

Memorandum

TO: Honorable Mayor &
City Council

FROM: Dennis Hawkins, CMC
City Clerk

SUBJECT: The Public Record
September 29 – October 6, 2011

DATE: October 7, 2011

ITEMS TRANSMITTED TO THE ADMINISTRATION

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Letter to State Department of Housing and Community Development from County of Santa Clara Housing Authority dated September 29, 2011 transmitting the Agency's Annual Reporting of Activity under Health and Safety Code 34328.
- (b) Letter from City of San Jose Department of Public Works to J.W. Ebert dated September 30, 2011 regarding the Charcot & Zanker Storm Sewer Improvement Project.
- (c) Letter to Robert Jimenez from the City of San Jose Department of Public Works dated October 5, 2011 regarding the Notice to Proceed for the Calabazas Play Lots Renovation Project.
- (d) Email from Emmanuel Abello, Clerk for Local Agency Formation Commission of Santa Clara County (LAFCO), to Mayor Reed and City Council dated October 7, 2011 transmitting the Certificate of Completion for Marchmont Dr. No. 2.
- (e) Letter from Mark Dinkel to Mayor Reed and City Council dated September 24, 2011 regarding resident concerns.
- (f) Letter to Mayor Reed and City Council from David Wall dated October 3, 2011 regarding "Demand Full Disclosure of EPA & RWQCB Inspection Results, Now!" (Attachment available online at http://www.sanjoseca.gov/clerk/CommitteeAgenda/TE/20111003/TE20111003_b3.pdf or in hardcopy at the Office of the City Clerk)
- (g) Letter to Mayor Reed and City Council from David Wall dated October 6, 2011 regarding "Extra! Extra! Read all About it! Vanity Fair article reveals inadequate reporting by famous author of sick leave hours reinstated to City Manager by Mayor Reed and Council. (Attachment on available online at <http://www.vanityfair.com/business/features/2011/11/michael-lewis-201111> or in hardcopy at the Office of the City Clerk).
- (h) Letter to Mayor Reed and City Council from David Wall dated October 6, 2011 regarding "Demand Explanation of 'Water Toxicity Testing' contract laboratory costs."
- (i) Letter to Mayor Reed and City Council from David Wall dated October 6, 2011 regarding "S.J. Mercury News 'Omissions of Fact' about the 'incubator story' fails the 'smell test.'" (Attachment available online at <http://www.sanjoseca.gov/clerk/CommitteeAgenda/CED/042307/CED042307a.pdf> or in hardcopy at the Office of the City Clerk).

Honorable Mayor and City Council Members
October 7, 2011
Subject: The Public Record: September 29 – October 6, 2011
Page 2 of 2



Dennis Hawkins, CMC
City Clerk

DH/tld

Distribution:	Mayor/Council	Director of Transportation
	City Manager	Public Information Officer
	Assistant City Manager	San José Mercury News
	Assistant to City Manager	Library
	Council Liaison	Director of Public Works
	Director of Planning	City Auditor
	City Attorney	Director of Finance



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San Jose City Clerk

Executive Director
Alex Sanchez

Deputy Executive Director
Jacque Hansen

Leaders in Making a Difference.

2011 OCT -3 P 2: 50

505 West Julian Street San Jose, California 95110-2300 • Tel 408/275-8770 • TDD 408/993-3041

www.haosc.org

September 29, 2011

Department of Housing and Community Development
1800 Third Street
Sacramento, CA 95811-6942

RE: Annual Reporting of Agency Activity under Health and Safety Code 34328

To Whom It May Concern:

Please accept this letter reporting on the real estate transaction activities for period from October 1, 2010 through September 30, 2011 for the Housing Authority of the County of Santa Clara (HACSC) and the Housing Authority of the City of San Jose (HACSJ) in accordance with Health and Safety Code 34328. HACSC manages the Housing Authority of the City of San Jose's Section 23 and 8 programs under an Agreement assigning HACSJ's interests under such programs to the HACSC.

The reportable activities are a result of HACSC issuing Multi-Family Bonds and providing a loan evidenced by a seller carry back note to facilitate the HACSC's disposition of 335 units (six properties) of Public Housing (327 are income restricted, the balance are on-site management units). The six properties were sold to a partnership with the General Partner being an affiliate of HACSC and the Limited Partner a Low Income Housing Tax Credit equity investor. These activities are summarized in the following tables:

BONDS ISSUED

Source	Made on behalf of (HDC/HACSC)	Bond Proceeds	Less Cost of Issuance	Name of Project Assisted with Bond Proceeds
Housing Authority of Santa Clara Multifamily Housing Revenue Bonds (HACSC Portfolio), Series 2010A-1	Julian Street Partners, LP	\$18,035,000	\$1,412,071.97	Cypress Gardens, San Jose, CA Julian Gardens, San Jose, CA Lenzen Gardens, San Jose, CA Lucretia Gardens, San Jose, CA Miramar Way Apts., Santa Clara, CA Sunset Gardens, Gilroy CA



