

VEP MEETING

7:30 P.M. TUESDAY
October 25, 2005

GUNDERSON HIGH SCHOOL
622 Gaundabert Lane
→ Faculty Lounge ←

AGENDA

★ Parkview Elementary School ★

Presentation by Robert Topf, Principal
7:30 to 7:50 p.m.

★ Mayor's Outstanding Service Award ★

Presentation to VEP by Councilwoman Nancy Pyle
7:50 to 7:55 p.m.

★ Branham Lane Widening Project ★

Presentation and Adoption of a Project Design Wish-List.
Councilwoman Nancy Pyle, City staff, and VEP's Committee.
7:55 to 8:30 p.m.

★ Pearl Avenue Library ★

Discussion of the new Pearl Avenue Library design.
Councilwomen Judy Chirco and Nancy Pyle.
8:30 to 8:55 p.m.

★ Your Community Concerns ★

A chance for you to tell us about your neighborhood concerns.
8:55 to 9 p.m.

Our October 25 meeting

-Dave Fadness

Robert Topf has worked in Oak Grove School District since 1978. He served as a school psychologist for seventeen years prior to becoming a school principal in 1995. Mr. Topf has been the principal at Parkview Elementary since 2002. Originally from New York City, he's a resident of Santa Cruz and a single parent of a 15-year old high school student. He is bilingual English/Spanish. Interests include international travel, sports and fitness, and music and the fine arts.

Proud to be principal of the **Parkview Panthers**, Robert Topf feels that Parkview is Oak Grove School District's top school. He'll be there to tell you why, to answer your questions, and to tell us about what is in store for this coming school year.

Councilwoman **Nancy Pyle** will present to VEP a *Mayor's Award for Outstanding Volunteer Service* commendation plaque. This honor belongs to all VEP volunteers; we hope you'll join us in receiving it. (For more details, see article in this newsletter.)

We'll discuss, amend if/as necessary, and vote on an official VEP "Wish-List" for the Branham Lane widening project (see article below). Councilwoman **Nancy Pyle** will attend along with key members of the city's Public Works and Department of Transportation staff to tell you about what is being proposed and to hear your comments. Your input is absolutely imperative—be there!

San Jose City Councilwomen **Judy Chirco** and **Nancy Pyle** will join in our discussion of proposals now being considered for the design of a new Pearl Avenue Branch Library (see Dave Noel's article below). Based upon your input, VEP hopes to adopt a formal position on features in its design.

We look forward to seeing you at our October 25 meeting. VEP is YOUR organization; please be there to continue our long tradition of effective neighborhood representation.

Branham Lane widening project

-Dave Fadness

The city now plans to widen Branham Lane to four lanes between Vistapark and Snell. Construction will likely begin this fiscal year, which ends on June 30, 2006.

VEP wants its desires known and to reach accord on a consensus position on this widening project before engineering finally begins. To that end, our *Branham Lane Committee* has developed a 24-point "Wish-List" for the design of widened Branham Lane (see below).

Representatives from San Jose's Departments of Transportation and Public Works have continuously updated committee members on the city's budget and widening design timetable, their progress to date toward right-of-way acquisition, the environmental review process required for this project, and the current thinking on a sound study and sound work. They've also worked with us on refinement of our Wish-List.

Our committee met with Councilwoman **Nancy Pyle** on October 3rd to discuss our Wish-List. Subject to hearing your reaction, she gave preliminary endorsement to the items we're asking for.

Our *Branham Lane Widening Project Wish-List* will be discussed at VEP's October 25th meeting. We'll amend it if necessary to be sure that it represents a majority viewpoint, then vote to make the resulting list VEP's official position. City staff and Councilwoman **Nancy Pyle** will be there to participate in this process. City staff will also give us an update on project status and answer your technical questions. Be sure to attend.

Special thanks to members of VEP's Branham Lane Committee for their work in developing our Wish-List and for distributing flyers twice to 400 homes along Branham Lane, notifying those affected about this project and related events.

• Branham Lane Widening Project Wish List •

Note: The following items are not necessarily listed in priority order.

