.

- (r) Letter from David Wall to Mayor Reed and City Council dated July 16, 2010 regarding "The Ghetto Life: Update on the SCEP".
- (s) Letter from David Wall to Mayor Reed and City Council dated July 16, 2010 regarding "Vagrant passes out, wakes up, commits second trespass and moves on". (Photographs on file in the Office of the City Clerk)



Lee Price, MMC
City Clerk

LP/rmk

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
Director of Transportation
Public Information Officer
San José Mercury News
Library



PUBLIC RECORD a

T-MOBILE WEST CORPORATION a
Delaware Corporation
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520

June 10, 2010

Anna Hom

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

RE: Notification Letter for T-Mobile Site No. SF14150A & SF24670A:

During a routine review of our files, we were unable to locate the attached letters of notification. Out of an abundance of precaution, we are resending the letters for your records.

Sincerely,

Jina Hunn
Compliance Coordination Specialist
T-MOBILE WEST CORPORATION a Delaware corporation

CC:

Debra Figone, City Manager, City of San Jose, 200 E. Santa Clara St., San Jose, CA 95113
Joseph Horwedel, Planning Director, City of San Jose, 200 E. Santa Clara St., San Jose, CA 95113
Lee Price, City Clerk, City of San Jose, 200 E. Santa Clara St., San Jose, CA 95113



T-MOBILE WEST CORPORATION,
a Delaware Corporation
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520

June 10, 2010

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

**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C).
Notification Letter for T-Mobile Site No. SF14150A:**

This letter provides 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 with regard to the project described in Attachment A:

- (a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.
- (b) No land use approval is required because

A copy of this notification letter is being sent to the local government agency identified below for its information. Should the Commission or the local government agency have any questions regarding this project, or if anyone disagrees with the information contained herein, please contact Joni Norman, Senior Development Manager for T-Mobile, at (925) 521-5987, or contact Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at 415-703-2699.

Sincerely,

Joni Norman
Sr. Development Manager
T-MOBILE WEST CORPORATION, a Delaware corporation

Enclosed: Attachment A

CC:

Debra Figone, City Manager, City of San Jose, 200 E. Santa Clara St., San Jose, CA 95113
Joseph Horwedel, Planning Director, City of San Jose, 200 E. Santa Clara St., San Jose, CA 95113
Lee Price, City Clerk, City of San Jose, 200 E. Santa Clara St., San Jose, CA 95113

ATTACHMENT A

1. Project Location

Site Identification Number: SF14150A

Site Name: San Jose Water

Site Address: 1119 Almaden Oaks Lane, San Jose, CA 95120

County: Santa Clara

Assessor's Parcel Number: 583-51-001

Latitude: 37.19439° N

Longitude: 121.84714° W

2. Project Description

Number of Antennas to be installed: 4

Tower Design: Antennas Mounted to top of Water Tank

Tower Appearance: Antennas Flush Mounted and Painted to Match

Tower Height: Top of Water Tank 34' Top of Antennas 34'

Size of Building: 10' x 20' Lease Area

3. Business Addresses of all Governmental Agencies

City of San Jose Debra Figone, City Manager 200 E. Santa Clara St. San Jose, CA 95113	City of San Jose Joseph Horwedel, Planning Director 200 E. Santa Clara St. San Jose, CA 95113	City of San Jose Lee Price, City Clerk 200 E. Santa Clara St. San Jose, CA 95113
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4. Land Use Approvals

Date Zoning Approval Issued: October 11, 2005

Land Use Permit #: AD05-794

If Land use Approval was not required: N/A



T-MOBILE WEST CORPORATION ^{PUBLIC RECORD} b
Delaware Corporation
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520

June 10, 2010

Anna Hom

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

RE: Notification Letter for T-Mobile Site No. SF14150A & SF24670A:

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Sincerely,

Jina Hunn
Compliance Coordination Specialist
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Lee Price, City Clerk, City of San Jose, 200 E. Santa Clara St., San Jose, CA 95113



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a Delaware Corporation
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520

June 10, 2010

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

**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C).
Notification Letter for T-Mobile Site No. SF24670A:**

This letter provides 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 with regard to the project described in Attachment A:

- (a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.
- (b) No land use approval is required because

A copy of this notification letter is being sent to the local government agency identified below for its information. Should the Commission or the local government agency have any questions regarding this project, or if anyone disagrees with the information contained herein, please contact Joni Norman, Senior Development Manager for T-Mobile, at (925) 521-5987, or contact Ms. Anna Hom of the CPUC Consumer Protection and Safety Division at 415-703-2699.

Sincerely,

Joni Norman
Sr. Development Manager
T-MOBILE WEST CORPORATION, a Delaware corporation

Enclosed: Attachment A

CC:

Debra Figone, City Manager, City of San Jose, 200 E. Santa Clara St., San Jose, CA 95113
Joseph Horwedel, Planning Director, City of San Jose, 200 E. Santa Clara St., San Jose, CA 95113
Lee Price, City Clerk, City of San Jose, 200 E. Santa Clara St., San Jose, CA 95113

ATTACHMENT A

1. Project Location

Site Identification Number: SF24670A
Site Name: Valley Christian
Site Address: 100 Skyway Drive, San Jose, CA 95111
County: Santa Clara
Assessor's Parcel Number: 684-05-007
Latitude: 37° 16' 38.87" N
Longitude: 121° 49' 18.00" W

2. Project Description

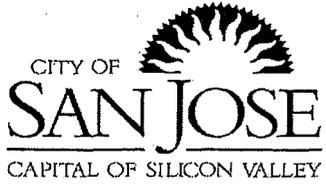
Number of Antennas to be installed: 6
Tower Design: Retaining Wall
Tower Appearance: Antennas Flush Mounted to Wall
Tower Height: Top of Retaining Wall 19' Top of Antennas 19'
Size of Building: 10' x 25' Lease Area

3. Business Addresses of all Governmental Agencies

City of San Jose Debra Figone, City Manager 200 E. Santa Clara St. San Jose, CA 95113	City of San Jose Joseph Horwedel, Planning Director 200 E. Santa Clara St. San Jose, CA 95113	City of San Jose Lee Price, City Clerk 200 E. Santa Clara St. San Jose, CA 95113
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4. Land Use Approvals

Date Zoning Approval Issued: July 1, 2008
Land Use Permit #: AD08-838
If Land use Approval was not required: N/A



SENIOR CITIZENS COMMISSION

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

June 15, 2010

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

Dear Honorable Mayor Reed and City Council:

The City Clerks office reported at the Senior Citizen's Commission June 10th meeting that the City Manager plans to save \$140,000 in the General Fund Budget by reducing the number of meetings of some Boards and Commissions and that the Senior Citizen's Commission has been targeted to have their meetings reduced to quarterly.

By a unanimous vote the Senior Citizen's Commission is making a request to you and the City Council at large that our commission be exempt from this reduction in meetings due to the timeliness and sensitivity of issues concerning senior's welfare.

Understanding the dire budget situation and in the spirit of cooperation, a reduction in meetings of the Senior Commission, as a whole, could be feasible, if the two sub-Committees – HEALTH AND SAFETY and HOUSING AND HUMAN SERVICES where the bulk of the work of the Commission is achieved, be allowed to continue to hold meetings on a monthly basis. The Chairs of those sub-committees, in the interest of providing relief to overworked staff, have assumed for the past five years the responsibility of issuing the agendas and subsequent minutes in accordance with the legal requirements of the Sunshine Act for transparency. The only staff action required would be to post in a timely manner the agendas and minutes that the Chairs submit to them.

