



Memorandum

TO: Honorable Mayor &
City Council Members

FROM: Lee Price, MMC
City Clerk

SUBJECT: The Public Record
December 8, 2006 – January 4, 2007

DATE: January 4, 2007

ITEMS TRANSMITTED TO THE ADMINISTRATION

- (a) Email received December 20, 2006 from Deidre Sanders to City Clerk Lee Price regarding a request for a formal hearing with San Jose City Council.

ITEMS FILED FOR THE PUBLIC RECORD

- (a) Letter from County of Santa Clara to City Clerk Lee Price dated November 29, 2006 regarding a Resolution Regarding Coast Daylight Rail Service.
- (b) Memorandum from David Persselin Debt Administrator, Finance to City Clerk Lee Price dated November 29, 2006 regarding Director's TEFRA Public Hearing.
- (c) Letter from Andrew Abe Diaz to City Clerk Lee Price, Mayor and the City Council dated December 10, 2006 regarding an Emergency Temporary Plan to feed people of hunger, poverty and despair.
- (d) Letter from Joint Venture Silicon Valley to City Clerk Lee Price and Mayor Gonzales dated December 8, 2006 encouraging efforts to improve cell phone coverage in the community.
- (e) Letter from the Department of Navy Base Realignment and Closure Program Management to the Restoration Advisory Board dated December 21, 2006 to attend a meeting.
- (f) Letter from Earth Touch Inc. to Historic Landmarks Commission dated December 2, 2006 regarding Historic Consultation for Omnipoint Communications, Inc. dba T-Mobile USA, Inc. (T-Mobile) Wireless Telecommunications Service (WTS) Facility Project Almaden Lake Park/SF-05420A, in San Jose, in Santa Clara County, California.
- (g) Letter from David S. Wall to Bill Brill Chairman to the Civil Service Commission dated December 22, 2006 regarding letter to Mayor and Council dated 12/12/06 and email from Deputy Director Watershed Protection dated 12/12/06.
- (h) Memorandum from Bonnie Kobayashi Administrative Officer in the Finance Department to City Clerk Lee Price dated December 22, 2006 Monthly Investment Report for November 2006 (on file in the Office of the City Clerk).

- (i) Memorandum from David Persselin to City Clerk Lee Price dated December 22, 2006 regarding Airport Commercial Paper Program Expansion (Amended and Restated Letter of Credit and Reimbursement Agreement on file in the Office of the City Clerk).
- (j) Letter from Mark Trout to the Mayor and City Council dated January 1, 2007 requesting City Council Meetings to take place on Wednesdays.
- (k) Letter from Mark Trout to the Mayor and City Council dated January 3, 2007 requesting to consider changing the Open Forum to the beginning of the meeting rather than at the end.
- (l) Agenda and attachments from Santa Clara Cities Association to Board Members and Legislative Action Committee Members received via email on January 4, 2007.
- (m) Letter from David S. Wall to Mayor Reed and City Council dated January 3, 2007 regarding San Jose Repertory Theatre.


Lee Price, MMC
City Clerk

LP/np

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

Public Record a

Pimentel, Nora

From: Price, Lee
Sent: Wednesday, December 20, 2006 9:37 AM
To: Nader, Nadine; Santana, Deanna; Hannon, Michael
Cc: Pimentel, Nora
Subject: FW: Request for San Jose Council hearing pursuant: RALPH M. BROWN ACT:
Importance: High

Public Record forwarded to the Administration.

From: simplelife@peoplepc.com [mailto:simplelife@peoplepc.com]
Sent: Wednesday, December 20, 2006 8:11 AM
To: webmaster.manager@sanjoseca.gov; webmaster.manager@sanjoseca.gov; district7@sanjoseca.gov; district3@sanjoseca.gov; district4@sanjoseca.gov; district10@sanjoseca.gov; district5@sanjoseca.gov; mayoremail@sanjoseca.gov; AgendaDesk@sanjoseca.gov; District6@sanjoseca.gov; linda.lezotte@sanjoseca.gov; judy.chirco@sanjoseca.gov; simplelife@peoplepc.com; rasheedah@landmarkventures.com; forrest.williams@sanjoseca.gov; dave.cortese@sanjoseca.gov
Cc: webmaster.pnrs@sanjoseca.gov; strongneighborhoods@sanjoseca.gov
Subject: Request for San Jose Council hearing pursuant: RALPH M. BROWN ACT:
Importance: High

Deirdre Sanders

505 Loumena Lane

San Jose, Ca 95111

Phone: (408) 272-3753

Cell: (408) 644-7893

City of San Jose,

Ref: REQUEST FOR FORMAL HEARING WITH SAN JOSE CITY COUNCIL

I am contacting you regarding the numerous complaints and code violations have received at the following address: 505 Loumena Lane San Jose, Ca. 95111. The previous complaint was about 3 months ago concerning non operable vehicles. Inspector Gill Castro came out and for the 200th time conformed that each vehicle in question was in deed operable.

Since 1999 I have [personally filed at least 15 separate complaints regarding the harassment an abuse of power surrounding my being singled out routinely, for

the same vehicles. Which I have routinely proven the City of San Jose Code Enforcement to be incorrect in there determinations.

And yet the saga continues December 17, 2006 I received his card from one of my contractors at the property location. Who's primary function is to renovate my fire damage property, not to mediate code enforcement issues. I immediately called Castro but not yet heard from him to date.

Therefore, I am requesting a formal hearing with the City Council to pursue this matter in accordance with California Government Code Sections 54950 (THE RALPH M. BROWN ACT). "the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

In order to bring a formal grievance against each habitual petitioners and the City of San Jose , Inspector Gill Castro for bias harassment, civil right violations. I am also requesting the City of San Jose Code Enforcement release the identities of each and every person reporting this violations As well as copies of each and every formal complaint I have issued over the past 10 years.

To be reviewed at the City Council hearing which adequately support the merits of my complaints as well as my grounds legal actions.

Sincerely,

Deirdre Sanders

Deirdre Sanders

Public Record a

County of Santa Clara
Office of the Clerk of the Board of Supervisors

County Government Center, East Wing
70 West Hedding Street
San Jose, California 95110-1770
(408) 299-4321 FAX 298-8460 TDD 993-8272

RECEIVED
San Jose City Clerk
2006 NOV 29 P 4: 00



Phyllis A. Perez
Clerk of the Board

November 28, 2006

Lee Price, City Clerk
City of San Jose
200 East Santa Clara Street, Wing 2
San Jose, CA 95113

Subject: Resolution Regarding Coast Daylight Rail Service

Dear Ms. Price:

At their regular meeting on November 7, 2006 (Item 21), the Santa Clara County Board of Supervisors adopted a Resolution to support the reinstatement of the Coast Daylight Rail Service. Enclosed is a copy of the above referenced Resolution for your records.

If you have any questions, please feel free to contact our office.

Sincerely,

D. Christopherson

Dusty Christopherson
Deputy Clerk

Enclosure(s)

cc: File

**RESOLUTION BY THE BOARD OF SUPERVISORS
TO SUPPORT THE REINSTITUTION
OF THE COAST DAYLIGHT RAIL SERVICE**

WHEREAS, reinstatement of the Coast Daylight intercity service from San Francisco to Los Angeles is contained within the State Rail Plan; and

WHEREAS, reinstatement of the Coast Daylight service would provide a direct link for rail passengers interested in traveling between northern and southern California alongside the state's scenic coastline; and

WHEREAS, the proposed Coast Daylight intercity service would traverse the Peninsula rail corridor, making stops at Millbrae, Palo Alto, San Jose and Gilroy.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby declares its support for the reinstatement of the Coast Daylight service from Los Angeles to San Francisco with a stop in San Jose; and that the Coast Daylight service must be operated in such a manner that there will be no service impacts on the Caltrain commuter rail service; and

BE IT FURTHER RESOLVED that there will be no costs to local governments and that it will not jeopardize state funding for the High-Speed Rail Project or other priority rail projects.

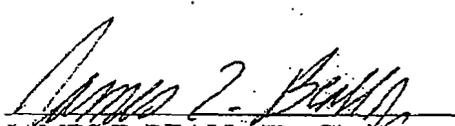
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California on this NOV 07 2006 in the year Two Thousand and Six by the following vote:

AYES: ALVARADO, BEALL, GAGE, KNISS, MCINTOSH

NOES None

ABSENT: None

ABSTAIN: None



JAMES T. BEALL, JR., Chair
Board of Supervisors

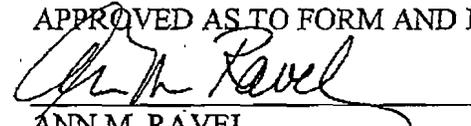
ATTEST:



PHYLLIS A. PEREZ

Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



ANN M. RAVEL

County Counsel



RECEIVED
San Jose City Clerk

Public Record b

Memorandum

2006 DEC -7 A 8:23

TO: Lee Price
City Clerk

FROM: David Persselin

SUBJECT: Public Record
Director's TEFRA Public Hearing

DATE: November 29, 2006

Attached is Certificate No. 2006-4, Meeting Report, sign-in sheet, agenda packet and Notice of Public Hearing for the Director's TEFRA Public Hearing of November 13, 2006. The hearing was published and the agenda was posted as required by law.

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

DAVID PERSSELIN
Debt Administrator, Finance

Attachments

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

1805

Notice of Public Hearing

NOTICE IS HEREBY GIVEN that the City of San José's Finance Department, at an open session, on November 13, 2006 at 3:30 PM will hold a public hearing on the intent by the California Statewide Communities Development Authority ("CSCDA") to issue tax-exempt multi-family housing revenue bonds for the acquisition and rehabilitation of the following projects:

<u>PROJECT/UNITS</u>	<u>LOCATION</u>	<u>DEV./OWNER</u>	<u>AMOUNT</u>
Foxdale Manor Apartments 287 Units	1250 Foxdale Loop San Jose, CA 95122	KDF Communities, LLC, a California Limited Liability Company	\$55,000,000.00

All those interested in matters related to either the issuance of the bonds or the location or operation of the projects are invited to attend and be heard at the open session, which will commence at 3:30 PM and will be held in Room T-1352, at 200 E. Santa Clara Street of the City of San José, California 95113. If you have any questions with respect to this matter, please call J. Paul Lippert, Senior Development Officer, Department of Housing of the City of San José, at (408) 975-4443 or Michael LaPierre of CSCDA, at (925) 933-9229 ext. 212.

Dated: October 20, 2006

Lee Price, City Clerk
City of San José, California

(to be published no later than October 27, 2006)

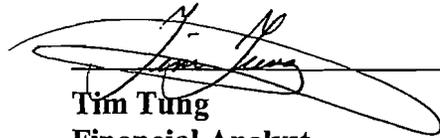
PAPER	SENT
1 PR	10/23/06
PUBLISH	
FRI. OCT. 27, 2006	
AGENDA	PROOF

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

AFFIDAVIT OF POSTING OF MEETING NOTICE

STATE OF CALIFORNIA)
)
COUNTY OF SANTA CLARA) ss

I hereby certify that, pursuant to and in accordance with the provisions of State legislation required by AB 2674, on **Tuesday, November 14, 2006**, I posted a notice for a Director's TEFRA Public Hearing for the **Foxdale Manor Apartments** project, a copy of which is attached hereto as Exhibit A and made a part hereof by reference as though fully set forth herein verbatim, by posting said Exhibit A at a public location at least seventy-two (72) hours prior to said public meeting. I declare under penalty of perjury that the foregoing is true and correct.



Tim Tung
Financial Analyst

Tung, Tim

From: BrownActAgendas
Sent: Tuesday, November 14, 2006 9:19 AM
To: Tung, Tim
Subject: RE: Brown Board Posting
Attachments: Brown Act Agendas email 6.8.06.doc

Good Morning Tim;

This agenda has been posted and logged 11/14/2006 @ 9:15am.

For future agenda postings please refer to the notice attached.

Thanks,

Autry

From: Tung, Tim
Sent: Monday, November 13, 2006 4:49 PM
To: #CallCenterPO
Subject: Brown Board Posting

Hello,

Please post the following agenda on the brown board between main City Hall entrance and the rotunda no later than 11 AM on Tuesday, November 14, 2006. Thank you!