Executive Director
Alex Sanchez

Deputy Executive Director
Jacque Hansen

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www.hacsc.org

LOANS MADE

Source	Made on behalf of (HDC/HACSC)	Principal Loan Amount	Cost of Issuance	Name of Project Assisted
Seller Carry Back Note	Julian Street Partners, LP	Total \$22,802,850 (below is the breakdown by property) \$7,202,250 \$1,148,339 \$5,672,450 \$2,369,211 \$1,469,650 \$4,940,950	N/A	Cypress Gardens, San Jose, CA Julian Gardens, San Jose, CA Lenzen Gardens, San Jose, CA Lucretia Gardens, San Jose, CA Miramar Way Apts., Santa Clara, CA Sunset Gardens, Gilroy CA

The proceeds from these transactions (all bond and loan proceeds and ultimately the proceeds from the sale of the land and structures) were used to rehabilitate 327 units of rent restricted affordable housing serving households with incomes at or below 50% and 60% of the Area Median Income (AMI) in Santa Clara County. The remaining eight units are non-revenue producing Manager's Units.

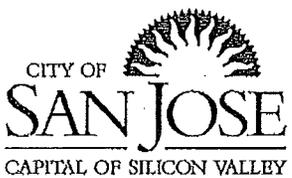
Copies of this report will be filed with the County Clerk's office of County of Santa Clara and the City Clerk's office in the Cities of San Jose, Santa Clara and Gilroy, CA.

If you have any questions regarding these activities or this report, please do not hesitate to contact me at 408.361.4641.

Sincerely,

Brendt Mullan
Senior Asset Manager

Cc: County Clerk's office, the County of Santa Clara
City Clerk's office, the City of San Jose, CA
City Clerk's office, the City of Santa Clara, CA
City Clerk's office, the City of Gilroy, CA



Department of Public Works
ENGINEERING SERVICES DIVISION

September 30, 2011

NOTICE OF PRE-CONSTRUCTION MEETING

J.W. EBERT
1620 SOUTH 7TH STREET
SAN JOSE, CA 95112

ATTN: J.W. EBERT

PROJECT: CHARCOT & ZANKER STORM SEWER IMPROVEMENT PROJECT

PROJECT ID #: 6685

Conference Date: Tuesday, October 4, 2011
Meeting Place: 1661 Senter Road, Building A, First Floor, San Jose, CA 95113
Conference Room: 1 East Conference Room
Time: 9:00 am to 10:00 am

Project Manager: Sal Kumar Telephone: (408) 793-5307
Chief Inspector: Brad Bjurman Telephone: (408) 975-7448
Project Inspector: Frank Moreno Telephone: (408) 858-8829

Location/Limits of Work: Zanker Road between Charcot Avenue & Brokaw Road.

Description of work: Install approximately 390 Lf of 18" HDPE and associated appurtenances.

If it is impossible for you or your representative to attend, please notify Frank Moreno at (408) 858-8829 or Brad Bjurman at (408) 975-7448.

Sincerely,

BRAD BJURMAN
Principal Construction Inspector
Engineering Services Division

BB: mc

- c: Contract Compliance: Nina Grayson
- City Attorney: Jennifer Pousho
- DPW Fiscal: Corrie Konatsu
- DPW Fiscal: Melissa Patterson
- PG&E: Ramiro Coronel
- DPW Survey: Patty Cannon
- DOT: Jack Rupani
- DOT: Don Schulz
- PG&E: Debbie Syme
- DOT: Quiming Huang, Robert Sgambati
- DPW Materials Lab: Alex Shkouratoff

NOTICE TO PROCEED DATE: October 6, 2011
FIRST CHARGEABLE WORKING DAY: October 17, 2011.

J.W. EBERT
1620 SOUTH 7TH STREET
SAN JOSE, CA 95112

Dear Mr. Ebert

**SUBJECT: CHARCOT & ZANKER STORM SEWER IMPROVEMENT PROJECT
#6685**

You are hereby authorized to begin work on the above project as of the above notice to proceed date.

As specified in the contract, 20 working days have been allocated for the completion of the work on the Base Bid. The first working day charged will be October 17, 2011, and the date of completion will be November 14, 2011. As specified in the contract, the contractor shall pay the City of San José liquidated damages of \$1000 per day for each and every day's delay in finishing the work in excess of the number of days prescribed above.

A weekly statement of working days will be forwarded to your office to officially document the contract time.

The Department of Public Works contact person for your project is Frank Moreno. He may be reached at (408) 858-8829. All future correspondence regarding this project should be addressed to him and should also include the project number #6685.