In addition, it is requested in the event of a reduction to quarterly meetings for the Senior Commission as a whole that a provision be made to call an emergency meeting if an emergent need exists.

The Senior Citizen's Commission would appreciate your serious consideration of this issue as we believe your senior citizen constituents would also.

LB
for
Sincerely,
Martha O'Connell

Martha O'Connell, Vice Chair, Senior Citizens Commission
for/
Frances Jones,
Chair, Senior Citizens Commission
/LB

cc: Pete Constant, Councilmember, Dist. 1
Debra Figone, City Manager
Albert Balagso, PRNS Director
Julie Edmonds-Mares, PRNS Assistant Director
Angel Rios, PRNS Deputy Director
Dan Wax, PRNS, Division Manager
Dr. Lisa Blevins, Therapeutics Services manager
Lee Price, City Clerk
Ash Kalra, CD 2
Sam Liccardo, CD 3
Kansen Chu, CD 4
Nora Campos, CD 5
Pierluigi Oliverio, CD 6
Madison Nguyen, CD 7
Rose Herrera, CD 8
Judy Chirco, CD 9
Nancy Pyle, CD 10
Meghan Revolinsky, Assistant to CM Constant
Khoa Nguyen, Mayor's Policy Analyst
Correspondence Binder

2010 JUN 18 P 2:44

RECEIVED
San Jose City Clerk

T-Mobile

PUBLIC RECORD d
T-MOBILE WEST CORPORATION a
Delaware Corporation
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520

June 18, 2010

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

**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C).
Notification Letter for T-Mobile Site No. SF15064B: San Jose City College**

This letter provides 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 with regard to the project described in Attachment A:

- (a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.
- (b) No land use approval is required because
-
-

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Sincerely,



Joni Norman
Sr. Development Manager
T-MOBILE WEST CORPORATION a Delaware corporation

Enclosed: Attachment A

CC:

Debra Figone, City Manager, City of San Jose, 200 East Santa Clara Street, San Jose, CA, 95113
Joseph Horwedel, Planning Director, City of San Jose, 200 East Santa Clara Street, San Jose, CA, 95113
Lee Price, City Clerk, City of San Jose, 200 East Santa Clara Street, San Jose, CA, 95113

ATTACHMENT A

1. Project Location

Site Identification Number: 15064B

Site Name: San Jose City College

Site Address: 2100 Moorpark Avenue, San Jose, CA 95128

County: Santa Clara

Assessor's Parcel Number: 283-43-008

Latitude: 37 18' 52.42" N

Longitude: 121 55' 29.76" W

2. Project Description

Number of Antennas to be installed: Six antennas

Tower Design: Antennas vertically stacked on pole

Tower Appearance: Existing Slim line pole co-location with AT&T. T-Mobile antennas mounted at top of pole.

Tower Height: 95'-7"

Size of Building: 12'x 22'

3. Business Addresses of all Governmental Agencies

City of San Jose Debra Figone, City Manager 200 East Santa Clara Street San Jose, CA, 95113	City of San Jose Joseph Horwedel, Planning Director 200 East Santa Clara Street San Jose, CA, 95113	City of San Jose Lee Price, City Clerk 200 East Santa Clara Street San Jose, CA, 95113
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4. Land Use Approvals

Date Zoning Approval Issued: June 3, 2010

Land Use Permit #: AD10-185, CP04-065 (Permit to be adjusted)

If Land use Approval was not required: N/A

County of Santa Clara Public Health Department

Administration
976 Lenzen Avenue, 2nd Floor
San José, CA 95126
408.792.5040



June 22, 2010

Mayor Chuck Reed and Council Members
City of San José
200 East Santa Clara Street
San José, CA 95113

**RE: Santa Clara County Public Health Department Supports the
Implementation of a Tobacco Retailer Permit Program**

Dear Mayor Reed and Council Members:

The Santa Clara County Public Health Department commends the City of San José as they research a local tobacco retailer permit program. Due to the vision of City of San José Council Member Nora Campos for introducing the idea, we believe incidents of tobacco marketing and sales to minors will be positively impacted with the implementation of such a program.

Tobacco Retailer Permitting is Effective

Currently there are close to 100 California communities that have implemented a tobacco retailer licensing program. Data shows that over the course of a year many of these communities saw significant decreases in tobacco sales to minors. San Francisco, which implemented a \$175 annual permit fee, saw a drop of 11% in sales of tobacco to minors; the City of Berkeley, which implemented a \$427 fee, saw a decrease of 33% of tobacco sales to minors. San José currently has 833 tobacco retailers; requiring an annual fee for tobacco retailers from \$175 to \$427 would generate \$145,775 to \$355,691 in additional revenue for the City of San José.

Tobacco Retailer Permitting is Needed within our Communities

The current state licensing law, administered through the Board of Equalization, requires only a one-time \$100 fee and is focused on preventing tobacco smuggling. The licensing law is so weak that retailers are at very little risk of losing their licenses if they violate the law by selling to minors. To properly address tobacco sales to minors local tobacco retailer permitting is essential, as data proves that retailers are less likely to sell to minors when consistently checked by enforcement officials. In 2005 when San José Police Department was funded to conduct tobacco enforcement on a weekly basis, illegal sales rates in San José dipped to as low as 3.0% (HNVF Quarterly Reports). Yet, in a recent survey conducted by the California Department of Public Health Food and Drug Branch in 2008, 16.0% (20 out of 125 stores) of stores surveyed in San José sold tobacco to a minor.

Board of Supervisors: Donald F. Gage, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss
County Executive: Jeffrey V. Smith

Tobacco Retailer Permitting is Strongest when Combined with other Activities

As you move forward with a local tobacco retailer permit, please consider these additional strategies:

- **Annual Fees:** Set annual fees at a level that will allow for a strong tobacco enforcement program.
- **Meaningful Fines and Fees:** Set strict enforcements and penalties for those that violate the license and sell tobacco to minors, including revocation for repeat violators.
- **Limit Location and Density:** Limit the number of tobacco retailers by population density and restrict new licenses to no less than 1,000 feet from schools.

The Santa Clara County Public Health Department supports a local Tobacco Retailer Permitting Program. Santa Clara County data shows that a majority of youth report that obtaining tobacco from stores is perceived to be extremely easy. We believe that with stricter local permitting fees and laws we will see a lessened rate of tobacco sales to minors and ultimately less tobacco use by minors. As you consider the permit program, please know that we are available to offer technical assistance, support, and legal assistance as it pertains to drafting and implementing a Tobacco Retailer Permit Program.

Sincerely,



Daniel Peddycord, RN, MPA/HA
Public Health Director



Martin Fenstersheib, MD, MPH
Health Officer, Santa Clara County

From: Craig Litwin [mailto:craig.litwin@cannbe.com]
Sent: Wednesday, June 23, 2010 12:03 PM
To: City Clerk
Subject: Article on SF Chronicle for the council

Dear City Clerk,

Would you mind passing the below link onto the city council? It is a story that made the front page of the SF Chronicle yesterday. It is about the success of our dispensary ordinance and operations within my home city and where I served on the council, Sebastopol, Sonoma County.

I am happy to talk with any council member or staff member about my experience creating a local ordinance on this issue.

Here is the link:

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/06/22/MN251DU4LA.DTL>

Thank you,

Craig Litwin
Director of Government Relations

craig.litwin@cannbe.com

CannBe

Oakland, CA 94606

How towns sort out medical marijuana facilities

Kevin Fagan, Chronicle Staff Writer

Tuesday, June 22, 2010



More...