Tim Tung
Financial Analyst
(408) 535-7013 (voice)
(408) 292-6482 (fax)

City of San José - Finance
Debt Management
200 E. Santa Clara St., 13th Floor Tower
San José, CA 95113-1905
www.sanjoseca.gov



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

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

**MEETING AGENDA
3:30 P.M., NOVEMBER 13, 2006
SCOTT P. JOHNSON, DIRECTOR OF FINANCE**

1. Call to Order

2. Minutes

3. Purpose of Hearing

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

Open Hearing for Foxdale Manor Apartments Project

**Name: Foxdale Manor Apartments Project
Developer: KDF Communities, LLC, a California
Limited Liability Company
Location: 1250 Foxdale Loop, San José
Bond Amount: \$55,000,000.00**

Commentators

Close Hearing for Foxdale Manor Apartments Project

4. Adjournment



Memorandum

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

MEETING REPORT July 28, 2006

1. Call to Order

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

2. Minutes

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

3. Purpose of Hearing

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

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

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

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

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

4. Adjournment

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

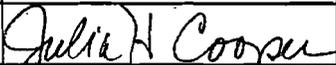
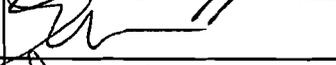
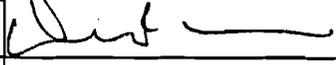
Certificate No. 2006-3 was Adopted

JULIA H. COOPER, Deputy Director of Finance
Hearing Officer

Sign In Sheet

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

San Jose City Hall
200 East Santa Clara Street, Room T-1352
San Jose, CA 95113-1905
3:30 p.m., November 13, 2006
Scott P. Johnson, Director

Print Name	Signature	Title	Company Name	Address	Phone Number
Scott P. Johnson		Director of Finance	City of San Jose	200 E. Santa Clara St, 13th Floor, Tower, SJ 95113	408-535-7001
Julia H. Cooper		Deputy Director of Finance	City of San Jose	200 E. Santa Clara St, 13th Floor, Tower, SJ 95113	408-535-7011
Tim Tung		Financial Analyst	City of San Jose	200 E. Santa Clara St, 13th Floor, Tower, SJ 95113	408-535-7016
Paul Lippert		Development Officer	City of San Jose	200 E. Santa Clara St, 12th Floor, Tower, SJ 95113	408-975-4443
Ed Moran		atly	"	"	408 535 1920
David Perissin		DPBT ADMINISTRATION	"	" 13th Floor	408-535-7010

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

**MEETING REPORT
November 13, 2006**

1. Call to Order

Hearing Officer Julia H. Cooper, Deputy Director of Finance, called the meeting to order at 3:45 p.m.

2. Minutes

Minutes of previous meeting of July 28, 2006, were noted and filed.

3. Purpose of Hearing

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

Ms. Cooper opened the public hearing at 3:46 p.m.

The noticed public hearing is required by Section 147(f) of the Internal Revenue Code of 1986 as amended. The hearing is on the proposed issuance, by the California Statewide Communities Development Authority ("CSCDA") intent to issue tax-exempt Multifamily Housing Revenue Bonds in an amount not to exceed \$55,000,000. Proceeds from the sale of the proposed bonds will be used for the acquisition and rehabilitation of the **Foxdale Manor Apartments** project located at **1250 Foxdale Loop, San José**.

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

In order to accommodate provisions of State legislation required by AB 2674, oral petitions and public comments were continued until Friday, November 17, 2006 at 4:00 p.m. There were no commentators and Ms. Cooper closed the hearing at 3:47 p.m.

4. Adjournment

The meeting was adjourned at 3:47 p.m.



JULIA H. COOPER, Deputy Director of Finance
Hearing Officer



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

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

**MEETING AGENDA
4:00 P.M., NOVEMBER 17, 2006
(CONTINUED FROM MEETING AT 3:30 P.M., NOVEMBER 13, 2006)
SCOTT P. JOHNSON, DIRECTOR OF FINANCE**

1. Call to Order

2. Minutes

3. Purpose of Hearing

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

Open Hearing for Foxdale Manor Apartments Project

**Name: Foxdale Manor Apartments Project
Developer: KDF Communities, LLC, a California
Limited Liability Company
Location: 1250 Foxdale Loop, San José
Bond Amount: \$55,000,000.00**

Commentators

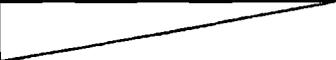
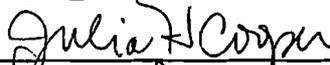
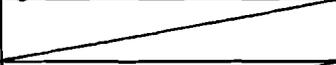
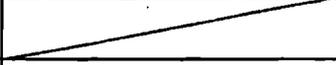
Close Hearing for Foxdale Manor Apartments Project

4. Adjournment

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
4:00 p.m., November 17, 2006
Scott P. Johnson, Director

Print Name	Signature	Title	Company Name	Address	Phone Number
Scott P. Johnson		Director of Finance	City of San José	200 E. Santa Clara St, 13th Floor, Tower, San José, CA 95113	408-535-7001
Julia H. Cooper		Deputy Director of Finance	City of San José	200 E. Santa Clara St, 13th Floor, Tower, San José, CA 95113	408-535-7011
David Persselin		Debt Administrator	City of San José	200 E. Santa Clara St, 13th Floor, Tower, San José, CA 95113	408-535-7012
Ed Moran		Chief Deputy City Attorney	City of San José	200 E. Santa Clara St, 16th Floor, Tower, San José, CA 95113	408-535-1920
Paul Lippert		Senior Development Officer	City of San José	200 E. Santa Clara St, 12th Floor, Tower, San José, CA 95113	408-975-4443
Tim Tung		Financial Analyst	City of San José	200 E. Santa Clara St, 13th Floor, Tower, San José, CA 95113	408-535-7013

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

**MEETING REPORT
November 17, 2006**

1. Call to Order

Hearing Officer Julia H. Cooper, Deputy Director of Finance, called the meeting to order at 4:07 p.m.

2. Minutes

Minutes of previous meeting of July 28, 2006, were noted and filed.

3. Purpose of Hearing

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

Ms. Cooper opened the public hearing at 4:07 p.m.

The noticed public hearing is required by Section 147(f) of the Internal Revenue Code of 1986 as amended. The hearing is on the proposed issuance, by the California Statewide Communities Development Authority ("CSCDA") intent to issue tax-exempt Multifamily Housing Revenue Bonds in an amount not to exceed \$55,000,000. Proceeds from the sale of the proposed bonds will be used for the acquisition and rehabilitation of the **Foxdale Manor Apartments** project located at **1250 Foxdale Loop, San José**.

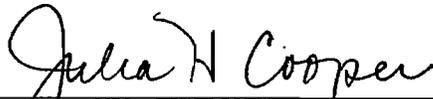
Any comments provided at the hearing will be made available to the CSCDA prior to their taking action on a bond sale resolution. Ms. Cooper asked if there were parties present who wished to voice their opinion and provide comments on the proposed issuance of bonds, to be recognized by raising their hand.

Oral petitions and public comments were continued from the meeting on Monday, November 13, 2006 at 3:30 p.m. There were no commentators and Ms. Cooper closed the hearing at 4:09 p.m.

4. Adjournment

The meeting was adjourned at 4:09 p.m.

Certificate No. 2006-4 was Adopted



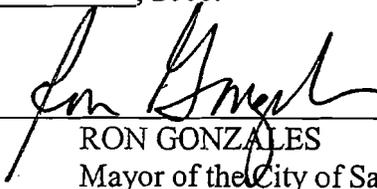
JULIA H. COOPER, Deputy Director of Finance
Hearing Officer

Certificate No. 2006-4
of the
MAYOR

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

1. I am the Mayor of the City, duly elected by the people of the City.
2. Pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the "Code"), I am the chief elected executive officer of the City, and, as such, I am the "applicable elected representative" of the City authorized to approve the issuance of bonds by or on behalf of the City.
3. California Statewide Communities Development Authority ("CSCDA") proposes to issue an aggregate principal amount not to exceed \$55,000,000 of its revenue bonds, designated as Foxdale Manor Apartments (the "Bonds"), to finance the costs of the acquisition and rehabilitation of a 287-unit multifamily rental housing development located at 1250 Foxdale Loop in the City of San José (the "Project").
4. The City caused to be published on October 27, 2006 in the *San Jose Post Record* a newspaper of general circulation in the City, a notice of a public hearing to be held on November 13, 2006, at 3:30 p.m. concerning the issuance of the Bonds, all in accordance with the requirements of Section 147(f) of the Code.
5. On November 13, 2006, the Deputy Director of Finance, pursuant to Municipal Code Section 5.06.430, held a duly noticed public hearing pursuant to Section 147(f) of the Code, which was continued to November 17, 2006 at which hearing interested persons were given an opportunity to express their views for or against the issuance of the Bonds and on the nature and location of the Project.
6. I have been provided with summaries of the hearings and information concerning the Project and the Bonds.
7. Pursuant to Section 147(f) of the Code, I hereby approve the issuance of not to exceed \$55,000,000 principal amount of the Bonds by CSCDA.
8. This action is taken expressly for purposes of Section 147(f) of the Code and nothing contained herein shall be construed to signify that the Project complies with the planning, zoning, subdivision and building laws and ordinances applicable thereto or to suggest that the City or any officer or agent of the City will grant any such approval, consent or permit that may be required in connection with the Project, or that the City will make any expenditures, incur any indebtedness or proceed with the financing of the Project.

Executed this 28 day of November, 2006.



RON GONZALES
Mayor of the City of San José

city
clock
see price

FOR CITY COUNCIL
PUBLIC AGENDA

Honest Andrew Abe Diaz

Public Record (

Dec-10-06

Mr Mayor members of the San Jose City Council. For the
Public my name is (Andrew Abraham Diaz). I urge
you people to authorize an Emergency temporary
Plan to feed your people of hunger, poverty, and
dispair, who are dying in the streets

We as public servants must never forget the
American dream of the pursuit of happiness. Today
more than any time of my lifetime have we
needed an Emergency local Marshall plan
to aid recovery of Hunger, poverty, dispair.

What is freedom if a mans family
lives in poverty, what is freedom to a
women if she can not feed her hungry
child. You people must take care of the people,

The Hill with Bart Eplention to San Jose
or a Baseball Park downtown, San Jose.

Far to long (Democratic) and (Republican)
Rich Capitalists, have ignored the Hungry.
They and there rich teams would rather
pluk the feathers of our great Bald Eagle
to feather there own nest. Than to feed
and cloth the flock of poor and Hungry
People. God bless you

Andrew Abraham Diaz

OFFICERS

Harry Kellogg, Co-Chair
Silicon Valley Bank

Liz Kniss, Co-Chair
Santa Clara County Board of Supervisors

Russell Hancock, President & CEO
Joint Venture, Silicon Valley Network

BOARD OF DIRECTORS

Harjinder Bajwa
Solecon

Gregory Balanger
Comerica Bank

Frank Banest
City of Palo Alto

Steven Bochner
Wilson Sonsini Goodrich & Rosati

Ed Cannizzaro
KPMG

Cindy Chavez
City of San Jose

Pat Dando
San Jose Silicon Valley Chamber of Commerce

Chris Dawes
Lucile Salter Packard Children's Hospital

Jon Friedenberg
El Camino Hospital

Dan Fenlon
San Jose Convention & Visitors Bureau

Rick Fozall
Ernst & Young

Liz Figueroa
California State Senate

Vintage Foster
San Jose Business Journal

Rose Jacobs Gibson
San Mateo County Board of Supervisors

Chester Haskell
Cogswell Polytechnical College

Kevin Healy
PricewaterhouseCoopers

Gary Hooper
Hooper & Associates

Beatriz Infante
VoiceObjects, Inc.

Mark Jansan
Deloitte & Touche

Martha Kanter
Foothill-De Anza Community College District

Don Kaasing
San Jose State University

W. Keith Kennedy
Can-way

Alex Kennett
Solutions, Inc.

Paul Locatelli
Santa Clara University

Bernadette Loftus
Kaiser Permanente

John Malbie
County of San Mateo

Jean McDow
Stanford University

Pravesh Mehra
Heldrick & Struggles

Curtis Mo
Witmer Outler Pickering Hale & Dorr LLP

Joseph Parial
Therma

Daniel Perez

Mark Radcliffe
DLA Piper Rudnick Gray Cary US LLP

Paul Roche
McKinsey & Company, Inc.

Chris Sacca
Google, Inc.

Chris Seams
Cypress Semiconductor Corporation

John Sobrato, Sr.
Sobrato Development Companies

Gautam Srivastava
AMD

Neil Struthers
Building & Construction Trades Council

Colleen Wilcox
Santa Clara County Office of Education

Linda Williams
Planned Parenthood Mar Menlo

December 8, 2006

Office of the City Clerk
City of San Jose
200 East Santa Clara St.
San Jose, CA 95113

RECEIVED
San Jose City Clerk

2006 DEC 12 A 9:41

Dear Mayor Gonzales:

I understand the San Jose City Council will soon consider an application for wireless installation in District 7. Joint Venture: Silicon Valley Network would like to go on record as strongly encouraging efforts to improve cell phone coverage in your community.