Sincerely,

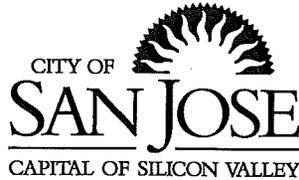


BRAD BJURMAN
Principal Construction Inspector
Engineering Services Division

BB:mc

c: Project Manager: Sal Kumar
Construction Manager: Mark Damey
Chief Inspector: Brad Bjurman
Inspector: Frank Moreno
City Attorney: Jennifer Pousho
DOT: Qiming Huang
DPW Utilities/USA: Brent Erkel

DPW Fiscal: Corrie Konatsu
DPW Fiscal: Melissa Patterson
DPW Administration: Betty Tsuchimoto
City Clerk's Office: City Clerk
Contract Compliance: Nina Grayson
DPW Material Lab: Michael Ho
DOT: Don Schulz

*Department of Public Works*

CITY FACILITIES ARCHITECTURAL SERVICES DIVISION

October 5, 2011

Mr. Robert Jimenez
Blossom Valley Construction, Inc.
1125 Mabury Road
San Jose, CA 95133

Dear Mr. Jimenez:

**SUBJECT: NOTICE TO PROCEED FOR THE CALABAZAS PARK PLAY LOTS
RENOVATION PROJECT**

Please consider this letter your NOTICE TO PROCEED for the subject project. The effective date of this NOTICE TO PROCEED shall be October 11, 2011. Therefore, the first day charged against the project shall be October 24, 2011.

The time allotted for completion of the project is 210 calendar days. The deadline for the completion of the project is May 20, 2012.

The Contractor shall provide the City with a progress work schedule for the project prior to the start of the work.

All submittals shall be sent to the City at the earliest possible date.

Scott Arnold is the City Inspector assigned to the project. He shall be your field contact with the City and can be reached at (408) 975-7344.

Sincerely,

Marybeth Harasz
Division Manager
City Facilities Architectural Services Division

MH:JCB:jcb
(F4700)

c: City Clerk
Public Works/Fiscal
Scott Arnold, PW
Jose Balingit, PW

Jim Bernard, PW
Jason Condit, PRNS
Nina Grayson, OEA
Jonathan Kim, PRNS

Jan Palajac, PW
Jaime Ruiz, PRNS
Evelyn Velez-Rosario, PRNS

From: Abello, Emmanuel [mailto:Emmanuel.Abello@ceo.sccgov.org]
Sent: Friday, October 07, 2011 11:04 AM
To: McDonald, William; don.jarvis@cnt.co.santa-clara.ca.us; sho@markthomas.com; bill.shoe@pln.sccgov.org; Nguyen, Bob; HallEsser, Jody; smachida@cupertinosanitarydistrict.com; bill.lee@rda.sccgov.org; City Clerk; Parman, Russell; derek.witmer@fire.ca.gov; jfuller@westvalleysan.org; Nagaraj, Meera; Nieto, Lupe; martin.little@rda.sccgov.org; Constantino, Elizabeth; fred.schulenburg@cnt.co.scl.ca.us; john.hirokawa@sho.co.scl.ca.us; ron.jackson@rda.sccgov.org; cnale@markthomas.com; Brown, Laurie A; Escobar, Albert; Chew, Clif; Ribardo, Michele; Randy.castro@fire.ca.gov; Felix.lopez@rda.sccgov.org; Raluca.nitescu@rda.sccgov.org; Blamey, Jim; Conant, Alan; Schenk, Douglas; GIS; Colley, Robert; O'Day, Kevin; p1bf@pge.com; Carolyn.Walsh@pln.sccgov.org; matthew.thompson@pln.sccgov.org; Steve.Ross@pln.sccgov.org; Connie.Stottrup@rda.sccgov.org; Masoud.akbarzadeh@rda.sccgov.org; Ron.Jackson@rda.sccgov.org; Torrico, Judith; lindley.zink@sho.co.scl.ca.us; terrence.calderone@sho.co.scl.ca.us; gacosta@westvalleysan.org; Stanley, Carmen; Xavier, Lesley; richard.buikema@sanjoseca.gov; robyn.joseph@sanjoseca.gov; dsouza@markthomas.com; Salcedo, Rafael L.; csiek@usbr.gov
Subject: LAFCO Certificate of Completion - Marchmont Drive No. 2
Importance: High

Please find attached, the Certificate of Completion with attachments, and Assessor's Report with APN list.

The name of the completed annexation/reorganization is:
Marchmont Drive No. 2

The effective date of the annexation/reorganization is: **October 7, 2011**

NOTE: This email and the PDF attachment constitute the official notification to your agency relating to this completed annexation. Your agency will be notified of all future annexations using this email address. To continue to receive notices on future annexations, please let us know if and when there are changes to your agency's email address(es).

Thank you,
Emmanuel Abello
LAFCO Clerk

Local Agency Formation Commission
of Santa Clara County
70 W. Hedding Street, 11th Floor
San Jose, CA 95110

Ph. (408) 299-6415 / Fax (408) 295-1613
www.santaclara.lafco.ca.gov



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2011 OCT - 7 A 11: 19

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San Jose City Clerk



CONFORMED COPY: This document has not been compared with the original.
SANTA CLARA COUNTY CLERK-RECORDER

Doc#: 21353549
10/07/2011 10:46 AM

CERTIFICATE OF COMPLETION

I, Neelima Palacherla, Executive Officer of the Santa Clara County Local Agency Formation Commission, issue this Certificate of Completion pursuant to Government Code Sections 57200 and 57201.