Mention medicinal marijuana dispensaries and people tend to think of either the giant operations in Oakland or the hippie-tinged forests of the Emerald Triangle up north.

But sprayed throughout the state, in little towns where you wouldn't expect such a thing, are hundreds of cannabis dispensaries that have a special challenge.

In burgs like Galt in the Sacramento Valley, where cowboys and Republicans rule the zeitgeist, and even in the tie-dyed Sonoma County enclave of Sebastopol, dispensary operators have to work extra hard to make the neighbors feel comfortable with their businesses - because in towns that small, everybody knows everyone and attitudes are worn on everyone's sleeves.

Sometimes, as in Sebastopol, this works well. Sometimes, as in Galt, it's not so smooth.

Both experiences offer valuable glimpses into what may be in store in November if the Regulate, Control and Tax Cannabis Act initiative on the statewide ballot passes and legalizes recreational marijuana use for the first time in the United States.

Confusing territory

Those on the front lines of the small-town dispensary scene say anyone planning to sell pot should be prepared to bend over backward to meet local regulations and otherwise make nice with officials and neighbors. But sellers should also understand that in some places, there will be resistance no matter what.

It's confusing territory, by definition. The 1996 state law authorizing medicinal marijuana doesn't specify whether cities and counties can ban or even regulate local use, so it has been left to cities and counties to come up with their own playbooks.

To date, 141 cities and counties in California have banned marijuana dispensaries, and 41 cities and counties have passed laws regulating them, according to Americans for Safe Access, an advocate for medical marijuana providers. The other 354 cities and counties have either not addressed the situation or passed simple moratoriums capping the number of dispensaries at existing levels.

There's little doubt where the sentiments lie in Sebastopol.

Peaceful pot peddlers

"It's absolutely essential that local jurisdictions have control over the dispensaries, and that they make sure they are working well with their neighborhoods," said Sebastopol City Councilman Larry Robinson.

Exhibit A, he said: the Peace in Medicine Healing Center, the only dispensary in his town of 7,700 people. The collective opened in 2007 in a former Ford car dealership building. Before the first bud hit the counter, its managers made sure to knock on the doors of every neighbor in sight.

Executive Director Robert Jacob met with the police chief and other community leaders to make sure the center would be following city laws requiring that dispensaries provide their own security and verify that patients are eligible for medical marijuana.

Today, most people wouldn't know from the snappy, earth-toned exterior of Peace in Medicine that 3,800 medicinal cannabis users come in for everything from marijuana to pain-controlling acupuncture treatments and massages. From the road, it looks more like a high-end insurance office - with a smiling security guard unobtrusively posted at the door, and others posted less visibly around the complex.

Paying taxes

"They've been good citizens in our community, very scrupulous about the guidelines we established," Robinson said. "They're respectful of their neighbors and keep a low profile.

"Frankly, I'm happy to have them in the community, not the least for their tax revenue," the councilman said. The sales taxes paid to Sebastopol - \$85,000 a year, the dispensary says - is more than the old car dealership used to pay.

"We want to give a positive healing image," Jacob said. "It's so sad when we have such a large segment of society living in shame, feeling they have to hide their use. Being good neighbors and setting a good example is how we counteract that negativity."

It hasn't gone as well elsewhere in Sonoma County, where a judge in December tossed out the county's dispensary permit law for unincorporated areas. The number of pot clubs since then has grown from four to nearly two dozen, and robberies and complaints have skyrocketed with them, authorities say.

"They're just popping up all over," said Dave McCullick, vice president of the 4,000-member Sonoma Patient Group dispensary in Santa Rosa, which had to adhere to city regulations when it opened two years ago. "And with no guidelines now in the unincorporated areas, you can have people selling methamphetamine on the side, or opening near a school with no security. It's bad for all of us."

Unwanted, but trying

About 80 miles east, in 24,000-population Galt, is an example of how nasty things can get under the haziness of state law.

There, the Galt Health & Wellness Center opened last month in a strip mall on an industrial stretch of the Sacramento County town - and instantly got in a fight with the city.

The City Council banned dispensaries in 2009, but the Galt center's managers said the ordinance was invalid under the state medicinal marijuana law. So they sued as soon as Galt officials told them to shut down. As the legalities have been grinding through Sacramento County Superior Court, the dispensary has picked up more than 200 patients.

At least two similar suits are pending in a state appeals court, where they were sent after local judges upheld pot-club bans in Anaheim and Lake Forest, both in Orange County.

"We are the only dispensary between Sacramento and Turlock," said the Galt dispensary's office manager, Katrina Mora, "so there is a great need for our services. Because this is a small town, we're really interested in helping the community, paying taxes, doing community outreach. We just have to get that conversation going."

Neighbors don't mind

Neighbors of the dispensary, including a smog-check shop and a cigarette store, said they have no complaints about the dispensary. "I've seen a few old people go in and out over there, but heard nothing from the place," said Smog Tech 3 technician Sonny Ayala. "It's not like they're a bunch of stoners."

That's not good enough for the City Council, though.

"It's disturbing that they just blatantly thumbed their nose at us and opened up like that," Mayor Barbara Payne said. "Every citizen I have talked to, including the historical society that I am a member of, is totally against this sort of business opening in Galt.

"The fact that one of the first things they did was put up bulletproof glass in their office indicates they think there might be a problem, too," Payne said.

City, county control

November's ballot measure to legalize recreational weed use would let cities and counties control the taxation and sale of marijuana, but it would also legalize the use of up to an ounce per person. That has Payne concerned.

"If this is how a dispensary behaves now, what can we expect in November if the initiative passes?" she said. "How are you going to enforce anything?"

The answer from Sebastopol's Jacob and others who have successfully integrated into their communities is to take things slowly and to work closely with the cities and counties before launching operations.

"If that measure passes, adult use of marijuana will go up 10 times or more," Jacob said. "The best thing to do is for cities and counties to get involved in regulation now, so it doesn't take anyone by surprise."

The regulate, control and tax cannabis act of 2010

What it would do: Legalize possession of up to 1 ounce of marijuana for personal recreational use by anybody 21 or older, and allow each person to grow weed in a 5-by-5-foot space. It would permit local governments to regulate and tax commercial sale and production.

Who's for it? The medicinal marijuana industry, pot growers who see the potential for a wider market, some law enforcement officials and doctors, and a few politicians, including Oakland mayoral candidate Don Perata.

Who's against it? Major law enforcement organizations, including the California Peace Officers Association, Gov. Arnold Schwarzenegger and the candidates to replace him, and some pot growers who believe it would drive down pot prices.