Last year a joint committee of business and city leaders identified cell phone coverage as a serious problem in Silicon Valley. They felt that our cell phone coverage is not up to world class standards. The committee determined that the availability and reliability of cell service is an issue of public safety and economic development.

With the help of business and community leaders, and with inputs from city planners and cell phone service providers, Joint Venture analyzed the problem. We concluded that the primary reason for poor coverage in Silicon Valley is the rapid growth in the use of cell phones as they become cheaper and offer more features. In addition, the network is being burdened by laptop computers using the cellular network to connect to the Internet. The cell phone network was not designed for this load; it was designed to serve business users in downtowns, industrial parks and on major thoroughfares. But more and more, people are trying to use their cell phones in their homes, in stores, and in rural areas, where coverage is poor. And more and more, people are depending on their cell phones in an emergency. More than one-third of 911 calls are being made from cell phones today.

The solution is to increase the number of cell sites. Because service is now needed in residential areas, cell sites need to be compatible with community tastes. This often means that the antennas need to be mounted at a lower height so the signal can not travel as far as with the older towers. The smaller radius means more cell sites are needed. In our meetings with the carriers they have indicated a willingness to work with communities to fill in coverage gaps with cell sites that are attractively designed.

We now need the support of the cities as they consider permit applications.

Joint Venture is committed to supporting a collaborative process. We are developing a primer on cell phone coverage for cities, and a website that will highlight deadzones. I am also attaching a best practices guide that is intended to help inform decision-makers about possible issues and options when considering cell site applications.

Cell phone use is only going to increase. Joint Venture: Silicon Valley Network respectfully requests that you bear in mind the need to improve the quality of cell phone service within Silicon Valley as you review and consider the cell site application being presented to you this evening.

Sincerely,

A handwritten signature in black ink, reading "Seth G. Fearey". The signature is written in a cursive style with a large, looping flourish at the end of the name.

Seth G. Fearey
Vice President and Chief Operating Officer

Public Record e



DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
1455 FRAZEE ROAD, SUITE 900
SAN DIEGO, CA 92108-4310

RECEIVED
San Jose City Clerk

2007 JAN -3 A 11: 53

5090
Ser BPMOW.rcw
21 Dec 2006

Dear Fellow Restoration Advisory Board (RAB) for Former NAS Moffett Field Members:

It is my pleasure to invite you to attend the meeting of the former NAS Moffett Field RAB on Thursday, Jan. 11, 2007, from 7 to 8:50 p.m. on the fourth floor of the Mountain View City Hall at 500 Castro Street. The proposed agenda, directions to the RAB meeting and draft minutes from the Nov. 9, 2006, RAB meeting are enclosed.

If you have any questions or concerns, please contact me in any of the following ways:

Mr. Rick Weissenborn
BRAC Environmental Coordinator, Former NAS Moffett Field
Base Realignment and Closure, Program Management Office West
1455 Frazee Road, Suite 900
San Diego, CA 92108-4310
Phone: 619-532-0952 Fax: 619-532-0995
E-mail: richard.weissenborn@navy.mil

I look forward to seeing you at the next RAB meeting.

Sincerely,

RICHARD WEISSENBORN
BRAC Environmental Coordinator
Former NAS Moffett Field

- Enclosures:
1. Jan. 11, 2007, RAB Agenda
 2. Directions to the RAB Meeting
 3. Nov. 9, 2006, Draft RAB Minutes



Former NAS Moffett Field
Mountain View, California

**RESTORATION ADVISORY BOARD MEETING
AGENDA**

- Date/Time:** Thursday, Jan. 11, 2007, 7 p.m. to 8:50 p.m.
- Location:** Mountain View City Hall, Fourth Floor
500 Castro Street, Mountain View, CA 94041
- 7:00 to 7:15** WELCOME AND INTRODUCTIONS
REVIEW AGENDA
PRIOR MINUTES APPROVAL (Nov. 9, 2006)
CIRCULATE DOCUMENT SIGN-UP SHEETS
- 7:15 to 7:25** NEW RAB MEMBER ELECTION
- 7:25 to 7:35** REGULATORY UPDATE
- 7:35 to 7:45** HANGAR 1 REVISED EE/CA SCHEDULE UPDATE
- 7:45 to 8:05** SITE 27 PRESENTATION
- 8:05 to 8:35** BURROWING OWL AND TURTLE POPULATION
Presentation by NASA
- 8:35 to 8:40** ELECTION RESULTS
- 8:40 to 8:50** RAB BUSINESS:
RAB RELATED ANNOUNCEMENTS
NEXT RAB MEETING: March 8, 2007, 7 to 9:30 p.m.
FUTURE RAB TOPICS
- 8:50 P.M.** ADJOURN

500 Castro Street Mountain View, CA 94041-2010



**FORMER NAS MOFFETT FIELD
RESTORATION ADVISORY BOARD
MOUNTAIN VIEW CITY HALL, FOURTH FLOOR
MOUNTAIN VIEW, CALIFORNIA 94041**

NOTE: A glossary is provided on the last page of these minutes.

Subject: RAB MEETING MINUTES

The Restoration Advisory Board (RAB) meeting for the former Naval Air Station (NAS) Moffett Field was held on Thursday, 09 Nov 2006, at Mountain View City Hall, Fourth Floor, Mountain View, Calif. Mr. Bob Moss, RAB community co-chair, opened the meeting at 7:10 p.m.

WELCOME

Mr. Moss introduced himself, welcomed everyone in attendance, and asked for self-introductions of those present. The Moffett Field RAB meeting was attended by:

RAB Members	Regulators	Navy	Consultants & Navy Support	NASA	Public & Other
12	4	1	2	2	13

AGENDA REVIEW AND APPROVAL OF MINUTES

Mr. Moss reviewed the meeting agenda and asked for corrections to the 14 Sept 2006 meeting minutes. The meeting agenda and meeting minutes were approved without changes. Meeting minutes are posted on the project website at www.bracpmo.navy.mil/bracbases/california/moffett/.

DOCUMENTS FOR REVIEW

Sign-up sheets for the following documents were circulated during the meeting:

#	<u>DOCUMENT</u>	<u>APPROXIMATE SUBMITTAL DATE</u>
1	Draft Final Addendum to the Revised Final Station-Wide Feasibility Study Site 25	November 2006
2	Final Former Building 88 Investigation Report	November 2006
3	Final Site 22 Landfill Post-Construction Operations, Maintenance, and Monitoring Plan Addendum. (Waiting for agency approval of tech memo)	December 2006
4	Draft East-Side Aquifer Treatment System Evaluation Completion Report	December 2006
5	Draft Work Plan for Additional Fuel System Components at Building 29	December 2006
6	Final Groundwater Monitoring Well Installation and Sampling Report Orion Park Housing Area	January 2007
7	Site 29 (Hangar 1) Action Memorandum	TBA

REGULATORY UPDATE

Ms. Viola Cooper, U.S. Environmental Protection Agency (EPA) community involvement coordinator for the Middlefield-Ellis-Whisman (MEW) Superfund Site, provided an update on recent EPA activities.

- The Center for Public Environmental Oversight (CPEO) submitted letters of intent to apply for EPA's Technical Assistance Grant for MEW and Moffett Field superfund sites. EPA advertised CPEO's intent to apply for the grants in the San Jose *Mercury News* and Mountain View *Voice*. Letters of intent will be accepted through 15 Nov 2006. If other organizations do not have an interest in the grants, they will be awarded to CPEO.
- EPA is interviewing community members to gather data for updating the MEW Superfund Site community involvement plan. Community members interested in participating should contact Ms. Cooper. The community involvement plan will be available early winter 2007.

Mr. Devender Narala and Ms. Agnes Farres of the San Francisco Bay Regional Water Quality Control Board (Water Board) provided an update on recent Water Board activities.

- The Water Board provided comments to the Navy on the draft Former Building 88 Investigation Report, draft Groundwater Monitoring Well Installation and Sampling Report for Orion Park Housing Area, draft Site 14 South Progress Report, and draft Addendum to the Revised Final Station-Wide Feasibility Study for Site 25. Mr. Devender read some of Water Board's concerns on the draft Site 25 report.
- In September, the Water Board participated in a site inspection of the Site 27 Northern Channel with the California Department of Fish and Game, Navy, and National Aeronautics and Space Administration (NASA) to assess remediation and vegetation efforts. The low-growth re-vegetation of the channel banks is for erosion control, and the contractor excavating the area will "hydroseed" it.

Mr. Weissenborn provided an update on Site 27 activities.

- There are three confirmation sample locations on the southern bank where additional excavation and re-sampling will be done.
- One of the last parts of the project will be to reevaluate the size of the debris pile – it is larger than when the project started.
- The project is expected to finish within one month - the excavation and off-site transport will be done, although there may be road repair remaining on North Patrol Road.

HANGAR 1 REVISED EE/CA SCHEDULE

Mr. Weissenborn provided an update on the Hangar 1 revised Engineering Evaluation/Cost Analysis (EE/CA) schedule and the purpose for the revision.

The EE/CA is being revised because cost proposals received from contractors were not within the -30 percent to +50 percent range of the cost estimates presented in the EE/CA. (The cost proposals received were higher than the cost estimates in the EE/CA, but not as high as the approximate \$30 million projected by NASA.) The revised EE/CA will analyze the alternatives in more detail to more accurately estimate costs. The EE/CA also is being revised because implementability of each of the alternatives was not fully evaluated. The revised EE/CA is expected to be available for public comment in late spring or early summer 2007 and will undergo regulatory agency and public review.

Following are questions and comments about the presentation:

- Mr. Lenny Siegel, RAB member, asked how costs incurred by NASA will be presented. He said, since there is the possibility that it will be the community's responsibility to secure funds to preserve the hangar, the community would need accurate, total costs for the alternatives. Mr. Moss said the revised EE/CA should include identification, and the cost range, for additional costs that may be incurred by NASA and should include a cost range for making the hangar useable. Mr. Weissenborn said because the EE/CA is an environmental document, the cost estimates only relate to environmental response.

However, the Navy needs to determine how to include costs incurred outside environmental cleanup. Preparing a supplemental document, as suggested by RAB member Mr. Arthur Schwartz, is a possibility, but may not be possible if there is a lack of funding to produce the document.

- Mr. Peter Strauss, RAB member, asked who made the decision to conduct an EE/CA process for the environmental cleanup. Mr. Weissenborn said the Navy is the sole decision maker when conducting a removal action. Regulatory agencies are provided a 45-day notice and give an expedited review of applicable documents. Because the contamination at Hangar 1 is a known source, a remedial investigation (RI) report was not necessary.
- A community member asked why the estimated costs presented in the EE/CA did not accurately reflect implementation of the alternatives. Mr. Weissenborn said the details for implementing alternatives were not analyzed in developing the estimated costs presented in the EE/CA. The revised EE/CA should have a more realistic cost evaluation.
- Mr. Gabriel Diaconescu, RAB member, asked if proximity will be evaluated as a factor for selecting an alternative, and if asbestos dust qualifies as a proximity factor. He asked if the contamination was hazardous to human health as well as the environment. Mr. Weissenborn said the hangar is a health hazard up close that is why it is closed; there is a visible dust layer of contamination inside the hangar, which has settled in the nooks and crannies over time. The Navy will need to determine a detailed cleanup method.
- In response to Mr. Moss' question about some of the alternatives not being fully evaluated in the EE/CA, Mr. Weissenborn said there will be 15 alternatives fully evaluated in the revision, including two alternatives in question that did not undergo the full evaluation.
- A community member asked if there could possibly be an infinite number of revisions to the EE/CA. Mr. Weissenborn said there would not be any further revisions. The Navy is working within the three to five-year lifespan of the hangar coating, so a cleanup action would need to be implemented soon. NASA monitors runoff from the hangar after storms, and rust is visible on the hangar surface near the top of the building. Mr. Moss explained the document review process, noting that cleanup must be completed by the end of 2008.
- Mr. Strauss asked the Navy to explore cleanup actions taken for the sister hangar in Akron, Ohio. Mr. Weissenborn said the Navy has been in close contact with the contractors; ultimately, the contractors at Akron are waiting to see what action will be taken for Hangar 1. Furthermore, the Akron hangar has funding available and there is a set plan for that hangar's future use.

Mr. Weissenborn concluded the presentation.