I hereby certify that I have examined **Resolution No. 2011-058** for a reorganization attached hereto and have found this document to be in compliance with Government Code Section 56757 authorizing cities within the County of Santa Clara to assume authority over certain changes in government organization.

The name of the Town is: **Los Gatos.**

The entire Town is located in Santa Clara County.

The change of organization completed is a **REORGANIZATION** which includes annexation to the **Town of Los Gatos** and detachment(s) from the following:

County Library Service Area

A map and description of the boundaries of the change of organization are appended hereto.

The title of this proceeding is: **Marchmont Drive No. 2**

The Town has complied with all conditions imposed by the Commission for inclusion of the territory in the Town's Urban Service Area.

The change of organization was ordered subject to the following terms and conditions: **NONE.**

The date of adoption of the Town Resolution ordering the reorganization is **9/6/2011.**

I declare under the penalty of perjury in the State of California that the foregoing is true and correct.

Dated: 10/7/11

Neelima Palacherla, Executive Officer
LAFCO of Santa Clara County

Attachments: City Resolution, Legal Description (Exhibit A) and Map (Exhibit B)

RESOLUTION 2011-058

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
MAKING DETERMINATIONS AND APPROVING THE
REORGANIZATION OF TERRITORY DESIGNATED
MARCHMONT DRIVE NO. 2
APPROXIMATELY .28 ACRES
LOCATED AT 16666 MARCHMONT DRIVE
(APN: 532-08-006)**

WHEREAS, a petition for the annexation of certain territory to the Town of Los Gatos and detachment of said territory from Santa Clara County Library Service Area, consisting of .28 acres located at 16666 Marchmont Drive (APN 532-08-006) has been filed by Anita Hunter; and

WHEREAS, said territory is uninhabited and all owners of land included in the proposal consent to this annexation; and

WHEREAS, Section 56757 of the California Government Code states that the Local Agency Formation Commission shall not review an annexation proposal to any City in Santa Clara County of unincorporated territory which is within the urban service area of the city in initiated by resolution of the legislative body and therefore the Town Council of the Town of Los Gatos is now the conduction authority of said annexation; and

WHEREAS, Government Code Section 56663 (a) provides that if a petition for annexation is signed by all owners of land within the affected territory, the Town Council may approve or disapprove the annexation without public hearing; and

WHEREAS, evidence was presented to the Town Council;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Los Gatos as follows:

1. That it is the conducting authority pursuant to Section 56757 of the Government Code for the annexation of property designated as Marchmont Drive No. 2, more particularly described in Exhibit A and B;
2. That the following finding are made by the Town Council of the Town of Los Gatos:
 - a. That said territory is uninhabited and comprises approximately .28 acres.
 - b. That the annexation is consistent with the orderly annexation of territory within the Town's urban service area and is consistent with the Town policy of annexing when required by the Town's agreement with the County of Santa Clara.

- c. The project is exempt from C.E.Q.A. under the provision of the California Administrative Code, Title 14, Section 15061(b)(3).
 - d. The Town Council enacted an ordinance over 25 years ago pre-zoning the subject territory with an R-1:8 (single family residential, 8,000 sq. ft. minimum lot size) zoning designation.
 - e. That the territory is within the Town urban service area as adopted by the Local Agency Formation Commission of Santa Clara County.
 - f. That the County Surveyor has determined the boundaries of the proposed annexation to be definite and certain, and in compliance with the Commission's road annexation policies. The County Surveyor has been reimbursed for the actual cost incurred by the County Surveyor in making this determination.
 - g. That the proposed annexation does not create island or areas in which it would be difficult to provide municipal services.
 - h. That the proposed annexation does not split lines of assessment or ownership.
 - i. That the proposed annexation is consistent with the Town's General Plan.
 - j. That the territory to be annexed is contiguous to an existing Town boundary.
 - k. That the Town has complied with all conditions imposed by the Commission for inclusion of the territory in the Town's urban service area.
3. That all owners of land within the affected territory have provided written consent to the reorganization, and no subject agency has submitted written opposition to a waiver of protest proceedings.

FURTHER RESOLVED, pursuant to Section 56663(c) the Town waives protest proceedings.

FURTHER RESOLVED, that upon completion of these reorganization proceedings the territory described in Exhibits A and B will be annexed to the Town of Los Gatos and will be detached from the Santa Clara County Library Service Area.

FURTHER RESOLVED that upon completion of these reorganization proceedings the territory reorganized will be taxed on the regular County assessment roll, including taxes for existing bonded indebtedness.