1. Include VEP input and feedback during the design process for widening Branham Lane between Snell Avenue and Vistapark Drive.
2. Include VEP input in the design and schedule of a noise study to evaluate the adequacy of existing sound walls between Snell Avenue and Vistapark Drive.
3. Include VEP input in developing the scope of the Branham Lane widening project Environmental Impact Report.
4. Do **NOT** allow access to Martial-Cottle Park to/from Branham Lane. (Note: This is a very high priority to VEP.)
5. Widen Branham Lane to four lanes (not six) between Snell Avenue and Vistapark Drive.
6. Employ a paving material that is known to best minimize traffic noise. Overlay existing lanes on Branham Lane (and on Vistapark Drive) with the same material. Rubberized asphalt has been used with success by the City of San Jose in similar situations. (Note: Noise reduction is a very high priority to VEP.)
7. Shift the Branham thru-traffic lanes to the south between Snell Avenue and Vistapark Drive so as to increase their distance from homes. Either remove the existing west-bound Branham curb lane or re-stripe it to provide acceleration/deceleration lanes, bike lanes, etc. (Also see Item 22, below.)
8. Relocate the traffic signal serving the Branham-Snell shopping center, moving access to the nearby driveway serving its western boundary. This will accommodate truck turning movements onto Branham that now use that driveway in an uncontrolled and un-

safe manner. We would prefer this approach to restoring a left turn prohibition, because trucks that turn right as they exit the shopping center often use Holycon Circle or Mia Circle to loop around and then turn left (east-bound) onto Branham. We want to improve truck traffic safety--and keep it out of our neighborhoods.

9. Install a traffic signal on Branham Lane at Kings Park Drive. Include left turn pockets and right turn accel/decel lanes on Branham Lane.

10. Provide left turn pockets on Branham at each street where left turns are allowed; allow at least one left turn (in/out) access point each for Holycon Circle and for Mia Circle.

11. Repair failed pavement in the Branham/Vistapark intersection.

12. Install new sidewalks, bike lanes, and a wider landscape area between the (north side) sidewalk and sound wall on Branham between Snell Avenue and Vistapark; maximize (north side) setback between backyards and traffic lanes. We want sidewalks on both sides of Branham.

13. Landscape adjacent to new and/or existing sound walls to reduce traffic noise and dust and to improve overall ROW appearance and backyard privacy between Snell Avenue and Vistapark. (VEP will help with landscaping.)

14. Install a landscaped median (with irrigation) on Branham Lane between Snell Avenue and Vistapark. (VEP will help with landscaping.)

15. Install irrigation and hose bibs (on maximum 175-foot centers), in the median and on both sides of Branham (between Vistapark and Snell Avenue) for use in landscape watering (VEP will help with landscaping).

16. Install new sound walls east of Vistapark Drive to comply with current city noise standards and to improve backyard privacy. Avoid damage to existing mature trees. Work with property owners to have existing support columns removed from backyards.

17. Wrap a sound wall around to Sunpark Lane on the east side of Vistapark Drive. Avoid damage to existing mature trees. (Note: The property owner at the corner of Sunpark Lane is willing to donate needed land for this extension.) Work with property owners to have existing support columns removed from backyards.

18. Relocate (underground) the PG&E power Lines now overhead on poles between the Branham-Snell shopping center and Holycon Circle.

19. Prohibit parking on both sides of Branham Lane, Snell Avenue to Route 87.

20. Change the procedure currently used by late-night emergency vehicles, limiting their use of sirens to an as-needed-only basis as they travel along Branham and through the Branham/Vistapark intersection.

21. Prohibit heavy truck traffic on Vistapark Drive (a residential street).

22. Re-stripe the Branham curb lanes (west of Vistapark up to Route 87) for acceleration/deceleration and bike lanes. This would remedy sight-distance issues at side streets and make the width of this portion of Branham consistent with the 4-lanes to be built between Snell and Vistapark.

23. Restore landscaping in Branham Lane median west of Vistapark Drive. (VEP will help.)

24. Sight distances for traffic turning right from westbound Branham Lane onto northbound Vistapark Drive, and from southbound Vistapark Drive onto westbound Branham Lane impose a serious pedestrian safety threat. Pedestrian safety could be improved by adding appropriate signage or by the elimination of free right turns at Vistapark Drive.

City to build a new Pearl Avenue Library

- Dave Noel

Concerned VEP members as well as members of our neighboring communities have attended a series of public meetings regarding the new Pearl Avenue Library and art that will be selected for the new facility.

We share concerns with our neighboring Pinehurst Residents Association, and we have sent a letter to San Jose city councilmembers **Nancy Pyle** and **Judy Chirco** requesting a review of the demographics used to justify the relatively small size of this new library.

The existing Pearl Avenue Library is 7,116 square feet and has 52 parking spaces. The new library is planned to be 14,000 square feet with about the same number of parking spaces. The size was to have been 16,000 square feet, but now that about half the libraries have been built or are in process, funding issues forced an arbitrary cut on all remaining libraries yet to be built. Some other new libraries in similar neighborhoods will be in the 22,000 to 28,000 square foot range.