SUPPLEMENTAL RI/FS FOR VAPOR INTRUSION

Mr. Elie Haddad of Locus Technologies presented the supplemental remedial investigation/feasibility study (RI/FS) for vapor intrusion at MEW and Moffett Field sites. Mr. Haddad displayed an image of the trichloroethylene (TCE) plume of the shallow aquifer, where TCE was found in 1982. Remediation since then has decreased TCE levels by 75 percent.

Mr. Haddad presented an overview of the regulatory history of the site: in October 2002, EPA requested an evaluation of the groundwater to indoor air pathway; between 2003 and 2006, an investigation of vapor intrusion was conducted by the MEW Companies, NASA, and Navy, and voluntary remedial measures were implemented; in March 2006, EPA requested a supplemental RI/FS for vapor intrusion pathway to amend the existing record of decision; in May 2006, a work plan for the supplemental document was submitted to EPA.

Mr. Haddad displayed a conceptual model of the vapor intrusion pathway and types of samples. In the MEW area, there were more than 1,400 air samples collected from 30 commercial buildings and 16 homes. In the Moffett Field study area, there were more than 1,400 air samples collected from 9 commercial buildings and 42 homes in the Wescoat Housing Area. Background samples also were taken from as far as 1.5 miles outside the

study area. Mr. Haddad listed the chemicals analyzed in the air samples and said indoor air samples were compared to outdoor and background concentrations, short-term risk levels, and long-term exposure goals.

The supplemental RI report submitted to EPA on 14 Aug 2006 included a conceptual model, building-by-building presentation of sampling results in commercial and residential areas, analyses of sampling results, evaluation of implemented voluntary remedial measures, and findings. Mr. Haddad described the findings of the report.

The supplemental FS report was submitted to EPA on 16 Oct 2006 and included a summary of the RI report and its findings, identification and initial screening of technologies, development and detailed analyses of remedial alternatives, recommended alternatives, and general approach. Mr. Haddad listed the technologies analyzed in the FS report and described the criteria used to analyze the remedial alternatives. He listed the recommended alternatives and said the FS report is flexible in its alternatives because not all structures are alike and it is unknown how future structures will be constructed.

Mr. Haddad described the general approach for commercial buildings and residences, and the RI/FS schedule. EPA is currently reviewing the supplemental RI/FS documents submitted, and the documents will be finalized in winter 2007. Next, EPA will develop a proposed plan, which will be followed by a 30-day public review period. The record of decision would then be amended to include provisions for the vapor intrusion pathway - expected in summer 2007.

Following are questions and comments about the presentation:

- Mr. Strauss asked what the TCE plume would look like if mapped for 1 part per billion. Mr. Haddad said the TCE plume would not look much different than the image displayed during the presentation.
- Mr. Siegel commented that air samples are taken from structures and not outdoors because structures cause pressure that creates vapor intrusion.
- A community member asked who incurs the cost for maintaining long-term mitigation measures. Mr. Haddad said the costs are described in the FS report, but it has not been decided who will bear the cost.
- A community member asked about the failure rate of vapor barriers. Mr. Haddad said vapor barriers are installed by licensed contractors and subject to rigorous quality assurance. The barriers have a long lifespan and have warning signs posted to alert against breakage.
- Mr. Strauss asked why positive pressure was ruled out as a technology. Mr. Haddad said positive pressure has not been ruled out – if there is an air exchange rate of one per hour, there is positive pressure. Sometimes it is difficult to show positive pressure with some types of buildings.
- Mr. Siegel said this RI/FS study is important for the general understanding of vapor intrusion and shows that engineering controls work. However, it is unknown how long the technologies will work and how to monitor to ensure the controls are kept in place long-term. Mr. Siegel said it is important that the remedy include a long-term stewardship program to maintain effectiveness.
- Mr. Siegel also noted the ambient TCE level is 1.5 micrograms per cubic meter (μm^3), which is below the long-term exposure goal of $2.7 \mu\text{m}^3$ for commercial structures but above the $1.0 \mu\text{m}^3$ level used by EPA. He said there are unknown sources for this ambient contamination and there is a need to find ways to address the contamination in groundwater and TCE in outdoor air. Ms. Alana Lee of EPA said TCE concentrations of $0.2 \mu\text{m}^3$ and $0.5 \mu\text{m}^3$ were found in most areas, so EPA does not consider the contamination to be an ambient problem throughout the site.
- Mr. Siegel said the National Academy of Sciences recently released a report stating TCE is more hazardous than previously thought. He said it is possible there may be new standards for TCE contamination.
- Mr. Schwartz asked if there was any evidence of the plume degrading since its discovery and if the concentrations will continue to decrease; if so, does the report use current or future concentrations. Mr.

Haddad said TCE concentrations have been steadily decreasing, at least by 75 percent. It is safe to assume that the concentrations will continue to decrease over time. However, when selecting the alternative, current concentration values are used.

- A community member asked how long it would take to clean the groundwater in areas where there is a concentration of over 1,000 micrograms per liter (μL) of TCE. Mr. Haddad said the TCE cleanup standard is 5 μL and it would take many years to reach that cleanup standard. Mr. Strauss said he recalled the documents from 1989 projected a 109-year cleanup timeframe and asked if that projection is being exceeded. Mr. Haddad said it is undetermined at present.

Mr. Haddad concluded the presentation.

RESULTS OF FIELD WORK AT NORTHERN SOIL FILL AREAS

Mr. Don Chuck, NASA restoration project manager, presented results of field work at Area of Investigation (AOI) 14, focusing on polychlorinated biphenyls (PCBs). AOI 14 is located on the northern portion of NASA Ames Research Center and includes: Former Soil Fill Area, or "peninsula;" Building N217 Fill Area; and Building N217A Fill Area. Field work for AOI 14 took place from June 20 to June 23, 2006. There were 207 samples taken from 38 sampling locations. The samples were taken every two feet and borings were completed in natural soil. Compounds analyzed include PCBs (and Aroclor 1268), total DDT, lead and zinc, total petroleum hydrocarbons, total oil and grease, volatile organic compounds, and priority pollutant metals. PCB levels above the remediation level of 0.210 milligrams per kilogram (mg/kg) were found in the fill soil through a depth of 12 feet. Although Mr. Chuck did not provide results on other contaminants analyzed, he said they were also found in areas where PCBs were found. Next steps for the project include completing a report of findings, preparing a removal action workplan (equivalent to an FS report), and preparing a remedial design. Some cleanup alternatives considered include: excavation and off-site disposal; excavation and on-site treatment; and sediment cap.

Following are questions and comments about the presentation:

- In response to Mr. Strauss' question of where the fill came from, Mr. Chuck said it is suspected that it came from the substation that moved when the wind tunnel was built.
- Mr. Strauss asked which PCBs were found. Mr. Chuck said 1268 was found in localized areas.
- Mr. Siegel asked why contamination values increased as depth increased and if it could be attributed to vertical migration. Mr. Chuck said the increasing contamination is probably not from vertical migration, but could have resulted from the multiple loads of fill. Mr. Siegel said this could mean that full removal of the sediment is required - if sampling was done every two feet and there were multiple loads of fill, there could be contamination in the unsampled layers.
- Mr. Siegel asked if global warming is taken into account for the cleanup alternatives. Mr. Strauss added that all activities done on a body of water should include global warming factors. Mr. Chuck said he did not know what NASA was doing about water rise and indicated that most of Moffett Field would be under water if water rose to the predicted level.

Mr. Chuck concluded the presentation.

RAB BUSINESS

RAB Related Announcements – There were no announcements made.

RAB Schedule - The next meeting is scheduled for Thursday, 11 Jan 2007, from 7 to 9:30 p.m., at Mountain View City Hall, Fourth Floor.

The RAB meeting schedule for 2007 is as follows:

- January 11, 2007
- March 8, 2007
- May 10, 2007
- July 12, 2007

▪ September 13, 2007

▪ November 8, 2007

Future RAB Topics – The following topics were identified as potential agenda items:

- Army presentation on Orion Park.
- Site 27 update.
- Hangar 1 revised EE/CA progress.
- NASA cleanup on Eastern Diked Marsh.
- Update on burrowing owl population.

Adjourn – The meeting was adjourned at 9:10 p.m. and Mr. Weissenborn thanked everyone for attending. Mr. Weissenborn can be contacted with any comments or questions:

Mr. Rick Weissenborn

BRAC Environmental Coordinator, Former NAS Moffett Field

BRAC Program Management Office West

1455 Frazee Road, Suite 900, San Diego, CA 92108

Phone: 619-532-0952 **Fax:** 619-532-0995 **E-mail:** richard.weissenborn@navy.mil

GLOSSARY OF TERMS USED IN THESE MINUTES

AOI – Area of Investigation

BRAC – Base Realignment and Closure

CPEO – Center for Public Environmental Oversight

EE/CA – Engineering evaluation/cost analysis

EPA – U.S. Environmental Protection Agency

MEW – Middlefield-Ellis-Whisman

µg/L – Micrograms per liter

µ/m³ – Micrograms per cubic meter

mg/kg – Milligrams per kilogram

NAS – Naval Air Station

NASA – National Aeronautics and Space Administration

PCBs – Polychlorinated biphenyls

RAB – Restoration Advisory Board

RI/FS – Remedial investigation/feasibility study

TCE – Trichloroethylene

Water Board – San Francisco Bay Regional Water Quality Control Board

***RAB meeting minutes are posted on the Navy's Environmental Web Page at:
<http://www.bracpmo.navy.mil/bracbases/california/moffett/>***



Public Record f

RECEIVED
San Jose City Clerk

2007 JAN -3 A 11: 59

December 22, 2006

San Jose Historical Landmarks Commission
Attn: Representative
400 City Hall Annex
801 N. First Street
San Jose, CA 95110

Subject: Historic Consultation for Omnipoint Communications, Inc. dba T-Mobile USA, Inc. (T-Mobile) Wireless Telecommunications Service (WTS) Facility Project Almaden Lake Park / SF-05420A, in San Jose, in Santa Clara County, California.

Dear Representative:

EarthTouch, Inc. is under contract to T-Mobile to provide a cultural resource assessment for T-Mobile facility number SF-05420A / Almaden Lake Park, located at 622 Gaundabert Lane, in San Jose, Santa Clara County, California. The assessment was conducted to identify historic properties (prehistoric or historic sites, buildings, structures, objects, or districts listed in, or eligible for listing in, the National Register of Historic Places [National Register]), as required by 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act of 1966, as amended.

The subject property is an irregularly-shaped, multi-acre tract of land bordered by single-family residential homes on standard-sized lots, arterial freeways, and secondary surface streets. The subject property is a developed high school campus consisting of a primary school building that houses classrooms, administrative offices, and a gymnasium; modular classroom buildings; and ancillary support structures that are bordered by parking areas, playing fields, a swimming pool, baseball diamonds, basketball courts, tennis courts, and a track and field/football stadium. The WTS facility is located on the southwestern portion of the subject property adjacent to basketball courts, a baseball stadium, and the transition from eastbound State Route 85 to northbound State Route 87. The WTS facility includes the following:

- A roughly 12- by 30-foot ground lease abutting the southeastern margin of the site within which are two equipment cabinets associated with the WTS facility that house ancillary electronics and back-up batteries;
- A 40-foot dual-use steel monopole has been erected within the ground lease to support the deployment of three panel antennas and buoy up a mesh screen that extends roughly 30 feet above ground level (agl) that protects vehicular traffic on State Route 85 from errant baseballs from the baseball stadium. Panel antennas have been snug-mounted to the top of the monopole, oriented in three sectors to provide coverage to subscribers within the surrounding area, and covered by a screen to minimize visual disruption associated with the WTS facility;
- A global positioning system (GPS) antenna has been affixed to a metal pole within the lease area to provide for telemetry communications between the proposed WTS facility, low-orbiting satellites, and subscriber telephones; and
- The WTS facility has been connected to land-based (wired) electrical and telecommunications utilities at a nearby pull-boxes.



With the proposed WTS facility containing a monopole under 200-ft in height, the visual Area of Potential Effect (APE) is prescribed as ½ of a mile. A preliminary review of historical information (Historic Property Data File) failed to identify known historic structures within ½-mile of the proposed facility. A file search conducted at the Northwest Information Center (NWIC) on 11/16/2006 also indicated that there are no eligible historic structures known to exist within the ½- mile radius of the proposed facility

Pursuant to Section 36 CFR Part 800.3(e), EarthTouch, Inc. is contacting the San Jose Historical Landmarks Commission to solicit comments regarding this federal undertaking. If you have any comments regarding this facility, please contact me within ten working days of receiving this letter. **Please include the project name and number in your response.** I can be reached at the address and telephone number listed below my name or by e-mail at lbillat@earthtouchinc.com.