PASSED AND ADOPTED at a regular meeting of the Town Council, of the Town of Los Gatos, California, held on September 6, 2011, by the following vote:

COUNCIL MEMBERS:

AYES: Steven Leonardis, Diane McNutt, Steve Rice, Barbara Spector, Mayor Joe Pirzynski

NAYS:

ABSENT:

ABSTAIN:

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

The foregoing instrument is a
correct copy of the original
on file in this office

ATTEST: CLERK ADMINISTRATOR
TOWN OF LOS GATOS, CALIFORNIA

By H. St. John, Deputy Clerk

Date 9/9/2011

EXHIBIT "A"
Revised 8-01-07
ANNEXATION TO THE TOWN OF LOS GATOS
MARCHMONT DRIVE #2

All that certain real property, situate in the unincorporated area of Santa Clara County, State of California, being a portion of Section 22, Township 8 South, Range 1 West, Mount Diablo Meridian, more specifically being all of Lot 24 as shown on that certain Map entitled

"Tract No. 328, Kenwood Acres" filed June 25, 1946 in Book 10 of Maps at Page 56, Santa Clara County Records, and being more particularly described as follows:

BEGINNING at a point on the current Town of Los Gatos boundary as established by the Annexation entitled "Kennedy Road #1" and lying thereon South 74° 21' 45" East 32.36' from the Northwest corner thereof, said point being the Southwest corner of said Lot 24;

Thence (1) along said Town of Los Gatos boundary, South 74° 21' 45" East, 95.19 feet to the Southeast corner of said Lot 24;

Thence (2) leaving said boundary, along the East line of said lot 24, North 12° 08' 15" East, 134.58 feet, to the Northeast corner of said Lot 24;

Thence (3) along the North line of said Lot 24, North 77° 51' 45" West, 30.41';

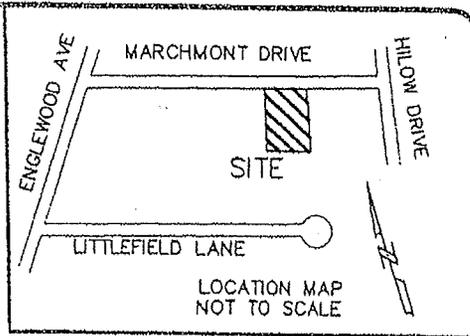
Thence (4) along a curve to the right having a Radius of 660.00 feet, through a Central Angle of 4° 31' 00", an Arc Distance of 52.03 feet;

Thence (5) North 73° 20' 45" West, 10.28' to the Northwest corner of said Lot 24;

Thence (6) along the West line of said Lot 24, South 13° 10' 15" West, 131.65 feet to the **POINT OF BEGINNING** and containing 0.285 acres of land more or less.
End of description.



MARCHMONT DRIVE
(60' WIDE)



⑤ N73°20'45"W 10.28
 ④ D=4'31'00"
 R=660.00
 A=52.03
 ③ N77°51'45"W 30.41

N/W COR
LOT 24
TR. 328

SITE
LOT 24
TRACT NO. 328
KENWOOD ACRES
10 M 56
APN 532-08-006
0.2852 +/- ACRES

N/E COR
LOT 24
TR. 328

⑥ S13°10'15"E 31.65

② 134.58
N12°08'15"E

Scale 1" = 30'

P.O.B.
S/W COR
LOT 24
TR. 328

PORTION OF SEC 22
T 8 S R 1 W
MOUNT DIABLO MERIDIAN

S/E COR
LOT 24
TR. 328

32.36 S74°21'45"E
 ① S74°21'45"E 95.19

EXISTING TOWN LIMITS LINE
OF TOWN OF LOS GATOS
PER ANNEXATION "KENNEDY RD. #1"

N/W COR "KENNEDY RD# 1"
ANNEXATION

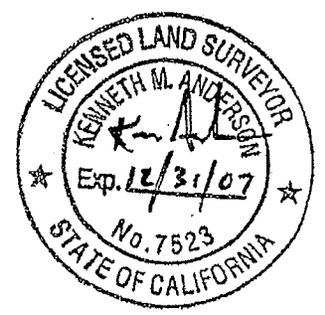
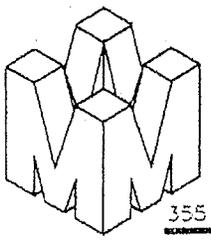


EXHIBIT " B "

PROPOSED ANNEXATION TO THE
TOWN OF LOS GATOS ENTITLED
MARCHMONT DRIVE # 2



MISSION ENGINEERS, INC.