The library folks point out that our usage area will be smaller than before due to the availability of new libraries that will serve surrounding neighborhoods, such as Vineland (Blossom Hill Road, near Meridian) and the upcoming Edenvale Branch (Branham at Monterey Highway).

But we have many high-density developments in our area, including homes yet to be built on Communications Hill. Also, Pearl Avenue is very centrally located and easy to access for patrons of other branches to visit as their second choice when they can't find the materials they need at their first choice.

We do not know how much larger our collection of books and media will be, but much of the new square footage will be devoted to other important functions including quiet areas and a community room.

The architectural elements and landscaping will reflect the preferences of the community as selected in the recent public meetings. Community members will soon select among three artist finalists for art projects to be incorporated into the new library.

Construction is scheduled to start in November 2006, and the new Pearl Avenue Library is slated to be ready for use in May 2008. The old building will be demolished and the new building will be oriented differently on the property. The current plan is for the new building to be a single story building with "green" design maximizing natural light inside the building.

For more information, visit www.NewSanJoseLibraries.com, and be sure to attend our October 25th general meeting. San Jose District 10 Councilmember Pyle will be at our meeting, and we have also invited District 9 Councilmember Chirco as well, since the library is in her district.

[Ed. Note: See article in this newsletter regarding details of the soon to be built Edenvale Branch Library.]

VEP gets Mayor's Volunteer Service Award

-Dave Fadness

VEP was awarded a *Mayor's Award for Outstanding Volunteer Service* at the city's 6th Annual Volunteer Celebration on October 8. Cited for "demonstrating superb civic responsibility in landscaping and maintaining several streetscape areas" in our neighborhood, VEP was presented a plaque which we will soon proudly display in the community center at Vista Park.

We were nominated for this award by **Frank Bowman**, Maintenance Supervisor for our area in the city's Department of Trans-

portation. A fine gentleman, Frank is an ally of ours who we're happy to work with on an ongoing basis. Thank you, Frank!

This award belongs to all the VEP volunteers who selflessly devote time and effort to clean and improve our community. Thank you!

★ VEP community calendar ★

Sat, Oct 22 @ 8:30 am = Branham Lane clean-up (see article in this newsletter); YOUR help is needed for this *volunteer* project.

Tue, Oct 25 @ 7:30 pm = VEP meeting, Gunderson High School faculty room.

Sun, Oct 30 = 2005 Silicon Valley Marathon (for more information, go to www.svmarathon.com).

Mon, Oct 31 = Happy Halloween!

Thu, Nov 3 @ 7:15 pm = VEP Executive Board meeting (call for further information).

Sat, Nov 5 = Daffodil Day. Please help VEP to make next spring an extra happy season! (See article in this newsletter.)

Tue, Nov 8 @ 1 pm = deadline for receipt of VEP NEWS articles (call Jeri Arstingstall or Dave Fadness for information).

Tue, Nov 8 = California Special Election. **Get out and vote!**

Thu, Nov 24 = Happy Thanksgiving!

Tue, Nov 29 @ 7:30 pm = VEP meeting, Gunderson High School faculty room. (Meeting focus = Martial-Cottle Park, County Parks, and County Open Space Authority.)

Sat, Dec 3 @ 9 am = Parkview School tree planting (see article in this newsletter); YOUR help is needed for this *volunteer* project.

Fall back!

-Marilyn Rodgers

Just a reminder: Pacific Daylight Savings Time ends Saturday night the 29th/Sunday morning the 30th of October. Adjust your clocks back one hour.

This is also a good time to check batteries in the smoke detectors in your house. In fact, you may want to check/buy new batteries for flashlights and emergency lanterns, as well. Replace water and food stored for emergencies. Anytime is a good time to do this, but do it at least 2 times per year.

The beginning and ending of daylight savings time is a good reminder to take care of these important activities!

Some chances for YOU to help...

-Dave Fadness

VEP has scheduled several community beautification projects that will provide volunteer opportunities for you and your neighbors. With your help, these tasks will be easy to get done in a few hours each. Please consider helping us with one or more of these projects:

☺ October 22 = Branham Lane Clean-Up ☺

Neighborhood volunteers will remove the old fencing and clean-up the south side of Branham Lane, between Vistapark Drive and Snell Avenue. YOUR help is needed to make this effort a success. Please join us.