Sincerely,

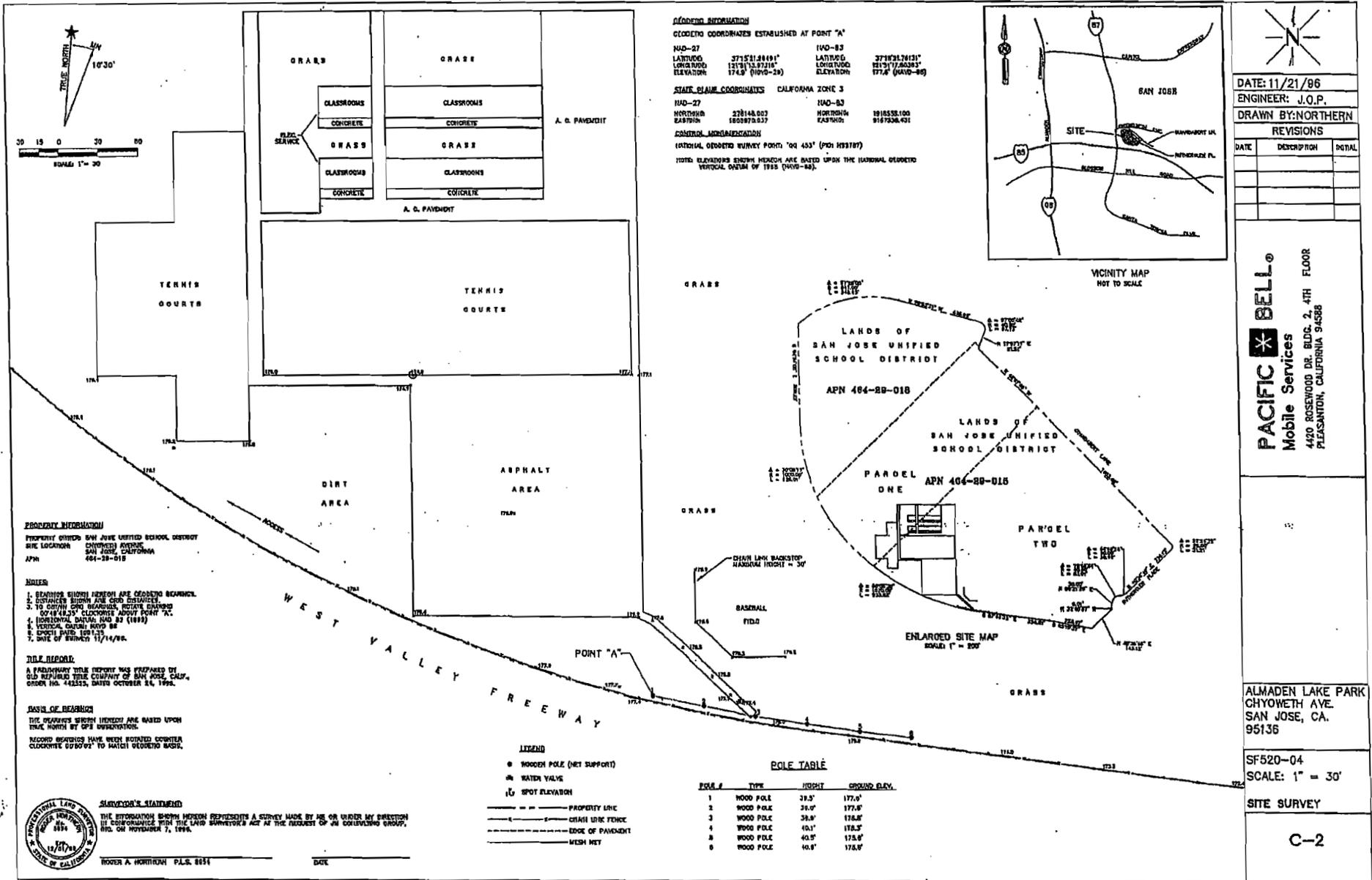
EarthTouch, Inc.

A handwritten signature in cursive script that reads "Lorna Billat".

Lorna Billat
Senior Archaeologist
801.423.1014 (direct line)
801.381.3523 (mobile)

Attachments: A-Site Plans

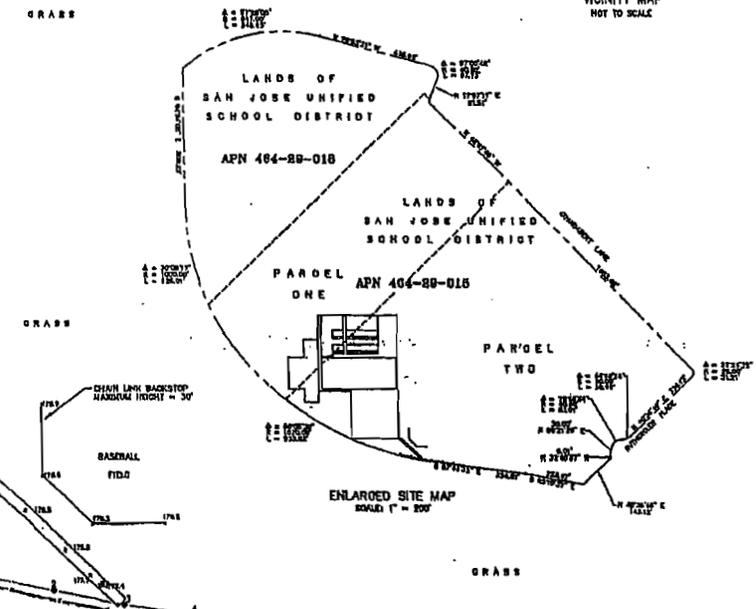
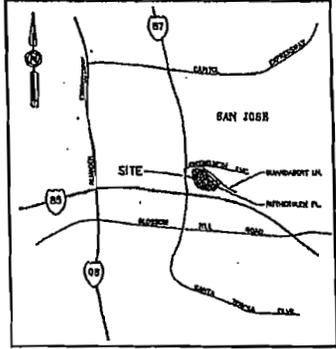
SF-04520A ALMADEN LAKE PARK



GEODETIC INFORMATION
 GEODETIC COORDINATES ESTABLISHED AT POINT "A"
 NAD-83 371521.84191' 371928.76131'
 LATITUDE 121°17'32.97216" LONGITUDE 01°17'40.8935"
 ELEVATION 174.9 (NAVD-83) ELEVATION 171.6 (NAVD-83)

STATE PLANE COORDINATES CALIFORNIA ZONE 3
 NAD-83 278148.027' 191855.100'
 NORTING EASTING 1809870.837' EASTING 9167306.431'

CONTINENTAL MERIDIANIZATION
 (NATIONAL GEODETIC SURVEY POINT "04 453" (P04 193187))
 THESE ELEVATIONS SHOWN HEREIN ARE BASED UPON THE NATIONAL GEODETIC
 VERTICAL DATUM OF 1985 (NAVD-85).



LEGEND

- WOODEN POLE (NET SUPPORT)
- WATER VALVE
- SPOT ELEVATION
- PROPERTY LINE
- CHAIN LINK FENCE
- EDGE OF PAVEMENT
- MESH NET

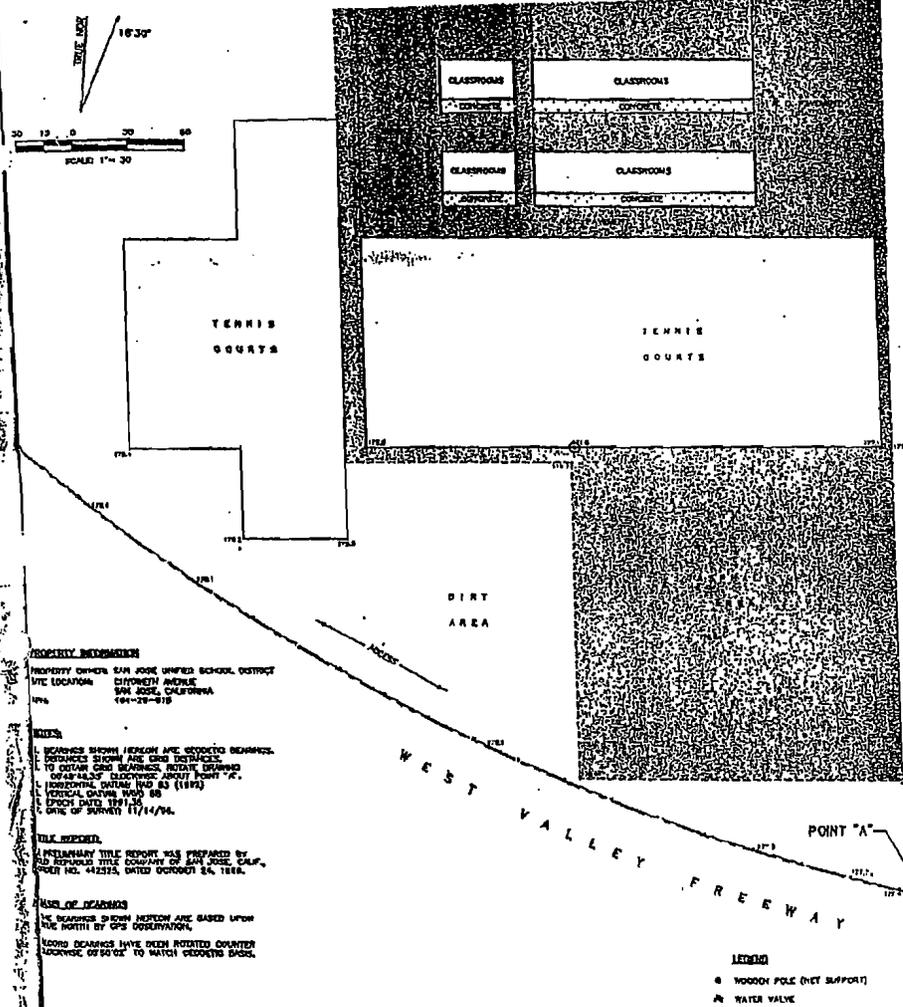
POLE TABLE

POLE #	TYPE	HIGHT	GROUND ELEV.
1	WOOD POLE	29.5'	177.6'
2	WOOD POLE	26.0'	177.8'
3	WOOD POLE	28.5'	178.5'
4	WOOD POLE	40.1'	178.3'
5	WOOD POLE	40.9'	178.0'
6	WOOD POLE	40.9'	178.9'



SURVEYOR'S STATEMENT
 THE INFORMATION SHOWN HEREIN REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION
 IN CONFORMANCE WITH THE LAND SURVEYORS ACT AS THE REQUEST OF AN COLLECTIVE GROUP,
 THE CHYOWETH AVENUE, 7, 1995.