PUBLIC RECORD g

T-MOBILE WEST CORPORATION a
Delaware Corporation
1855 Gateway Boulevard, 9th Floor
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June 24, 2010

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

**RE: T-Mobile West Corporation as successor in interest to Omnipoint Communications, Inc. d/b/a T-Mobile (U-3056-C).
Notification Letter for T-Mobile Site No. SF24429A**

This letter provides 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 with regard to the project described in Attachment A:

- (a) T-Mobile has obtained all requisite land use approval for the project described in Attachment A.
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Sincerely,

Joni Norman
Sr. Development Manager
T-MOBILE WEST CORPORATION a Delaware corporation

Enclosed: Attachment A

CC:

Debra Figone, City Manager, City of San Jose, 200 East Santa Clara St., San Jose CA 95113
Joseph Horwedel, Planning Director, City of San Jose, 200 East Santa Clara St., San Jose CA 95113
Lee Price, City Clerk, City of San Jose, 200 East Santa Clara St., San Jose CA 95113

ATTACHMENT A

1. Project Location

Site Identification Number: SF24429A
Site Name: ATC Post Office Clock Tower
Site Address: 5706 Cahalan Ave, San Jose, CA 95123
County: Santa Clara
Assessor's Parcel Number: 687-19-014
Latitude: 37° 14' 55.51" N
Longitude: 121° 50' 48.15" W

2. Project Description

Number of Antennas to be installed: Eight (8) Panel, One (1) GPS
Tower Design: Antennas inside existing Clock Tower
Tower Appearance: Clock Tower at Post Office
Tower Height: 46'-5"
Size of Building: 7' x 7' x 46'-5"

3. Business Addresses of all Governmental Agencies

City of San Jose Debra Figone, City Manager 200 East Santa Clara St. San Jose, CA 95113	City of San Jose Joseph Horwedel, Planning Director 200 East Santa Clara St. San Jose, CA 95113	City of San Jose Lee Price, City Clerk 200 East Santa Clara San Jose, CA 95113
--	--	---

4. Land Use Approvals

Date Zoning Approval Issued: June 4, 2010

Land Use Permit #: AD10-423

If Land use Approval was not required: N/A

David S. Wall
San José, California 95150

PUBLIC RECORD h

RECEIVED
San Jose City Clerk

June 25, 2010

2010 JUN 25 P 4: 04

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

Re: THE GHETTO LIFE: UPDATE ON THE SCEP

On Tuesday, (06.22.10), I ventured over to North Tenth Street @ Horning Street to “take the pulse” of the **SCEP** (Shopping Cart Entitlement Program). I arrived on station at approximately 1633 hours and found eight (8) stolen and abandoned shopping carts. *A 47% decrease as to the number of stolen and abandoned shopping carts from last week is hereby recorded.*

The perennial garbage pile (PGP) has grown in size again along with its contemporary, the perennial growing debris field” (PGDF) along the railroad tracks.

I did not visit the established encampments that have reestablished themselves with their corresponding open sewers, rotting food, and nondescript garbage accumulations. Too many vagrants were “milling about” creating a potential safety hazard.

Travel Trailer, “*The Golden Falcon*” CA # JT 9621 has not moved for at least two (2) weeks.

Ownership of the stolen and abandoned shopping carts is as follows;

Mi Pueblo (2), Safeway (1), Walgreens (1), PW Supermarket (1), World Market (1), Zanottos (1), Costco (1), and (1) 96-gallon, blue, “Allied Waste Services” garbage container (serial # 9895 292 1646), that is full of garbage.

*“Unmarked stolen and abandoned shopping carts have been “purposefully altered” to shield true identity.

*****special note***** the overall cleanliness of shopping carts picked up off the streets and returned to stores should be addressed by some governmental agency. Unsuspecting customers may use excrement coated shopping carts without their knowledge. Shopping carts picked up off the street are “filthy” and are potential reservoirs of microbial agents waiting to spread contagion(s).

Remember, the “**SCEP** report” is a “crime report”.

Respectfully submitted,

David S. Wall
06.25.10

///
///
///

Cc: City Attorney / City Auditor / City Manager

July 1, 2010

Honorable Mayor Reed and City Council Members

City of San Jose

200 East Santa Clara Street

San José, CA 95113

Honorable Mayor and Councilmembers:

It is with regret that I inform you that I will be resigning my position as Civil Service Commissioner and Presiding Officer over the Civil Service Commission hearings effective September 1. I want to thank you for giving me the opportunity to serve the City in this capacity. It has been a very challenging and rewarding experience. I am embarking on a new chapter of my life and will be moving up to a farm in the Gold Country. As I will no longer be a full time resident of the City of San Jose, I need to resign the position. I apologize for any inconvenience this will cause the City and staff.

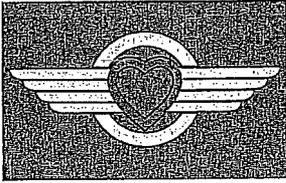
I want to take this opportunity to thank and recognize Vera Todorov, the Commission's assigned attorney, and the staff from the City Clerk's Office. They have been very helpful and easy to work with during my term. Additionally you should be aware that the staff attorneys from the City Attorney's Office do a superbly professional job at representing the City's interests in a fair and balanced manner. It has been a pleasure to see how well the City is served by staff's collective efforts.

Thanks again for the opportunity.

Sincerely,


Emily Côté

Cc: D. Figone



SOUTHWEST AIRLINES CO.
PUBLIC RECORD *j*

Gary C. Kelly
Chairman of the Board, President &
Chief Executive Officer

2702 Love Field Drive
P.O. Box 36611
Dallas, TX 75235-1611
(214) 792-4383

July 1, 2010

The Honorable Chuck Reed
Mayor, City of San Jose
200 E. Santa Clara Street, 17th Floor
San Jose, CA 95113

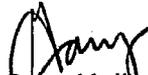
Dear Mayor Reed:

It was a pleasure joining you on the occasion of the opening of the new terminal at Mineta San Jose International Airport (SJC). Congratulations again on a beautiful facility. Thank you for making time to solicit my input on matters of mutual concern related to the airport.

With respect to Southwest Airlines' opinion on various airport issues, we are in the process of collecting some ideas for your consideration. These include costs containment; joint marketing initiatives; the building heights ordinance; the exemption for air carriers with negotiated collective bargaining agreements to the "Living Wage Ordinance," and a storage facility for a fuel consortium. Once compiled, I will forward these to you under separate cover.

We are most grateful for the partnership with the city and the airport. I look forward to working with you on these matters, and would be happy to return and meet directly with local business and community Leadership.

Kindest regards,


Gary Kelly

Copy to:

Ron Ricks, EVP Corporate Services & Corporate Secretary
Dave Ridley, Sr. Vice President Marketing & Revenue Management
Pete McGlade, Vice President Network Planning
Karen Judd Lewis, Vice President Governmental Affairs
Madeleine Johnson, Vice President General Counsel
Bob Montgomery, Vice President Properties
JoseLuis Sanchez, Sr. Director Governmental Affairs State & Local
Bill Sherry, SJC Airport Director

David S. Wall
San José, California 95150

PUBLIC RECORD K

RECEIVED
San Jose City Clerk

2010 JUL -2 P 4: 14

July 02, 2010

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

Re: THE GHETTO LIFE: UPDATE ON THE SCEP

On Friday, (07.02.10), I ventured over to North Tenth Street @ Horning Street to "take the pulse" of the SCEP (Shopping Cart Entitlement Program). I arrived on station at approximately 1209 hours and found six (6) stolen and abandoned shopping carts. *A 25% decrease as to the number of stolen and abandoned shopping carts from last week is hereby recorded.*

The perennial garbage pile (PGP) has grown moderately in size again. Flies have moved in to enjoy the festering feast of rotting garbage. The warm temperature today assists in the fetid decay and the production of putrid odors. The "perennial growing debris field" (PGDF) along the railroad tracks is still growing along with the apparent increase in encampments.

Both the PGP and the PGDF serve to complement each other and are "joined at the hip". Both serve to illustrate the need for a Municipal Stockade as a form of deterrence for those caught dumping garbage and other criminal offenses so uniquely characteristic of this forlorn and desolate locale.

I did not visit the established encampments that have reestablished themselves with their corresponding open sewers, rotting food, and nondescript garbage accumulations. Again, too many vagrants were "milling about" creating a potential safety hazard.

The travel trailer, "The Golden Falcon" CA # JT 9621 is still present. The (owner / occupier) utilizes a gasoline powered generator to charge twelve volt car batteries during the day, which I suspect are to provide a power source at night time. This trailer is used as a residence. I do not believe this trailer has moved for several weeks. It is located on South East Horning Street @ North Tenth Street.