RESPONSIVE, RELIABLE RESULTS SINCE 1953
355 Reed St. Santa Clara, Calif 95050 (408) 727-8252 FAX: (408) 727-8285

SCALE:	1"=30"
DATE REV	8-01-07
DWN	KA
CH'KD	

County of Santa Clara
Office of the County Assessor
 County Government Center
 70 West Hedding Street
 San Jose, CA 95110-1771
 Fax (408) 298-9446



Lawrence E. Stone, Assessor

REPORT OF THE COUNTY ASSESSOR

Date Report Prepared: **July 9, 2007**
 Title of Proposal: **Marchmont Drive No. 2**
 Type of Application: **Anx/Detach to City**
 Conducting Authority: **Town of Los Gatos**

1. REVIEW OF PROPOSAL

- a. Location: **16666 Marchmont Drive, Los Gatos, CA**
- b. Assessor's Parcel Numbers: **532-08-006**
- c. Respective Net value of assessed parcels as of last July 1: **\$1,210,800**

2. CONFORMITY TO LINES OF ASSESSMENT

- Boundaries of proposed change conform to lines of assessment or ownership.
- Boundaries of proposed change fail to conform to lines of assessment. However, upon annexation, the lines of assessment will no longer be split by the jurisdictional boundary.
- Boundaries of the following district(s) are split as noted on the attached map.

3. SPECIAL DISTRICTS

Special districts within the proposed area include:

TRA 80-005	
084	LOS GATOS UNION ELEM. SCHOOL
137	LOS GATOS UNION JT(43,44) HIGH SCHOOL
203	WEST VALLEY JT(43,44) COMM. COLLEGE
215	BAY AREA JT(1,7,21,28,38,41,43,48,49,57) AIR QUALITY MGMT.
252	MID-PENINSULA REGIONAL JT(41,43,44) OPEN SPACE
306	WEST VALLEY SANITATION
322	SANTA CLARA VALLEY COUNTY WATER
326	SANTA CLARA VALLEY-ZONE C-1 COUNTY WATER
335	SANTA CLARA COUNTY IMPORTATION WATER-MISC.
371	CENTRAL FIRE PROTECTION
376	SANTA CLARA VALLEY-ZONE W-4 COUNTY WATER
377	AREA NO. 01, LIBRARY BENEFIT ASSESSMENT COUNTY SERVICE
378	AREA NO. 01 (LIBRARY SERVICES) COUNTY SERVICE

Prepared By:

ANITA BADGER, SENIOR ASSESSMENT CLERK
(408) 299-5506

September 24, 2011

Mayor and Council
City of San Jose
FAX: (408) 292-6731

Dear Mayor and Council,

I moved to CA, the bay area and San Jose about three months ago. I would like to thank the City, particularly its denizen of Backesto Park, the Parks and Recreation Department and the Police Department for enlightening me.

I was unaware that my kind is not from here, does not belong here, is not welcome here, must restrict our movement here, and accept that we surrender our rights as law abiding US citizens if we do not properly restrict our movement.

By the use of the word Gringo, I can only assume the "my kind" being referenced time and again is that of caucasion non-hispanic. It could also be US born law abiding taxpayer, because I belong to that group as well, but even with my feeble mind I suspect it is the former rather than the latter.

I am sorry I was unaware of this fact, and as a result I erroneously moved to your city and was even so bold as to volunteer within it. I researched the area before moving out here, and upon arrival I immediately searched for a welcome center, but was unsuccessful in finding a place that might apprise me of some of the local laws and customs that I am not aware of having moved here from another state within the US.

I have already started to take corrective action by resigning from your Parks and Recreation Department's Adopt a Park Program. Further I will not waste your time by attending the volunteer orientation meetings I am scheduled for at your animal center on Oct 1st and 15th. I assume this notice is sufficient, and I will not be charged the fees for the supplies needed and provided during those meetings. If I am wrong, please send me a bill.

I can only ask that you bear with me for about six months more. I have been and am attempting to transfer my licenses from AZ to CA so that I can re-establish my business in CA. I anticipate this process to be finished no later than December 2011.

Once that task is complete, I will devote my energies and efforts into finding a city in the bay area that is more accepting or at least more tolerant of my kind; once located I will vacate your city and move to the area where my kind is supposed to stay.

In the meantime I will make every attempt to remember my place within your city and try to minimize my activity and consumption so that the resources may be available to those in your city that are more

654 E J. Mark Dinkel, MBA 95112
Tel 520-327-9135/Fax 520-327-9035
Cell 408-796-2676
mdtifs@gmail.com

respected. Further I fully accept that if I fail to properly restrict my activity and movement within your city, I surrender all the rights normally afforded to US citizens and any consequences thereof.

I now realize that I am a lower form of life than the respected members of your city, but I have a suggestion for you that might spare the headache and heartache should another member of my kind think about moving here.

My suggestion is that you implement some sort of marketing program to apprise the general public that San Jose is no place for caucasian non-hispanic persons. Had I known I would not have bothered you and moved within your city boundaries.

If you would like, we could publish this letter on the internet and in the local papers to kick start such a campaign. Please feel free to use this letter for such purposes.

I doubt I could be of any assistance to you, but if you have any questions or concerns, please feel free to contact me.

Again I am sorry for acting with such a lack of knowledge. I hope you can find it in your hearts to forgive me and tolerate me for the remaining time that I must spend in your city.