ROGER A. NORTHERN P.L.S. 8654
 DATE



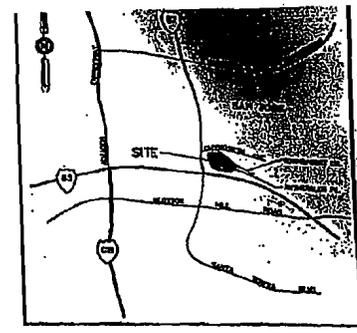
PROPOSED CHARACTERISTICS ESTABLISHED AT POINT "A"

MD-27	37°15'21.96484"	MD-83	37°18'21.78131"
LATITUDE:	121°01'13.92316"	LATITUDE:	121°01'17.86043"
LONGITUDE:	177.0'	LONGITUDE:	177.0'
ELEVATION:	(MVD-25)	ELEVATION:	(MVD-25)

STATE PLANNING COMMISSION CALIFORNIA ZONE 3

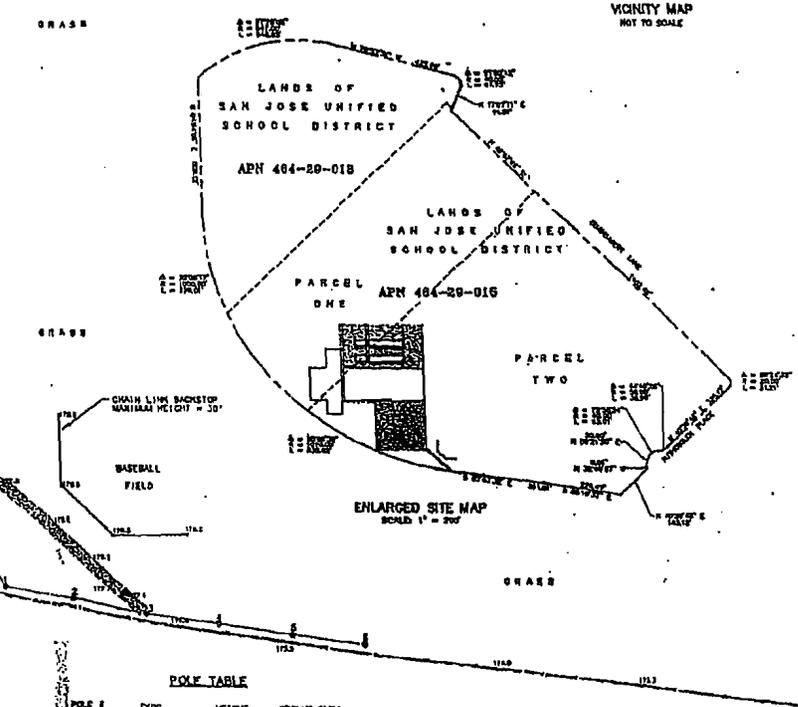
MD-27	38148.053	MD-83	38183.100
NORTHING:	100570.037	NORTHING:	100570.037
EASTING:		EASTING:	

VERTICAL DATUM: NATIONAL DATUM OF 1985 (MVD-85)



DATE: 11/21/88
ENGINEER: J.O.P.
DRAWN BY: NORTHERN

NO.	DATE	DESCRIPTION	BY
1	11/21/88	PRELIMINARY	J.O.P.
2	11/21/88	REVISED	J.O.P.
3	11/21/88	REVISED	J.O.P.
4	11/21/88	REVISED	J.O.P.
5	11/21/88	REVISED	J.O.P.
6	11/21/88	REVISED	J.O.P.
7	11/21/88	REVISED	J.O.P.
8	11/21/88	REVISED	J.O.P.
9	11/21/88	REVISED	J.O.P.
10	11/21/88	REVISED	J.O.P.



PROPERTY INFORMATION

PROPERTY OWNER: SAN JOSE UNIFIED SCHOOL DISTRICT
SITE LOCATION: 6100 NORTH AVENUE, SAN JOSE, CALIFORNIA 95120-0118

NOTES

1. BEARINGS SHOWN HEREON ARE SUDDED BEARINGS.
2. BEARINGS SHOWN ARE CHAIN DISTANCES.
3. TO OBTAIN CHAIN BEARINGS, ROTATE BEARING 90 DEGREES COUNTERCLOCKWISE ABOUT POINT "A".
4. HORIZONTAL DATUM: NAD 83 (1983)
5. VERTICAL DATUM: MVD 85
6. EPOCH DATE: 11/14/96
7. DATE OF SURVEY: 11/14/96

TITLE REPORT

A PRELIMINARY TITLE REPORT WAS PREPARED BY THE REPUTABLE TITLE COMPANY OF SAN JOSE, CALIF., FILED NO. 442350, DATED OCTOBER 24, 1988.

USE OF BEARINGS

THE BEARINGS SHOWN HEREON ARE BASED UPON THE NORTH BY GPS OBSERVATION.

WOODS CLEARING HAVE BEEN ROTATED COUNTERCLOCKWISE 90 DEGREES TO MATCH VEGETATION SHOW.

SURVEYOR'S STATEMENT

THE INFORMATION SHOWN HEREON REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE LAND SURVEYORS ACT AT THE REQUEST OF JIM CONRADING GROUP, INC. ON NOVEMBER 7, 1988.

Roger A. Northern
ROGER A. NORTHERN, P.S. 9454

DATE: 11/21/88



- LEGEND**
- WOOD POLE (NET SUPPORT)
 - WATER VALVE
 - ⊙ SPOT ELEVATION
 - PROPERTY LINE
 - - - CHAIN LINK FENCE
 - - - EDGE OF PAVEMENT
 - - - MESH NET

POLE TABLE

POLE #	TYPE	HEIGHT	GROUND ELEV.
1	WOOD POLE	39.5'	177.6'
2	WOOD POLE	39.0'	177.5'
3	WOOD POLE	39.8'	178.3'
4	WOOD POLE	40.1'	178.3'
5	WOOD POLE	45.5'	178.3'
6	WOOD POLE	40.8'	178.4'

PACIFIC BELL
Mobile Services
4420 ROSSWOOD DR. BLDG. 2, 4TH FLOOR
PLEASANTON, CALIFORNIA 94566

ALMADEN LAKE PARK
CHYOWETH AVE.
SAN JOSE, CA.
95136
6288 Guardsbret
SF520-04
SCALE: 1" = 30'

SITE SURVEY
C-2

Public Record 9

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

RECEIVED
San Jose City Clerk

2006 DEC 22 A 9:50

December 22, 2006

Mr. Bill Brill
Chairman
Civil Service Commission
200 East Santa Clara Street
San José, California 95113-1905

Re: Letter to Mayor and Council dated 12/12/2006
Email from Deputy Director Watershed Protection dated 12/12/2006

Chairman Brill and Honorable Commissioners;

Enclosed, you will find a letter I placed on the public record, addressed to Mayor Gonzales and Council dated 12/12/2006 and a copy of an Email from the Deputy Director of Watershed Protection dated 12/12/2006. **Note the times of publication.**

Both documents concern themselves with the issue before you, specifically, the controversy concerning the (3) SENIOR ENVIRONMENTAL INSPECTOR positions.

As to the letter I generated requesting that the Interim City Manager be punished for "his abject failures at the Environmental Services Department (ESD)", the document speaks for itself. Primarily, if ESD was managed satisfactorily, the issue of a "request to Investigate...." would never have come before you for your inquiry or adjudication.

As to the Email from the Deputy Director of Watershed Protection, dated 12/12/2006, my read is damage control and a poor attempt at it as well.

I redacted the names for privacy concerns. One of the "Acting-redactees" if you will is unique. This victimized employee has a FEDERAL QUESTION attached to the harm brought about by this controversy.

As to the status of the "Acting" employees, it seems there is an additional controversy. There exists confusion as to whether or not these employees are still "Acting" either officially or non-officially.

Respectfully submitted,

David S. Wall 12.22.2006

///

Cc: City Attorney / City Auditor / Interim City Manager

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

RECEIVED
San Jose City Clerk

2006 DEC 12 P 12: 51

December 12, 2006

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

Re: Punish Interim City Manager for failure to resolve Problems at (ESD).

Mayor Gonzales and Members San José City Council;

Before the Interim City Manager leaves his office, there must be an accounting (*in real time*) and atonement to the tax-payer coffers for his abject failures at the Environmental Services Department (ESD).

The rash of appointments to senior management positions by the Director of ESD and corresponding sub-appointments by said appointees should be reviewed with diligence and circumspect. *The Interim City manager is ultimately responsible.*

For example, the on going cost to the tax-payers concerning the issue of the (3) SENIOR ENVIRONMENTAL INSPECTOR positions are indicators of depraved indifference and reckless decision making, from ESD including the Office of the City Manager, Interim or otherwise. *The Interim City manager is ultimately responsible.*

The future administration of the Honorable Chuck Reed and Council should not have to be burdened with the ramifications of this depraved administrative indifference and reckless decisions affecting City operations.

Municipal administrators who behave badly to the detriment of the tax-payers cannot assert; "the doctrine of Management's Prerogative" as an affirmative defense.

Attached is a "letter" signed by the Deputy Director Watershed Management (ESD) and a Deputy Director of Human Resources, dated 12/05/2006. This "letter" is attempt at appeasement of harmed City employees. This example of administrative corruption to the Civil Service Rules in the hiring process, serves the interests of those that signed it and others, yet to be determined in the respective corrupt hierarchies. To wit, removal from City service is justified with financial penalties assessed on the guilty.

Respectfully submitted and Happy Holidays,

David S. Wall

Cc: City Attorney / City Auditor / Interim City Manager
Civil Service Commissioners

12.12.2006

[REDACTED]

From: [REDACTED]
Sent: Tuesday, December 12, 2006 2:51 PM
To: ESD - Source Control; ESD - Watershed Enforcement
Cc: ESD - Environmental Engineering
Subject: WSP Enforcement Section Supervision

Good afternoon,

We are concluding the assignments for the Acting Sr. Environmental Inspectors effective 12/16/06. Given the modest timeframe expected for completing the Sr EI recruitment at this point, we are not making additional "Acting" assignments at this time. All Enforcement work groups will report directly to [REDACTED]. My sincere thanks to [REDACTED] and [REDACTED] for their earnest efforts over the last several months. I know that the transition and interim assignments have been challenging for many.

As the calendar year concludes, there are several key deliverables that will be the focus of the Enforcement groups:

- Completion of all required Pretreatment Program activities for 2006 (inspections, follow up, enforcement, SMR review, and sampling)
- Completion of the primary phase of the EEDMS agreement as we move into the maintenance portion of the contract.
- Sector Loading sampling

Looking ahead to Q1 of 2007, there are also a number of milestones before us along with the ongoing inspection and sampling services:

- Preparation of the 2006 Pretreatment Program reports
- Pretreatment Program Training
- Program Performance measures and milestones for the sections
- Contribution to the 2006 Pollution Prevention / Clean Bay Strategy Report
- Development of the FOG Program Work Plan
- Contribution to the Urban Runoff Management Plan Annual Work Plans

I appreciate everyone's contribution to these important Environmental Enforcement efforts to protect water quality.

We are also looking forward to working together in 2007 to get our crews fully staffed and implement new staff development initiatives. Thanks!

[REDACTED]
Deputy Director
Watershed Protection
City of San Jose - Environmental Services
(408) 277-3892 Fax: (408) 277-2357
170 W San Carlos St, San Jose, CA 95113



Memorandum

TO: Lee Price

FROM: Bonnie Kobayashi

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

DATE: December 22, 2006

The City's Investment Reports are sent via email to the City Council and others (including the City Clerk's Office) in addition to posting the reports to the City's website (www2.csjfinance.org). We are submitting the following paper copy of the report for filing for the public record.

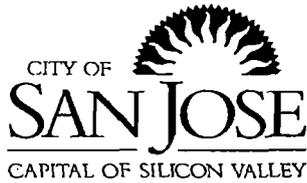
- Monthly Investment Report for November 2006

(On File in the Office of the City Clerk)

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

BONNIE KOBAYASHI
Administrative Officer
Finance Department

RECEIVED
San Jose City Clerk
2006 DEC 22 P 1:17



Memorandum

TO: Lee Price
City Clerk

FROM: David Persselin

SUBJECT: AIRPORT COMMERCIAL PAPER PROGRAM EXPANSION **DATE:** December 22, 2006

Attached is the Amended and Restated Letter of Credit and Reimbursement Agreement related to the Norman Y. Mineta San José International Airport Subordinated Commercial Paper Program, increasing the Maximum Stated Amount from \$200 million to \$450 million.

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

DAVID PERSSELIN
Debt Administrator, Finance

Attachments

cc: Danielle Kenealey, City Attorney's Office
(no attachments)

RECEIVED
San Jose City Clerk
2006 DEC 22 A 11:52

AMENDED AND RESTATED LETTER OF CREDIT AND REIMBURSEMENT AGREEMENT

among

CITY OF SAN JOSE, CALIFORNIA,

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION,
Individually and as Agent

DRAFT

and

THE BANKS WHICH BECOME PARTIES HERETO

RELATING TO
CITY OF SAN JOSE, CALIFORNIA
SAN JOSE AIRPORT
SUBORDINATED COMMERCIAL PAPER PROGRAM

Dated as of January 1, 2007

On File in the Office of the City Clerk

1/3/2007

Honorable Mayor Reed and City Council,

I would like to see the
City Council Meeting to Wed. Thank you.

Mark Trout
2924 La Jolla Ave
San Jose CA
95124

(408) 264-0419

Public Record
j.

RECEIVED
San Jose City Clerk
2007 JAN -3 P 2:37

1/3/2007

Honorable Mayor Reed and Council,

Please consider changing the Open Forum to the begin the meeting, instead of at the end. Thank you.