Ownership of the stolen and abandoned shopping carts is as follows;

Safeway (2), "Unmarked (2), Trader Joe's (1), PW Supermarket (1), and (1) 96-gallon, blue, "Allied Waste Services" garbage container (serial # 9895 292 1646), that is still full of putrefying garbage.

*"Unmarked stolen and abandoned shopping carts have been "purposefully altered" to shield true identity.

special note the overall cleanliness of shopping carts picked up off the streets and returned to stores should be addressed by some governmental agency. Unsuspecting customers may use excrement coated shopping carts without their knowledge. Shopping carts picked up off the street are "filthy" and are potential reservoirs of microbial agents waiting to spread contagion(s).

The "SCEP report" is a "crime report".

Respectfully submitted,

David S. Wall
07.02.10

Cc: City Attorney / City Auditor / City Manager



PUBLIC RECORD e

**NOTICE OF CANCELLATION
AUGUST 4, 2010 LAFCO MEETING**

NOTICE IS HEREBY GIVEN that the scheduled meeting of the Local Agency Formation Commission of Santa Clara County, commencing at 1:15 p.m. on Wednesday, August 4, 2010, in the Board Meeting Chambers, County Government Center, 70 West Hedding Street, San Jose, has been cancelled.

NOTICE IS GIVEN by order of the Chairperson of the Local Agency Formation Commission of Santa Clara County on the 28th day of June 2010.

Emmanuel Abello
LAFCO Clerk



PUBLIC RECORD M

**NOTICE OF PROTEST HEARING
SANTA CLARA COUNTY CENTRAL FIRE PROTECTION DISTRICT
SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2010-01**

NOTICE IS HEREBY GIVEN that the Local Agency Formation Commission of Santa Clara County (LAFCO) will hold a public hearing to receive protest against the proposed annexation of approximately 20,776 acres in the Santa Cruz Mountains to the Santa Clara County Central Fire Protection District (CFPD). The LAFCO Executive Officer will conduct the hearing.

The annexation proposal was initiated by District Resolution. LAFCO approved the annexation proposal on June 2, 2010 as shown in LAFCO Resolution 2010-06 which is available for review at the LAFCO Office or on the LAFCO Website (<http://www.santaclara.lafco.ca.gov>) under "What's New." The Exhibit to the Resolution includes detailed maps of the seven annexation areas: Areas 1, 2, 3, 5, 6, 7, and 8.

The annexation would enable the CFPD to have jurisdictional authority to enter into an automatic aid agreement with the Santa Cruz County Fire Department for providing fire protection services in the area.

The Protest Hearing will be held on:

Date: Thursday, September 2, 2010

Time: 9:30 A.M.

Location: County Government Center, 70 West Hedding Street, San Jose in Room #157
(located near the Information Desk)

Written protests against this annexation may be filed by owners of land within the affected area or by registered voters in the affected area. Written protests may either be:

Mailed to - LAFCO of Santa Clara County
70 West Hedding Street, East Wing, 11th Floor,
San Jose, CA 95110

OR

Delivered to the LAFCO Executive Officer at the Protest Hearing on September 2nd.

Protest Forms are available on the LAFCO Website (<http://www.santaclara.lafco.ca.gov>) under "What's New." The effect of protests received will be determined within 30 days following the hearing in accordance with Government Code Section 57075. For more information, please call (408) 299-5148.

Neelima Palacherla, LAFCO Executive Officer
July 6, 2010



Memorandum

TO: Lee Price
-City Clerk

FROM: Julia H. Cooper

SUBJECT: Public Record
Director's TEFRA Public Hearing

DATE: July 13, 2010

Attached are Certificate No. 2010-4, Meeting Report, sign-in sheet, agenda packet, City Council memo from Housing Department and Notice of Public Hearing for the Director's TEFRA Public Hearing of June 15, 2010, as requested by the California Housing Finance Agency as Issuer. 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 Tim Tung at extension 57013.


JULIA H. COOPER
Assistant Director of Finance

Attachments

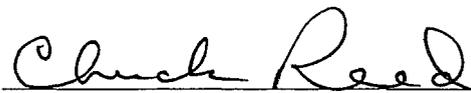
cc: Tim Tung, Finance Department
Shasta Greene, City Attorney's Office
Kristen Clements, Housing Department
Dan Beaton, Housing Department

Certificate No. 2010-4
of the
MAYOR

The undersigned, Chuck Reed, 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. The California Housing Finance Agency ("Agency") proposes to issue an aggregate principal amount not to exceed \$28,235,000 of its revenue bonds, designated as City of San José Multifamily Housing Revenue Bonds (Belovida at Newbury Park Senior Apartments Project) (the "Bonds"), to finance the costs of the construction by Belovida at Newbury Park, L.P., a California limited partnership, of a 185-unit housing project affordable to low income residents to be located at 1777 Newbury Park Drive (formerly part of 686 N. King Road) in the City of San José (the "Project").
4. The City caused to be published on May 20, 2010 in the *San Jose Mercury News*, a newspaper of general circulation in the City, a notice of a public hearing to be held at San José City Hall on June 15, 2010, at 10:00 a.m. concerning the issuance of the Bonds, all in accordance with the requirements of Section 147(f) of the Code.
5. On June 15, 2010, the Assistant 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 a summary of the hearing and information concerning the Project and the Bonds.
7. Pursuant to Section 147(f) of the Code, I hereby approve the issuance of an aggregate principal amount not to exceed \$28,235,000 of the Bonds by the Agency.
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 25th day of June, 2010.



CHUCK REED
Mayor of the City of San José

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

**MEETING REPORT
June 15, 2010**

1. Call to Order

Hearing Officer Julia H. Cooper, Assistant Director of Finance, called the meeting to order at 10:05 a.m.

2. Minutes

Minutes of previous meeting of June 1, 2010 were noted and filed.

3. TEFRA Hearing Requirements

Pursuant to the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA"), where a project is to be financed by the sale of certain tax exempt bonds, a noticed public hearing must be held to receive public comment on the proposed issuance of bonds or the location and nature of the facilities to be financed. The hearing must be held in a location convenient to the project by the local agency whose jurisdiction the project lies within. The applicable elected official for that agency must then approve the issuance of bonds for the purposes of TEFRA.

4. Public TEFRA Hearing

Pursuant to TEFRA, a properly noticed public hearing was held at San José City Hall on June 15, 2010 regarding the proposed issuance, by the California Housing Finance Agency (the "Agency"), of Multifamily Housing Revenue Bonds in a maximum aggregate face amounts not to exceed \$28,235,000 for the Belovida at Newbury Park Senior Apartments affordable housing project commencing at 10:05 a.m. Proceeds from the sale of the proposed bonds will be used to provide financing for the construction and development of the Belovida at Newbury Park Senior Apartments, a 185-unit housing project located at 1777 Newbury Park Drive (formerly part of 686 N. King Road), San José, California, by Belovida at Newbury Park, L.P., a California Limited Partnership.

A TEFRA hearing for this project was previously held on March 13, 2009, but the TEFRA hearing is only valid for one year. In order to continue with the financing process, we are holding this additional TEFRA hearing for the project mentioned.

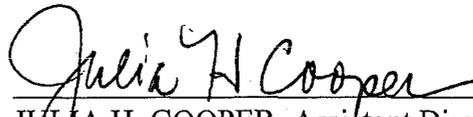
No members of the public were present at the hearing. Ms. Cooper asked if any parties present wished to provide comments or present petitions. No parties present indicated a desire to provide comments.