Sincerely,

Mark Dinkel

David S. Wall
P.O. Box 7621
San José, California 95150
Phone / Fax (408)-295-5999

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San Jose City Clerk

2011 OCT -3 A 11:56

October 3, 2011

Transportation and Environment Committee:
SAM LICCARDO, CHAIR;
ROSE HERRERA, VICE-CHAIR;
XAVIER CAMPOS, MEMBER;
DON ROCHA, MEMBER
200 East Santa Clara Street
San José, California 95113-1905

Re: DEMAND FULL DISCLOSURE of EPA & RWQCB INSPECTION RESULTS, NOW!

Deferral of October (10.03.11) T&E Committee Agenda Item (b) (3).

REJECT THIS REQUEST FOR DEFERRAL!

DEMAND MONTHLY PROGRESS REPORTS!

The SAFETY & INTEGRITY of WPCP OPERATIONS is at Issue!

The only defense to the San José / Santa Clara Water Pollution Control Plant (WPCP) is the Pretreatment Program (a.k.a. as "Source Control").

This program has been and is sorely mismanaged.

The United States Environmental Protection Agency (EPA) on or about 2005 gave an Administrative order listing numerous complaints and officially stated remedies needed by WPCP for correction.

Since that time, the Watershed Protection Division has grotesquely and disproportionately grown in management positions while "bobbing and weaving" on deferring or double-talking their responsibilities away instead of complying with the mandates set forth in the aforementioned EPA Administrative Order.

The administration of the Environmental Services Department (ESD) PRAYER for deferral is to postpone or to attempt to negotiate away, further official displeasure(s) and or sanction(s) arising from the results of the recent EPA and State of California Regional Water Resources Control Board (RWQCB) inspections of WPCP's Pretreatment Program.

The safety and integrity of WPCP's Pretreatment Program requires constant vigilance by WPCP Pretreatment Personnel, competent management by the Office of the City Manager, and oversight by the San José City Council's T&E Committee.

It is truly a sad day when the aforementioned City of San José officials create conditions where the vigilance and oversight functions are impliedly delegated to a citizen to ensure the safety and integrity of WPCP operations (even though the citizen is able and extremely competent).

Respectfully submitted,

Cc: City Council / Region 9: U.S. EPA / CA RWQCB
City Attorney / City Auditor / Manager

David S. Wall
10.03.11

David S. Wall
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San José, California 95150
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PUBLIC RECORD 9
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San Jose City Clerk

October 6, 2011

2011 OCT -6 P 4: 20

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

Re: EXTRA! EXTRA! READ ALL ABOUT IT! Vanity Fair article reveals inadequate reporting by famous author of sick leave hours reinstated to City Manager by Mayor Reed and Council.

City sick leave “buy out” policy not fully vetted.

Enclosed is the Vanity Fair article; “California and Bust”.

Mayor Reed and an “unknown hero of the City of San José” were quoted in the article.

One of the Mayor’s quotes fails to address:

[RESOLUTION NO. 73799 reinstates 872.9870 hours of sick time to the City Manager.]

But...the famous author made several inaccurate statements concerning the “unknown hero of the City of San José”, so...who can believe if what the famous author attributed to Mayor Reed’s quote concerning “sick leave buy-outs” is complete and true?

More to come.

Respectfully submitted,

David S. Wall
10.06.11

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///
///

Cc: City Attorney / City Auditor / Manager

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San Jose City Clerk

October 6, 2011

2011 OCT -6 P 4:19

Transportation and Environment Committee:
SAM LICCARDO, CHAIR;
ROSE HERRERA, VICE-CHAIR;
XAVIER CAMPOS, MEMBER;
DON ROCHA, MEMBER
200 East Santa Clara Street
San José, California 95113-1905

Re: DEMAND Explanation of "Water Toxicity Testing" contract laboratory costs.

All WPCP "Transportation & Environmental" issues should be reviewed by "T&E".

Transportation and Environment Committee (T&E) should provide an additional level of oversight to the "Transportation and Environmental Issues" arising at the San José / Santa Clara Water pollution Control Plant (WPCP).

Enclosed is the "City Manager's Contract Approval Summary, (dated 09.30.11)" as it fully appears on the "Treatment Plant Advisory Committee's Agenda (TPAC) for: (10.13.11)".

DEMAND REPORT: Water Toxicity Testing contract laboratory costs

Toxicity of the Final Effluent is a serious concern pertaining to WPCP operations with reference to the National Pollutant Discharge Elimination System (NPDES) permit requirement(s).

****Public inquiries should be made as to the frequency of reportable "toxic events" and the reasons why contract laboratory costs of \$100,000 each to: Toxscan and Pacific Ecorisk Laboratory are justified.