Mark Trout
2924 La Jolla Ave
San Jose CA.
95124
(408) 264-0419

Public Record K

RECEIVED
San Jose City Clerk
2007 JAN -3 P 2:37

AGENDA
JOINT BOARD OF DIRECTORS/LEGISLATIVE ACTION COMMITTEE
MEETING
Thursday, January 11, 2007, 7:00 p.m.
West Conference Room, Sunnyvale City Hall
456 West Olive Avenue, Sunnyvale, CA

This agenda and packet are available at <http://www.sccca.gov/Packet/Board.htm>

- | | |
|--|-----------|
| 1. Welcome, Introductions and Roll Call | 7:00 |
| 2. Consent Calendar | 7:00–7:05 |
| a. Approval of Minutes for November 2, 2006 Meeting | |
| b. Acceptance of Financial Reports (Casas) | |
| 1. December 2006 Balance Sheet | |
| 2. December 2006 Budget Report | |
| 3. December 2006 Transaction Report | |
| 3. Old Business | 7:05–7:15 |
| a. Schedule of Meetings for 2007 | |
| 3. New Business | |
| a. Policy Priorities for 2007 | 7:15–7:45 |
| b. JPC Issues for 2007 | 7:45–8:15 |
| c. Proposed Bylaw Changes | 8:15–8:30 |
| d. City Managers Report (Sparacino) | 8:30–8:40 |
| 4. Member Reports, Comments and Announcements | 8:40–8:50 |
| <i>(Each member may speak on any issue not on the agenda; time limit of 3 minutes unless the Board authorizes further discussion.)</i> | |
| 5. Oral Communication | 8:50–9:00 |
| <i>(This time is reserved for public comment and is limited to topics not on the agenda; comment time not to exceed 3 minutes.)</i> | |
| 6. Adjournment and Next Meeting | |
| Thursday, February 8, 2007; 7 pm; Sunnyvale City Hall | 9:00 |

Cities Association: Adopted Meeting Calendar 2007

January 2007

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February 2007

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

March 2007

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

April 2007

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

May 2007

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

June 2007

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

July 2007

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

August 2007

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

September 2007

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

October 2007

Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

November 2007

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

December 2007

Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Dates for Consideration

National League of Cities: March 10-14 (Washington D.C.)

National League of Cities: November 13-17 (New Orleans)

California League of Cities: Legislative Action Days - May 16-17 (Sacramento)

California League of Cities: Annual Conference - September 5-8 (Sacramento)

California League of Cities: City Managers – February 7-9 (San Francisco)

ICMA Conference October 7-10

Silicon Valley Leadership Group: Dates set by Board

April 25-26 Annual SVLG Sacramento Trip with Public City and County officials
June 5-7 Annual DC Advocacy Trip
December 13 Annual Reception for Elected Officials

LCC Peninsula Division:

January 4 6:00-8:00 pm Reception for Newly & Re-elected local government officials, Mtn. View City Hall Rotunda
February 15 Regular Dinner Meeting – Michael’s at Shoreline
April 26 Bocce Ball Bash – Campo di Bocce, Los Gatos
May 31 Regular Dinner Meeting – Site TBA in San Mateo County
August 2 Regular Dinner Meeting – Michael’s at Shoreline

Valley Transportation Board:

1st Thursday of month VTA Board of Directors Meeting (Except Sept meeting moved to Aug. 30) LCC conflict
2nd Thursday of month VTA Policy Advisory Committee @ 4 pm

Legend

Green ■ Regular Board Meetings: 2nd Thursday of month
Yellow -- Executive Board Meetings: 1st Wednesday of month
Blue ■ Legislative Action Committee Meetings: 4th Thursday of month
Red ■ Joint Policy Collaborative Committee Meetings - from 4:30-6:30 pm on April 12, June 7, and September 20 (same day as Board meetings)

Holidays and Observances

Jan. 1	New Year’s Day	Sept. 13	Rosh Hashana (Jewish)
Jan. 15	Martin Luther King Day	Sept. 13	Ramadan begins (Islamic)
Feb. 14	Valentine’s Day	Sept. 22	Yom Kippur (Jewish)
Feb. 19	President’s Day	Sept. 27	First day of Sukkot (Jewish)
March 31	Prophet’s Birthday (Islamic)	Oct. 3	Last day of Sukkot (Jewish)
April 3	First day of Passover (Jewish)	Oct. 4	Shmini Atzeret/Simchat Torah (Jewish)
April 6	Good Friday (Christian)	Oct. 8	Columbus Day
April 8	Easter Sunday (Christian)	Oct. 8	Lailat Ul Qadr (Islamic)
April 9	Easter Monday (Christian)	Oct.13	Eid-al-Fitr (Islamic)
April 10	Last day of Passover (Jewish)	Oct. 31	Halloween
May 13	Mother’s Day	Nov. 12	Veteran’s Day observed
May 28	Memorial Day	Nov. 22	Thanksgiving
June 17	Father’s Day	Dec. 5	First day of Chanukah (Jewish)
July 4	Independence Day	Dec. 12	Last day of Chanukah (Jewish)
Sept. 3	Labor Day	Dec. 20	Eid-al-Adha (Islamic)
		Dec. 25	Christmas Day (Christian)

December 2006 Transaction Report

SANTA CLARA COUNTY CITIES ASSOCIATION
 Transaction Detail by Account
 December 2006

Split	Date	Num	Name	Memo	
		Amount			
	Checking - Union Bank				
	12/1/2006	2203	City of Sunn...	Rent 12/2006	Rent
		-400.00			
	12/1/2006		Union Bank	Deposit	
	Membership Dinners - ...		420.00		
	12/5/2006	2204	First Nation...	Mastercard	
	-SPLIT-		-158.46		
	12/5/2006		Union Bank	Deposit	
	Membership Dinners - ...		420.00		
	12/11/2006		Union Bank	Deposit	
	Membership Dinners - ...		1,860.00		
	12/12/2006		Union Bank	Deposit	
	Membership Dinners - ...		480.00		
	12/12/2006	2205	Palo Alto Hi...	Holiday Party Entertainment	
	Membership Dinners - ...		-200.00		
	12/15/2006		Union Bank	Deposit	
	Membership Dinners - ...		780.00		
	12/18/2006		Union Bank	Deposit	
	Membership Dinners - ...		660.00		
	12/19/2006		AT&T	Nov. 25, 2006 Statement	
	Telephone - Fax & DS...		-71.42		
	12/22/2006		Union Bank	Deposit	
	Membership Dinners - ...		300.00		
	12/29/2006		Time Plus		
	Payroll Service Fees		-53.00		
	12/29/2006		Time Plus		
	Payroll Wages/Salary		-4,288.67		
	12/29/2006		Time Plus		
	-SPLIT-		-1,696.63		
	Total Checking - Union Bank		-1,948.18		
	Office				
	Conferences/Director's Expenses				
	12/5/2006	2204	First Nation...	Mastercard	
	Checking - Union Bank		8.00		
	Total Conferences/Director's Expenses		8.00		
	Hospitality				
	12/5/2006	2204	First Nation...	Mastercard	
	Checking - Union Bank		6.04		
	Total Hospitality		6.04		
	Postage and Delivery				
	12/5/2006	2204	First Nation...	Mastercard	
	Checking - Union Bank		36.45		
	Total Postage and Delivery		36.45		
	Rent				
	12/1/2006	2203	City of Sunn...	Rent 12/2006	

December 2006 Transaction Report

Checking - Union Bank 400.00
 Total Rent

400.00

Supplies and Equipment

12/5/2006 2204 First Nation... Mastercard
 Checking - Union Bank 107.97
 Total Supplies and Equipment
 107.97

Telephone - Fax & DSL lines

12/19/2006 AT&T Nov. 25, 2006 Statement
 Checking - Union Bank 71.42
 Total Telephone - Fax & DSL lines
 71.42

Total Office

629.88

Professional Services

Employee Expenses

Payroll Service Fees

12/29/2006 Time Plus
 Checking - Union Bank 53.00
 Total Payroll Service Fees
 53.00

Payroll Taxes

12/29/2006 Time Plus
 Checking - Union Bank 425.34
 Total Payroll Taxes
 425.34

Payroll Wages/Salary

12/29/2006 Time Plus
 Checking - Union Bank 4,288.67
 12/29/2006 Time Plus
 Checking - Union Bank 1,271.29
 Total Payroll Wages/Salary
 5,559.96

Total Employee Expenses
 6,038.30

Total Professional Services
 6,038.30

Membership Dinners - Proceeds

12/1/2006	Union Bank	Kleinberg(20, Cortese(2)...
Checking - Union Bank	-420.00	
12/5/2006	Union Bank	Ssandoval, Wang, Knaoo, ...
Checking - Union Bank	-420.00	
12/11/2006	Union Bank	Deposit
Checking - Union Bank	-1,860.00	
12/12/2006	Union Bank	City of Campbell, Amy Chan
Checking - Union Bank	-480.00	
12/15/2006	Union Bank	Deposit
Checking - Union Bank	-780.00	
12/18/2006	Union Bank	Mountain View, Benjamin,...
Checking - Union Bank	-660.00	
12/22/2006	Union Bank	Brodsky (2), Kniss, LeZo...
Checking - Union Bank	-300.00	

Total Membership Dinners - Proceeds

December 2006 Transaction Report
-4,920.00

Membership Dinners - Cost				
12/12/2006	2205	Palo Alto Hi...		Holiday Party Entertainment
Checking - Union Bank		200.00		
Total Membership Dinners - Cost		200.00		

TOTAL 0.00

**RULES AND REGULATIONS
OF SANTA CLARA COUNTY
CITY SELECTION COMMITTEE**

The Santa Clara County City Selection Committee, pursuant to the California Government Code Sections 50270 through 50279.2, have adopted the following as its rules and regulations:

1. **Membership.** The Santa Clara County City Selection Committee (the "CS Committee") shall consist of the current mayor, or the mayor's designee as provided in Section 4 below, of each city within Santa Clara County. In light of the close relationship between the Santa Clara County Cities Association ("SCCCA") and the CS Committee, these Rules and Regulations provide organizational structure and assistance from the SCCCA for the benefit of the CS Committee.

2. **Officers.** The Chairperson and Vice-Chairperson of the CS Committee shall be the President and First Vice President, respectively, of the SCCCA, whether or not they are then currently serving as the mayor of their respective cities; provided, however, that if they are not so serving as the mayor then they will not be entitled to a vote unless their respective mayor so designates them as allowed below. Their term of office shall coincide with their term of office as President and First Vice President of SCCCA, not to exceed four (4) years. The Executive Director of SCCCA shall serve as the Clerk and secretary of the CS Committee, and shall be deputized, if possible, by the County Clerk pursuant to Government Code Section 50276.

3. **Meetings.** Regular meetings of the CS Committee shall be immediately prior to a SCCCA Board meeting. Meetings of the CS Committee may be called at any time by the Chairperson or upon the written request of fifty percent (50%) of the members of the CS Committee. It is anticipated that the CS Committee will meet at least annually to make appointments as required by law. The Clerk shall give notice of the time, date and place of the meeting to each member of the CS Committee at least two weeks prior to the date of any meeting. In the event a quorum is not present at a meeting duly called, then the meeting shall be postponed or adjourned to a subsequent time and place, as determined by the Chairperson, and reasonable notice of such adjourned time, date and place shall be given to each member of the CS Committee.

4. **Voting.** Only the mayors, or their designee, shall be entitled to vote on CS Committee business. Each mayor may designate a fellow council member as that mayor's designee for attending and voting at a meeting of the CS Committee; provided that such designation is in writing delivered to the Chairperson or Clerk at or prior to the meeting, or by an email sent by the mayor to the Clerk at least twenty four (24) hours prior to the meeting. All votes and action taken by the CS Committee shall be recorded in writing by the Clerk, including the name of each member voting and how that member voted, and maintained along with the minutes of SCCCA.

5. **Appointments.** Appointees chosen by the CS Committee shall be an elected official of a Santa Clara County City or Town at the time of the CS Committee's appointment.

These Rules and Regulations were duly adopted by the CS Committee on this ___ day of _____, 200__.