4. Adjournment

The meeting was adjourned at 10:07 a.m.

5. Certificate

Certificate No. 2010-4 approving this issuance has been prepared for the Mayor's signature pursuant to Internal Revenue Code Section 147(f). This certificate, staff recommendations, and the public comment or petitions, if any, will be provided to the Mayor. Upon execution, the certificate will be filed with the City Clerk.



JULIA H. COOPER, Assistant Director of Finance
Hearing Officer

**SAN JOSE FINANCE DEPARTMENT
FINANCE DIRECTOR'S TEFRA HEARING**

San José City Hall
200 East Santa Clara Street, Room T-1352
San José, CA 95113-1905

Meeting Agenda

June 15, 2010, 10:00 a.m.

Julia H. Cooper, Assistant Director of Finance

- 1. Call to Order**
- 2. Minutes**
- 3. Public Hearing**

The public hearing is required by the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to provide an opportunity for the public to comment on the proposed bond issuance. Following consideration of oral petitions and staff recommendation, the Mayor of San José will execute a certificate indicating that the hearing was held for the following project and the certificate will be filed with the City Clerk. A TEFRA hearing for this project was previously held on March 13, 2009; however, a TEFRA hearing is only valid for one year. In order to continue with the financing process, we are holding an additional TEFRA hearing for the following project.

Name:	Belovida at Newbury Park Senior Apartments
Location:	1777 Newbury Park Drive (formerly part of 686 N. King Road), San José, CA
Developer:	Belovida at Newbury Park, L.P., a California Limited Partnership
Issuer:	California Housing Finance Agency
Bond Amount:	\$28,235,000

- 4. Oral Petitions**
- 5. Adjournment**



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Leslye Krutko
Larry D. Lisenbee

SUBJECT: SEE BELOW

DATE: February 25, 2008

Approved

Date

COUNCIL DISTRICT: 3
SNI AREA: N/A

SUBJECT: FUNDING COMMITMENT FOR THE BELOVIDA AT NEWBURY PARK AFFORDABLE HOUSING PROJECT NEAR THE INTERSECTION OF KING ROAD AND DOBBIN DRIVE

RECOMMENDATION

It is recommended that the City Council:

1. Adopt a resolution approving a funding commitment of up to \$17,925,000 to CORE Affordable Housing, LLC, or its designee, of which \$9,010,400 will finance land acquisition for the development of the 180-unit Belovida at Newbury Park affordable senior rental project located northeasterly of the intersection of King Road and Dobbin Drive, to be made available to extremely low-income (ELI) and very low-income (VLI) households.
2. Adopt a resolution finding that the use of 20% Housing Funds for the Belovida at Newbury Park housing development is of benefit to the Redevelopment Project Areas in San Jose.
3. Approve the following Appropriation Ordinance and Funding Sources Resolution amendments in the Low- and Moderate-Income Housing Fund (Fund 443) for 2007-2008:
 - a) Increase the Loans, Grants and Site Acquisition appropriation by \$17,925,000.
 - b) Increase the estimate for Earned Revenue in the amount of \$17,925,000.

OUTCOME

The City Council's approval of the recommended actions will result the construction of 178 rental units targeted to extremely low- and very low-income senior households.

HONORABLE MAYOR AND CITY COUNCIL

February 25, 2008

Subject: Funding Commitments the Belovida at Newbury Park Affordable Housing Project

Page 2

BACKGROUND

On February 4, 2008, CORE filed an application for City funding for the Belovida at Newbury Park ("Belovida") affordable senior housing project to be developed on a 1.97-acre site located approximately 250 feet east of King Road and approximately 375 feet north of Dobbin Drive.

The site is located on the 25-acre Newbury Park property at the northeast corner of King Road and Dobbin Drive. San José Transit Village, LLC (SJTV), is the master developer of the property, which will ultimately be developed with between 800 and 1,300 total dwelling units. The Newbury Park neighborhood will be close to the future BART extension to San Jose, and will include neighborhood-serving commercial uses and a one-acre park.

Also to be located at Newbury Park will be the New San José Family Shelter and the Kings Crossing affordable family housing project. Funding for New Family Shelter is recommended on the March 11, 2008 City Council agenda, and funding for land acquisition for the Kings Crossing project is a companion item on the March 18, 2008 City Council agenda. Attachment 2 to this memorandum shows the approximate location of these three affordable housing projects on the San José Transit Village property.

ANALYSIS

The project will consist of 180 units, of which 178 will be affordable to ELI and VLI senior households. The proposed income levels at various percentages of Area Median Income (AMI) by unit size are:

<u>Income Level</u>	<u>% of AMI</u>	<u>1-Bdrm</u>	<u>2-Bdrm</u>	<u>TOTALS</u>
ELI	30%	45		45
VLI	45%	93		93
VLI	50%	40		40
Managers	Unrestricted	1	1	2
TOTALS		179	1	180

The project is anticipated to cost \$53,168,800 for site acquisition and construction. In addition to the recommended City acquisition/construction/permanent funding commitment of \$17,925,000, other sources of funding anticipated at this time include: the California Housing Finance Agency (CalHFA); the Federal Home Bank's Affordable Housing Program (AHP); the federal Renewable Energy Tax Credit (REC) program administered by the State Public Utilities Commission; and Low-Income Housing Tax Credit equity.

Green building elements proposed to be incorporated into the project include: photovoltaic energy generation; low VOC paints and adhesives; formaldehyde-free insulation, countertops and cabinets; and energy-efficient appliances. The project, as envisioned, will exceed the energy conservation requirements of Title 24.

The project will be subject to affordability restrictions for a minimum term of 55 years. There will be no relocation obligation incurred as a result of the project.

HONORABLE MAYOR AND CITY COUNCIL

February 25, 2008

Subject: Funding Commitments the Belovida at Newbury Park Affordable Housing Project

Page 3

Specific business terms for the project will be approved by the Director of Housing pursuant to the Director's Delegation of Authority ordinance.

Unique Property Acquisition Situation

The site proposed for the Belovida project is a portion of a larger 5.1-acre parcel plus a portion of 1.01-acre former railroad right of way. The proposed acquisition loan for the project will fund only a portion of the total land acquisition by SJTV. The Housing Department will not disburse acquisition loan proceeds without evidence that SJTV has the financial resources to pay for the acquisition of the balance of the parcels. The City's loan will be secured by a deed of trust on the entire 6.11 acres encompassed by these larger parcels.

A 55-year affordability restriction will be recorded on the entire 6.11 area encompassed by these larger parcels when they are acquired by SJTV. To reduce the risk associated with the City's acquisition loan and to provide it with greater flexibility in the event that it should ever be necessary to take title to the property, the City's affordability restriction will initially require that the 178 units be affordable to low-income households at 120% of AMI.

Once the larger parcels are re-subdivided, the City's loan, deed of trust, and affordability restriction will be assigned to a new 1.97-acre parcel created for the Belovida project. When the construction/permanent loan for \$17,925,000 closes thereafter, a new 55-year affordability restriction will be recorded on the Belovida parcel requiring the affordability mix spelled out in the chart above (i.e., 45, 93 and 40 units at, respectively, 30%, 45% and 50% of AMI).

Redevelopment Project Area Findings

The Belovida housing project is not located within a Redevelopment Project Area. Thus, it is required that the City Council make a finding, on behalf of the Redevelopment Agency, that any such use of redevelopment funds is a benefit to redevelopment areas. Since rental housing for ELI and VLI households is identified as vital to support the City's economic growth, much of which is planned to occur in Downtown and industrial redevelopment project areas, staff recommends that the City Council find the Belovida affordable housing project to be of benefit to those redevelopment project areas.