When: **Saturday, October 22 at 8:30 am.** Work begins at **9 a.m. sharp.**

Where: Meet at **Cool Beans** in the Branham-Snell Shopping Center. (The owner is offering free coffee to our volunteers

from 8:30 to 9 a.m.)

To help plan this event, please call me at 578-6428 to let us know you'll be there, or simply drop by at your convenience that morning. All volunteers must sign a Santa Clara County Voluntary Release form.

If you can, bring your own yard work tools: sturdy gloves, wire cutters or fence pliers, a bow rake, a spade or shovel.

This event was made possible through the help of County Supervisor **Don Gage** and the Santa Clara County Parks & Recreation Department.

☺ November 5 = Daffodil Day ☺

This is the day we plant daffodils to brighten up our community next spring. Please see Debra Suydam's article in this newsletter—and--give her a call today to volunteer.

☺ December 3 = Trees at Parkview School ☺

Volunteers from VEP, Parkview School Community Association, and *Our City Forest* will plant 22 trees on and around the Parkview Elementary School campus. This will be a great project for kids of all ages, and one we and future generations will thoroughly enjoy the benefits of.

When: Saturday, December 3 at 9 am. Arrive early for juice or breakfast coffee.

Where: Parkview Elementary School, 330 Bluefield Drive (just a couple of blocks east of Vistapark Drive).

Bring your own yard work tools: sturdy gloves, a spade or shovel, and/or a bow rake.

Again, in order to help plan this event, please call me at 578-6428 to let us know you'll be there. All volunteers must sit-in on a 5-minute, safety training session given on-site at 9 am by the Oak Grove School District.

We appreciate the willing help of Parkview's Principal **Robert Topf** in selecting and placement of trees, and in gaining District approval for planting them. We also thank Oak Grove School District's Superintendent **Manny Barbara** and their Coordinator of Operations **Bruce Murphy** for approving our proposal.

We are especially grateful to *Our City Forest* for donating the 22 trees. Their Arborist, Christian Bonner has been a great help to us in this and all of VEP's tree planting projects.

OCF has donated many trees to VEP neighborhoods and, through the work of volunteers has planted *thousands* of trees over the years in our city. Please consider sending a tax deductible donation to this fine, non-profit organization at 595 Park Avenue #100, San Jose 95110. (Tax ID #77-0371911) Visit their website at www.ourcityforest.org.

November 5 is Daffodil Day

-Debra Suydam

VEP is doing its part in the beatification of San Jose. Our volunteers will be planting daffodils on Saturday morning, November 5. If you enjoyed seeing hundreds of these beautiful flowers in a variety of public spaces around our community last spring, you can thank our volunteers for it. 2005 is the eleventh year for this city-wide event.

Your participation would be appreciated. All we need is a couple of hours. Here are the details:

- When? Saturday, November 5th at 8:30 am.
- Where? Meet at the Vista Park community room (Hyde Park Drive at Barron Park Drive).

- Needs? Work gloves, a shovel, a pick or hoe, a sturdy bow rake.
- Contact: Debra Suydam @ (408) 375-9191 or just come by.

Refreshments will be provided before work begins. Please join us.

Memorial Day—let's start planning now

-Dave Fadness

It's time to start planning for an even bigger *Memorial Day Parade & Festival* for 2006. Yes, Memorial Day is months away, but those who worked on last year's event all agreed that we should start planning earlier this time. We all know how fast time flies, so...

There are lots of details to take care of, so your help will be appreciated. We need folks to help plan the kinds of events we'll include, to decide on a parade route, to recruit bands and entertainers, to coordinate the participation of area schools, to apply for permits, to ask their favorite merchants for donations, etc. If we get started now, no one will have to work very hard to insure an *incredible* success. We'll build on contacts and experience developed in 2005.

Annamarie McKnight and I are co-Chairs of the 2006 event. (Our contact info is on the mailing page of this newsletter.) Please call or email either one of us to volunteer for our committee. You'll be glad you did—and will make us very happy at the same time. Thanks!

Bike ride anyone?

- Tim Cole

I've noticed a few new roadbikes in the neighborhood lately and was wondering if anyone wanted to join me for a recreational sport roadbike ride. I usually ride on Sundays from 7:30 to 9:30 am.

We could meet at Gunderson High and ride out Santa Teresa to Bailey or farther; let's decide and ride.

Why would anyone get up that early on a Sunday morning to punish themselves? Because we can?

Any VEP residents, their family, or friends who can keep up a minimum 15 mph pace for 20- to 25-miles are welcome to join. Contact me by email at timcole@sbcglobal.net.