December 2006 Budget Report

SANTA CLARA COUNTY CITIES ASSOCIATION
 Report on Budget vs. Actual
 July through December 2006

Jul - Dec 06

Budget	% of Budget	
Ordinary Income/Expense		
Income		
		Directory Income 171.00
600.00	28.5%	
		Dues Income 83,682.00
83,680.00	100.0%	
		Interest 1,544.47
1,440.00	107.3%	
		Total Income 85,447.47
85,720.00	99.7%	
		Gross Profit 85,447.47
85,720.00	99.7%	
Expense		
Office		
		Conferences/Director's Expenses 814.24
1,575.00	51.7%	
		Directory Production 0.00
1,350.00	0.0%	
		Dues and Subscriptions 0.00
500.00	0.0%	
		Hospitality 147.56
1,500.00	9.8%	
		Insurance 0.00
1,200.00	0.0%	
		Internet - Web Hosting Services 149.70
500.00	29.9%	
		Miscellaneous
		Bank Service Charges 15.00
36.00	41.7%	
		Total Miscellaneous 140.00
36.00	388.9%	
		Postage and Delivery 36.45
250.00	14.6%	
		Property taxes 92.70
0.00	100.0%	
		Recognition 0.00
400.00	0.0%	
		Rent 2,400.00
4,800.00	50.0%	
		Repairs and Maintenance 0.00
350.00	0.0%	
		Supplies and Equipment 178.31
1,500.00	11.9%	
		Telephone - Fax & DSL lines 432.82
1,020.00	42.4%	
		Total Office 4,391.78
14,981.00	29.3%	
Professional Services		
Employee Expenses		

December 2006 Budget Report

682.00	Payroll Service Fees	47.5%	324.00
5,481.00	Payroll Taxes	43.0%	2,358.69
62,676.00	Payroll Wages/Salary	49.2%	30,832.46
68,839.00	Total Employee Expenses	48.7%	33,515.15
68,839.00	Total Professional Services	48.7%	33,515.15
	Programs and Initiatives		
900.00	Project Support	0.0%	0.00
1,000.00	Workshop Support	0.0%	0.00
1,900.00	Total Programs and Initiatives	0.0%	0.00
85,720.00	Total Expense	44.2%	37,906.93
0.00	Net Ordinary Income	100.0%	47,540.54
	Other Income/Expense		
	Other Income		
7,000.00	Membership Dinners - Proceeds	82.3%	5,760.00
7,000.00	Total Other Income	82.3%	5,760.00
	Other Expense		
7,000.00	Membership Dinners - Cost	5.7%	400.00
7,000.00	Total Other Expense	5.7%	400.00
0.00	Net Other Income	100.0%	5,360.00
0.00	Net Income	100.0%	52,900.54

December 2006 Balance Sheet

SANTA CLARA COUNTY CITIES ASSOCIATION
 Balance Sheet
 As of December 30, 2006

Dec 30, 06

ASSETS	
Current Assets	
Checking/Savings	
Checking - Union Bank	1,957.87
Total Checking/Savings	1,957.87
Other Current Assets	
Accrued Interest	195.56
LAIF Funds	91,258.67
Prepaid Rent	400.00
Total Other Current Assets	91,854.23
Total Current Assets	93,812.10
Fixed Assets	
Accumulated Depreciation	-10,590.23
Machinery and Equipment	10,590.23
Total Fixed Assets	0.00
TOTAL ASSETS	93,812.10
LIABILITIES & EQUITY	
Equity	
Fund Balance	
Reserve for New Equip.	5,000.00
Reserve for Operations	41,000.00
Reserve for Program/Opport.	8,520.90
Total Fund Balance	54,520.90
Retained Earnings	-13,609.34
Net Income	52,900.54
Total Equity	93,812.10
TOTAL LIABILITIES & EQUITY	93,812.10

Minutes
BOARD OF DIRECTORS MEETING
 November 2, 2006

The meeting of the Santa Clara County Cities Association Board of Directors was called to order at 7:05 p.m. at the Santa Clara City Hall with President Judy Kleinberg presiding. Judy welcomed everyone.

1. Roll Call

Present Judy Kleinberg – President, Palo Alto
 Kris Wang – Cupertino
 Peter Arellano - Gilroy
 David Casas – Director at Large, Los Altos
 Dean Warshawsky – Los Altos Hills
 Joe Pirzynski. - Los Gatos
 Mark Brodsky – Monte Sereno
 Nick Galiotto– Mountain View
 Pat Mahan – 2nd Vice President, Santa Clara
 Aileen Kao – Saratoga
 Frank Benest, City Managers Association

Absent: Campbell
 Milpitas
 Morgan Hill
 San Jose

Also present: Mike Kasperzak, 1st Vice President
 Corey Alvin, Sprint/Nextel
 Dave Anderson, Saratoga City Manager
 Rod De La Rosa, External Affairs, T-Mobile USA
 Pattie DeMelloPine, Office of Supervisor Liz Kniss
 Kevin Duggan, Mountain View City Manager
 Seth Fearey, VP & Coo, Joint Venture: Silicon Valley Network
 Yoriko Kishimoto, Palo Alto Vice Mayor
 Andy Miner, Principal Planner, Sunnyvale
 Aaron Olson, Volunteer with cell phone subcommittee
 Matt Pear, Councilmember, Mountain View
 Hal Plotkin, VP Foothill-DeAnza Community College District
 Jessica Prince, External Affairs, T-Mobile USA
 Kevin Riley, Director, Planning & Inspection, Santa Clara
 Jim Rowe, City of Morgan Hill
 Al Savay, Mountain View Planning
 Randall Schwabacher, Parsons Corp.
 Betsy Shotwell, City of San Jose
 James Singleton, CalCom Systems, Verizon Wireless
 Tasha Skinner, Parsons Corp.
 Jennifer Sparacino, Santa Clara City Manager
 Larry Stone, Santa Clara County Assessor
 Curtis Williams, Chief, Planning & Transportation, Palo Alto
 Joanne Benjamin, SCCCA Executive Director

2. Consent Calendar

- a. Approved the Minutes for October 12, 2006. Motion (Mahan) and second (Casas) to approve the minutes. The motion passed with one abstention (Kleinberg).
- b. Acceptance of Financial Reports
 1. October 2006 Balance Sheet,
 2. October 2006 Budget Report
 3. October 2006 Transaction ReportMotion (Galiotto) and second (Wang) to accept the financial reports. The motion carried unanimously.
- c. Adopted the 2007 Meeting Scheduled as revised at the meeting. The revision was to hold the November meeting on the second Thursday, November 8.

3. New Business

- a. Annual Holiday Party: Judy announced the Holiday Party would be held on Thursday, December 14 from 6-9 pm at the Garden Court Hotel in Palo Alto. Invitations are available and Judy encouraged everyone to promote their councils and managers attendance.
- b. Election of 2007 Officers: The Nominating Committee Report was presented and President Kleinberg stated the nominating committee has looked to elect officers that represented different sections of the county. Motion (Casas) and second (Galiotto) to elect the officers as presented by the Nominating Committee. President Kleinberg congratulated everyone.
- c. City Managers' Report: Frank Benest reported that the City Managers had not met in October, but would be meeting in November.

4. Presentations and Discussion:

- a. Health Benefits Coalition: Hal Plotkin, Vice President of the Foothill-De Anza Community College District Board of Governors and Acting Co-Chair of the Santa Clara County Health Benefits Coalition explained he co-chairs a regional collaboration and 14 agencies have joined. Mr. Plotkin presented the background of how the coalition looks at health care and stated what he thought were the opportunities to being part of the coalition. Mr. Plotkin distributed a draft resolution supporting the formation of the Santa Clara County Regional Public Employee Health Benefits Coalition. Motion (Galiotto) and second (Pirzynski) to support the coalition in principle. Motion passed unanimously.
- b. Assessor's Officer Budget and Staffing Impacts: Larry Stone, County Assessor, presented background on the Property Tax Administration Program (PTAP) and the importance of continuing such a program. Mr. Stone stated Assemblymember Sally Lieber has agreed to re-introduce legislation in December that will create a new property tax program similar to PTAP. Mr. Stone urged the Cities Association to support his efforts. He will keep the Cities Association updated on the progress of the legislation.
- c. BAAQMD Report - Toxic Air Study: Yoriko Kishimoto, Palo Alto Vice Mayor and Cities Association representative on the BAAQMD Board, presented a brief overview of a newly released study on the health effects from emissions of toxic air contaminants.
- d. Community Bus/Bus-Rapid Transit Prototype: Monte Sereno Mayor Mark Brodsky shared his ideas of rethinking some old ideas to increase VTA ridership. Mark's goal is to demonstrate that Community Bus - Bus Rapid Transit technology can be used as an innovative connection to link the West Side with valley jobs and increase transit ridership by 100%. Mark distributed materials and a proposed test route was included in the materials. The West Valley Mayors and Managers have supported this prototype for the West Valley/West San Jose region. Mark would like the Cities Association to support the concept

of community bus circuits that connect to nodes that connect to longer distance/bus rapid transit lines. Motion (Kao) and second (Casas) to support the concept as proposed. Motion passed unanimously.

- e. Cell Phone Coverage Project: Seth Fearey, VP and COO, Joint Venture: Silicon Valley Network presented to the group a panel of speakers, city personnel, and volunteers who have been working on the project. Seth and the other speakers focused the presentation and discussion on what cities can do to improve cell phone coverage in Silicon Valley. Seth stated he will need financial help for the primer and website. His timeline is flexible and he will ask for support from the carriers along with the cities. Motion (Brodsky) and second (Mahan) to endorse the cell phone coverage campaign, including the primer and website. Motion passed with one abstention (Kleinberg).

5. **Oral Communication:** None

6. **Adjournment to:** The meeting was adjourned at 9:25 p.m. to the Holiday Party being held on **Thursday, December 14, 2006, 6 pm, Garden Court Hotel, Palo Alto**

Respectfully submitted,

Joanne Benjamin
Executive Director

Public Record m

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

RECEIVED
San Jose City Clerk

2007 JAN -3 P 1:29

January 3, 2007

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

Re: San José Repertory Theatre: demand for status update.

Enclosed you will find the following documents:

- Copy of the Interim City Manager's letter dated 12/18/2006 with corresponding envelope and postmark dated 12/21/2006.
- Copy of my letter Mayor Gonzales and Council dated 11/29/2006.

In his letter, the Interim City Manager pointed out an error in my letter dated 11/29/2006. I erred in stating that, "**the official monthly accounting and review of performance measures are over due.**"

How does a citizen find out if the terms of the Revolving Line of Credit, or in real terms; a gift of public funds to a failed business entity? Citizens do not have access to the Interim City Manager's staff.

Is the **San José Repertory Theatre** still losing taxpayer money?

Did the Interim City Manager report the status of the **San José Repertory Theatre** to; the Attorney, Auditor and the Media?

Did the Interim City Manager report the status of the **San José Repertory Theatre** to you as well?

I demand that the public be kept informed as to the status of all loans made under the ARTS STABILIZATION FUND giveaway (*in real time accounting*).

As to the date and postmark of the Interim City Manager's letter to me; receiving said letter after City Hall is closed for the Holidays prohibits a timely response. Improvement is needed to preserve proper business etiquette.

Respectfully submitted;

David S. Wall 01.03.2007

///
///

Cc: City Attorney / City Auditor / Interim City Manager

December 18, 2006

Mr. David S. Wall
455 North San Pedro Street
San Jose, CA 95110

Dear Mr. Wall:

Re: San Jose Repertory Theatre

I am responding to your letter of November 29, 2006 in which you state that the REP did not submit the financial documents in the time frame required of them under the Agreement for the Revolving Line of Credit. I have confirmed with staff that the organization did submit all of the required documents in the prescribed time schedule and that there has been no violation of any of the terms and conditions of their Agreement with the City.

Sincerely,

A handwritten signature in black ink, appearing to read 'Les White', with a long horizontal flourish extending to the right.

Les White

c: Mayor and City Council

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

RECEIVED
San Jose City Clerk

2006 NOV 29 P 12: 27

November 29, 2006

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

Re: San José Repertory Theatre-Performance Review Month #1

Mayor Gonzales and Members San José City Council;

On October 18, 2006 you formally enacted the \$4 million dollar ARTS STABILIZATION FUND which was the bastard child born of a \$34 million dollar budget surplus arising mysteriously from the ashes of a protracted budget deficit a few weeks prior to the November 4, 2006 elections.

The \$2 million dollar line of credit extended to the **San José Repertory Theatre** contained conditions precedent, concurrent and subsequent as consideration for continued financial life support for this despicable entity. **The official monthly accounting and review of performance measures are over due.**

Direct the Interim City Manager, before he fades into administrative obscurity in the waning moments of his temporary office, to produce an accounting and performance of the **San José Repertory Theatre**.

Should there be found; any unsound financial decision making, lack of revenue generation and or general administrative malaise, a formal and final budgetary castration should occur immediately, without hesitation or the slightest measure of intestinal remorse.

A copy of the Interim City Manager's Performance Review of the **San José Repertory Theatre** should be forwarded, with unabridged dispatch, to the City Attorney and Auditor for Review and procedural direction.

Additionally, a copy of the Interim City Manager's Performance Review of the **San José Repertory Theatre** should be disseminated to the media so as to inform the citizenry how their taxpayer money was gifted as a bailout and any financial returns generated, if any, or losses as contemplated.

Respectfully submitted,

David S. Wall
11.29.2006

Cc: City Attorney / City Auditor / Interim City Manager