EVALUATION AND FOLLOW-UP

The City Council will later be able to track the project's construction status through the Housing Department's quarterly construction reporting.

POLICY ALTERNATIVES

Alternative #1: *The City could decline the requested funding commitment for the Belovida project.*

Pros: The funds being requested could be used to finance other affordable housing projects and programs.

HONORABLE MAYOR AND CITY COUNCIL

February 25, 2008

Subject: Funding Commitments the Belovida at Newbury Park Affordable Housing Project

Page 4

- Cons:** The opportunity for adding 178 affordable senior housing units – which will be close to transit and a park – to the mix of housing types planned for the Newbury Park neighborhood will be lost.
- Reason for not recommending:** The Belovida project will help meet the demand for extremely low- and very low-income affordable housing for seniors and will contribute to socio-economic diversity in the new Newbury Park neighborhood.

PUBLIC OUTREACH/INTEREST

- Criterion 1: Requires Council action on the use of public funds equal to \$1 million or greater. (Required: Website Posting)
- Criterion 2: Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. (Required: E-mail and Website Posting)
- Criterion 3: Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. (Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)

This item meets Criterion 1 regarding expenditures of public funds exceeding \$1 million. Therefore, this Council report will be posted to the City's website for the March 18, 2008 Council Agenda.

COORDINATION

Preparation of this report was coordinated with the City Attorney's Office.

FISCAL/POLICY ALIGNMENT

This expenditure is consistent with the City's *2007-2012 Five-Year Housing Investment Plan*, adopted by the City Council in June 2007.

COST SUMMARY/IMPLICATIONS

1. AMOUNT OF RECOMMENDATION: \$17,925,000
2. COST ELEMENTS OF LOAN:
Belovida @ Newbury Park (acquisition/construction/permanent financing) \$17,925,000
3. SOURCE OF FUNDING: Low- and Moderate-Income Housing Fund (Fund 443)
4. FISCAL IMPACT: No ongoing fiscal impact.

HONORABLE MAYOR AND CITY COUNCIL

February 25, 2008

Subject: Funding-Commitments the Belovida at Newbury Park Affordable Housing Project

Page 5

BUDGET REFERENCE

Fund #	Appn. #	Appn. Name	Total Appn.	Amt. for Contracts	2007-2008 Adopted Operating Budget (Page)	Last Budget Action (Date, Ord. No.)
443	0070	Loans, Grants and Site Acquisition	\$39,000,000	\$17,925,000	XI-48	N/A

CEQA

CEQA: Resolution No. 74196, File No. PDC07-015

LESLYE KRUTKO
Director of Housing

LARRY D. LISENBEE
Budget Director

I hereby certify that there will be available for appropriation in the Low- and Moderate- Income Housing Fund in the fiscal year 2007-2008 monies in excess of those heretofore appropriated there from, said excess being at least \$17,925,000.

LARRY D. LISENBEE
Budget Director

Attachments

For questions please contact Leslye Krutko, Director of Housing, at 208-535-3851

HONORABLE MAYOR AND CITY COUNCIL

February 25, 2008

Subject: Funding Commitments the Belovida at Newbury Park Affordable Housing Project

Page 6

Attachment 1
Development Timeline

December 18, 2006	City Council approval of PD rezoning
March 18, 2008	Anticipated City Council approval of a funding commitment
April 2008	Anticipated approval of the tentative map to create the project site
May 2008	Anticipated PD Permit approval
June 2008	Anticipated approval of CalHFA loan
July 2008	Anticipated application for a reservation of Renewable Energy Tax Credits
September 2008	Anticipated award of AHP funding
March 2009	Anticipated start of construction
September 2010	Anticipated completion of construction

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

June 15, 2010, 10:00 a.m.

Julia H. Cooper, Assistant Director of Finance

Print Name	Signature	Title	Company Name	Address	Phone Number
Julia H. Cooper	<i>Julia H. Cooper</i>	Assistant Director of Finance	City of San José	200 E. Santa Clara St, 13th Floor, Tower, San José, CA 95113	408-535-7011
Tim Tung		Financial Analyst	City of San José	200 E. Santa Clara St, 13th Floor, Tower, San José, CA 95113	408-535-701
Janet Shum	<i>Janet Shum</i>	Analyst	City of San José	200 E. Santa Clara St, 13th Floor, Tower, San José, CA 95113	408-535-7016
Steve Peters	<i>Steve Peters</i>	Analyst	City of San José	200 E. Santa Clara St, 16th Floor, Tower, San José, CA 95113	408-975-3792
Dan Beaton	<i>D. Beaton</i>	Senior Development Officer	City of San José	200 E. Santa Clara St, 12th Floor, Tower, San José, CA 95113	408-975-4404
Shasta Greene	<i>Shasta Greene</i>	Deputy City Attorney	City of San José	200 E. Santa Clara St, 16th Floor, Tower, San José, CA 95113	408-535-1918
Alex Ruvalcaba	<i>Alex Ruvalcaba</i>	Analyst	City of San José	200 E. Santa Clara St, 13th Floor, Tower, San José, CA 95113	408-535-7098
Peter Dettels	<i>P. Dettels</i>	Financial Analyst	City of San Jose		408-535-7015
Arn Andrews	<i>Arn Andrews</i>	Treasury Division Mgr	City of San Jose	"	408-535-7011

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that the City of San José's Finance Department, at an open session, on June 7, 2010 at 10:00 AM will hold a public hearing on the intent by the California Housing Finance Agency (the "Agency") to issue tax-exempt multi-family housing revenue bonds for the construction of the following projects:

<u>PROJECTS/UNITS</u>	<u>LOCATION</u>	<u>DEV./OWNER</u>	<u>AMOUNT</u>
Belovida at Newbury Park Senior Apartments	1777 Newbury Park Drive (formally part of 686 N. King Road) San Jose, Santa Clara County	Belovida at Newbury Park, L.P. Operator/Manager: EAH, Inc.	\$28,235,000

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 to attend and be heard at the open session, which will commence at 10:00 AM, and will be held in 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 Daniel Beaton, Senior Development Officer, Department of Housing of the City of San José, at (408) 975-4404

Dated: May 13, 2010

Lee Price, City Clerk
City of San José, California

(to be published no later than May 20, 2010)

PAPER	SENT
merc	5/13/10
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5/20/10	
AGENDA	PROOF
SJP 6/7/10	

PUBLIC RECORD P

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San Jose City Clerk

2010 JUL 15 P 5:49

July 14, 2010

Civil Service Commission
City of San Jose
200 East Santa Clara Street
San Jose, CA 95113

Dear Fellow Commissioners and Staff

As you know, the City Charter calls for there to be at least one member of each sex on the Commission, and that one of the Commissioners is an attorney. This has resulted in the last two attorneys being female. Although that is convenient, it has severely limited recruitment and appointment of replacement Commissioners. The present attorney, Commissioner Cote has announced her resignation, effective September 1. Thus another narrow search is presently underway.

My term expires at the end of November, and I am not eligible for reappointment. If I were to leave early, that would give the City the flexibility of recruiting for a member who is an attorney and at least one who is female.

Therefore I will resign from the Commission effective September 1 so that the City might have greater flexibility in recruitment.

I have greatly enjoyed serving on the Commission, and *ex officio* on the Federated Retirement Board. The quality of my fellow Commissioners and Staff is exceptional and it has been a richly rewarding experience. I wish all of you the best in your future service to the City.