Respectfully submitted,

David S. Wall
10.06.11

///
///
///

Cc: City Council / Region 9: U.S. EPA / CA RWQCB
City Attorney / City Auditor / Manager

City Manager's Contract Approval Summary
For Procurement and Contract Activity between \$100,000 and \$1 Million for Goods and \$100,000 and \$250,000 for Services

SEPTEMBER 30, 2011

Description of Contract Activity ¹	Fiscal Year	Req#/ RFP#	PO#	Vendor/Consultant	Original \$ Amount	Start Date	End Date	Additional \$ Amount	Total \$ Amount	Comments
NEW:										
SERVICE: ABB LICENSE AGREEMENT WITH TELEPHONE SUPPORT	FY10-11	13237	45484	ABB INC	\$148,674	12/1/10	11/30/11	\$100,000	\$248,674	
NEW BACKHOE LOADER	FY10-11	13927	75891	CASE POWER AND EQUIPMENT	\$122,566					
→ WATER TOXICITY TESTING	FY10-11	14164	45807	TOXSCAN	\$10,000	6/1/11	5/31/11	\$90,000	\$100,000	
→ WATER TOXICITY TESTING	FY10-11	14174	45806	PACIFIC ECORISK LABORATORY	\$10,000	6/1/11	5/31/11	\$90,000	\$100,000	
SCOOTER/CARTS	FY10-11	13984	75942	TOYOTA MATERIAL HANDLING	\$174,713					
ONGOING:										
CLEANING OF THREE (3) ANAEROBIC DIGESTERS AT WPCP	FY11-12	13966		NORTH AMERICAN DIGESTER	\$359,823					
OVERHAUL OF TPS & FLOWAY PUMPS	FY11-12	14065		CONHAGEN, ALFRED INC	\$200,000					
COATING REHABILITATION SERVICES	FY11-12	14070		JEFFCO PAINTING & COATING, INC	\$750,000					

¹ This report captures in process contract activity (Requisition Number or RFP Number) and completed contract activity (Purchase Order Number, Contract Term, and Contract Amount)

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RECEIVED
 San Jose City Clerk

October 6, 2011

2011 OCT -6 P 4: 18

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

Re: S.J. Mercury News "OMISSIONS OF FACT" about the "incubator story" fails the "smell test".

Seventeen (17) years of City Councils & Council Committees "not doing their jobs"...is...OMITTED.

RDA vindicated of any wrong doing and or "mismanagement" ...is...OMITTED.

San José State University Research Foundation's lack of performance audits...is...OMITTED.

CM Liccardo did not do his job since 2007 to monitor incubators on CED...is definetly...OMITTED.

Continued "preferential political press" conferred by SJ Merc on CM Liccardo...is...PATHETIC.

The San José Mercury News, unfortunately for a lot of people, is a newspaper that is experiencing the well deserved effects of poor management decisions, death by arrogance through omissions. Why the decision makers at the Merc want their newspaper to slowly die a cancer patient's death or any other death, simply is beyond my comprehension. Personally, I want the Merc to undergo "revival" and return to be the dominant voice of truth and justice for the entire nation. I'll have to petition Jesuits to Pentecostals for their intercession to construct a suitable prayer that God will accept for divine intervention to remedy the Merc's return to greatness. Absent that prayer, the Merc deserves to die on the vine resulting from their slipshod decisions on how the "incubator stories" were handled. The latest incubator story appeared today; [S.J. Merc, Local Page, date: Thursday, (10.06.11); "*City committee rejects bid for incubator audit*", by: Ms. Tracy Seipel].

The sole reason why the City of San José City Council deserves the scandal that the "incubator stories" reveals is due to seventeen (17) years of Councilmembers (including Mayors) not doing their jobs. Further, Councilmembers assigned to the "Community and Economic Development Committee" or past equivalent(s) did not do their jobs either. They all acted as if they were and are "bobble-heads".

The [April 23, 2007 Community and Economic Development Committee (CED) Agenda and Item: (c)] is attached. [Item: (c); is a six (6) page memorandum authored by the Executive Director of the Redevelopment Agency to CED; (dated 04.06.2007); Subject: City Incubator Program] is an interesting report. The report clearly states, "In 1994, the **Redevelopment Agency Board** approved establishment of a business incubator program to provide support to start-up to start-up companies in key industry sectors, with the intention of helping companies locate and grow in San José."

The Redevelopment Agency Board is the City Council for San José. *The Council(s) did not make significant inquiries required to monitor the incubator program thus the program became a failure.*

CM Liccardo has been on the CED Committee since 2007 and has done nothing but "stabbed the entire Council in the back" by requesting an audit and running to the Press. By doing so, CM Liccardo's non-performance would be shielded from detection. The San José Mercury News then sold their journalistic souls to the Devil went along for the ride. Where is the follow up stories on character of this rogue behavior?

Why the San José Mercury News failed to focus on shielding from the public; CM Liccardo's and a whole host of Councilmembers and Mayors virtual non-performance related to the "incubator stories" is shameful. But, singling out CM Liccardo's efforts of late with the "incubator stories" and giving praise to CM Liccardo is the rank drippings of putrefaction of the Merc's rotting corpse of affirmative duty to present a fair and balanced analysis of the "incubatory stories" which, are now sadly and permanently for the ages.

Cc: City Attorney / City Auditor / Manager ... *Respectfully submitted,*

David S. Wall
 10.06.11