Sincerely,



Dave Busse

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San Jose City Clerk9
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TO: Rules & Open Government Committee

2010 JUL 16 P 1:22

FROM: Aarón R. Reséndez

DATE: Friday, July 16, 2010

As a council member candidate for District 5 election I concluded a press conference on Friday May 21 at City Hall where I condemned the malicious mailers and the negative campaigning in the Council race in District 5. I wanted to focus on the challenges and opportunities facing the residents of District 5, not the negative politics of the past.

After the press conference had ended Nora Campos Chief of Staff Ryan Ford approached me and denounced my ethics. He accused me of being unethical because I quoted the language of an award I had received from Council member Campos on my campaign mailer. He stated that this implied that she had endorsed me.

On September 14, 2002 Nora Campos honored me with an **Exceptional Leadership** award where she stated it was being presented to me "**For exceptional dedication and leadership to enhancing the quality of life in District 5**". This was clearly stated on the campaign piece.

As a District 5 resident and community leader for the past 17 years, I have never been attacked in such an unprovoked manner. Mr. Ford's speech and decorum in front of City Hall was disrespectful to me and my wife Lucy, my campaign manager RJ Castro, and my supporters that were present.

I am writing this open letter to Council and the community to bring attention to Mr. Ford's insulting and disrespectful behavior. According to Council policy.

TITLE CODE OF ETHICS FOR OFFICIALS AND EMPLOYEES OF THE CITY OF
SAN JOSE

1. Responsibilities of Public Service states; Recognizing the special responsibilities of serving the City and its citizens and customers, City officials and employees are required to maintain the highest standards of integrity and honesty, and they are expected to treat all members of the public and fellow City employees with respect, courtesy, concern and responsiveness.

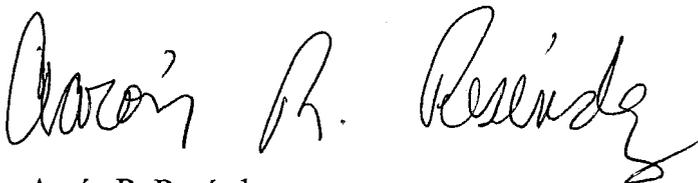
Behavior that seeks to intimidate, to disrespect and to threaten has no place in political life and I demand a public apology and for Mr. Ford to be held accountable for his actions.

The voters of District 5 deserve better than this type of insulting and disrespectful behavior. Intimidation and innuendos are part of the politics of the past. We need to focus on the politics of the future to better serve the residents of District 5.

On Monday, June 7, 2010 just a day before election Nora Campos call me responding my complaint and said that she could not discuss Mr. Ford behavior on City phone but her Chief of Staff Ryan Ford approached me at 11:00am challenging my ethics on City Time?

I look forward to resolving this issue with Rules & Open Government Committee shortly and my door remains open to discussing a timely resolution.

Respectfully yours,



Aarón R. Reséndez

D-5 Resident

David S. Wall
San José, California 95150

PUBLIC RECORD

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San Jose City Clerk

July 16, 2010

2010 JUL 16 P 2:31

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

Re: THE GHETTO LIFE: UPDATE ON THE SCEP

On Tuesday, (07.13.10), I ventured over to North Tenth Street @ Horning Street to "take the pulse" of the SCEP (Shopping Cart Entitlement Program). I arrived on station at approximately 1301 hours and found seven (7) stolen and abandoned shopping carts. *A 250% increase as to the number of stolen and abandoned shopping carts from last week is hereby recorded.*

The perennial garbage pile (PGP) is growing unabatedly as Councilmember Liccardo feasts and enjoys the life of leisure in Costa Rica. Perhaps, scantily clothed native women dance around his Honor while other half naked nubile women feed him grapes and or mango slices.

If this is the lifestyle his Honor has in mind for his "Inclusionary Housing Policy", it is sure to cause concern with the Archdiocese of San José.

But then again, maybe Councilmember Liccardo has sequestered himself in a Jesuit enclave for reflection and contemplation? Perhaps his Honor is seriously discerning a call to walk the path of righteousness with God's elect, the Jesuits? Whatever the activity that his Honor engages in during his stay in Costa Rica, it does not include anything that occurs at North Tenth Street @ Horning Street.

The "perennial growing debris field" (PGDF) along the railroad tracks is still growing, but appears to have stabilized. The encampments are as squalid as they are entrenched and should be removed.

The travel trailer, "The Golden Falcon" CA # JT 9621 is still present. This trailer is used as a residence. I do not believe this trailer has moved for several weeks. It is located on South East Horning Street @ North Tenth Street.

Ownership of the stolen and abandoned shopping carts is as follows;

Mi Pueblo (4), Target (1), Lucy Store's (1), Chaparal Supermarket (1), and (1) 96-gallon, blue, "Allied Waste Services" garbage container (serial # 9895 292 1646), that is still full of putrefying garbage.

*"Unmarked stolen and abandoned shopping carts have been "purposefully altered" to shield true identity.

special note the overall cleanliness of shopping carts picked up off the streets and returned to stores should be addressed by some governmental agency. Unsuspecting customers may use excrement coated shopping carts without their knowledge. Shopping carts picked up off the street are "filthy" and are potential reservoirs of microbial agents waiting to spread contagion(s).

The "SCEP report" is a "crime report".

Respectfully submitted,

David S. Wall
07.16.10

Cc: City Attorney / City Auditor / City Manager

David S. Wall
San José, California 95150
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Jose City Clerk

PUBLIC RECORD S

July 16, 2010

2010 JUL 16 P 2: 28

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

Re: Vagrant passes out, wakes up, commits second trespass and moves on.

Use of "stolen shopping cart" facilitates criminal lifestyle.

Seven (7) photographs document event (along with SJPD event # 10-195-0252).

Wednesday morning (07.14.10) at approximately 0750 hours, a unique vista presented itself to me as a result of "neighborhood watch".

A vagrant, known to me from previous encounters "Down on the River"; (his squalid, illegal encampment on the Guadalupe River was the photographic epic that did not change any official behavior to eliminate such base-camps of illegality and harm to the environment) as well as other numerous additional encounters "on the street", was sitting on private property, without consent or privilege to do so, "mumbling to himself".

Moments later, he just "curled up" on the aforementioned private property and passed out.

I quietly approached the vagrant to conduct a visual "welfare check". The aroma of alcohol was competing with the aroma of freshly excreted urine (which seemed to emanate from a large pool of liquid on the city sidewalk).

At a safe distance from the "vagrant" I asked him if he needed medical or Police assistance. After repeated questions concerning whether medical or Police assistance was needed, the vagrant stirred from his slumber and responded he did not need anybody. A few moments transpired, the vagrant collected himself, stood up and proceeded to commit a second trespass upon entering the property of another without consent or privilege to do so, to "steal / convert" recyclables.

This "vagrant's criminal lifestyle" is made possible; aided and abetted, facilitated and repeated "at will", with impunity and immunity, by being enabled to do so by the San José City Council who abjectly refuses to end "shopping cart theft".

Further, the conduct of the San José City Council, with reference to the "Public Intoxication Policy", which allows "Public Drunkenness", further, exacerbates the decline of society and curbs Police activity to bring this drunken element into submission.

Four (4) sets of seven (7) photographs of this event were delivered to; City Attorney, City Clerk, Mayor Reed's Office, and to Councilmember Liccardo's Office.

Respectfully submitted,

David S. Wall

Cc: City Attorney / City Auditor / City Manager

PHOTOGRAPHS ON FILE IN THE OFFICE OF THE CITY CLERK

07.16.10