Friends of the Guadalupe events

~ Pumpkin Fever ~

It's pumpkin season! Come celebrate the harvest of this big, orange fruit and make pumpkin bread mix to take home and bake, decorate your own pumpkin, eat pumpkin seeds and learn about the history of pumpkins.

Who? Ages: 5-10

What? Pumpkin Fever

Where? (See below.)

When? Friday, October 28, 3:30 to 5 pm

Cost? \$15 per child, includes all materials.

~ Welcome Back Salmon! ~

The Chinook salmon will return to the Guadalupe River sometime this fall. Let's welcome them back by learning more about them, making salmon life-cycle mobiles to hang, and taking a walk near the river to see if we can spot them trying to make their way upstream.

Who? Ages: 5-10

What? Welcome Back Salmon!

Where? (See below.)

When? Friday, November 4, 3:30 to 5 pm

Cost? \$5 per child, includes all materials.

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Both workshops will be held at the Guadalupe River Park & Gardens Visitor & Education Center, located at 438 Coleman Avenue in San Jose. All children must be accompanied by an adult. Space is limited, so reserve your spot early by sending a check to: Friends of Guadalupe River Park & Gardens, 438 Coleman Avenue, San Jose, CA 95110. Visa and MasterCard are also accepted via phone or mail.

For more information please visit www.grpg.org or contact Kary Wilson, the Education Coordinator, at education@grpg.org or (408) 298-7657.

Join VEP's discussion group

-Don Ferguson ()*

A VEP discussion group has been set up and is available for those community members who want to keep aware of and take part in the day-to-day happenings of VEP. Our group is set up as a private one, to ward off marketing and spam email.

There is no cost associated with becoming a Yahoo Group member, but you will need to have a free Yahoo id and password. To do this, you set up a free Yahoo email account, but you can easily direct your VEP emails to arrive in any email account.

Those who would like to become members of our group should send an email to Don Ferguson at vep@donferguson.com with their email address and street address. You will then receive a private email invitation; just click the button to join. It's that easy.

Any other questions can be answered by contacting me at 629-0303 or vep@donferguson.com.

Our Group home page is: <http://groups.yahoo.com/group/vep>
Our Group email address: vep@yahoogle.com

[()Ed. Note: Don Ferguson is a member of the VEP Branham Lane Widening Committee, and active VEP volunteer. An e-list can be an extremely powerful tool to unite a community. Give it a try!]*

President's message

-Jeri Arstingstall, VEP's President

VEP has some very exciting news to share. VEP was nominated by **Frank Bowman**, Department of Transportation to receive a Mayor's Award for Outstanding Volunteer Service City of San Jose. Frank Bowman has always been a great VEP supporter and we are very grateful that he nominated us for this great honor.

VEP also has an aggressive schedule of upcoming community projects and we are hoping that you and all the volunteers can help out when you can. Please see our calendar of events for contact information and dates.

Summerhill Homes has followed through. They painted the sound wall along Branham Lane, east of Vistapark Drive. VEP is very grateful to **Bob Henken** and to Summerhill for being a developer that truly cares about the community in which they build.

VEP's Branham Lane Widening Committee has done an incredible job of working with the city staffers on the plans for widening of Branham Lane. At the forefront of this entire process is the safety and security of surrounding neighborhoods.

In my opinion, with six fatalities within two years, Branham Lane has had way too many traffic accidents. Our committee is working together with City of San Jose Public Works, Department of

Transportation, Police Department, and the City Council District 10 office to ensure that safety and quality of life will be maintained--or improved--after widening is complete.

I am currently on vacation and, personally, I cannot wait to return home. The City of San Jose is not perfect, but as big cities go, San Jose is clean, safe, and sunny. Every time we go on vacation, we always look forward to coming home.

Neighbors unite on Royal Garden Place

-Dave Fadness

177-feet of sound wall collapsed onto the sidewalk along Vista Park Drive in the wee hours of morning on September 8th. Residents of all eight homes backing up to that wall sprang into action—those whose wall fell down and those whose wall is still standing.

VEP helped to get the fallen wall removed. We then organized a meeting, bringing these neighbors together with key personnel from San Jose Planning, Code Enforcement, Department of Transportation, and Councilwoman Nancy Pyle's office. City reps spent an evening with us at our first meeting, explaining wall ownership, design and safety codes, and permit requirements.

Having ownership issues resolved (it turns out that the wall belongs to the property owners, not the city) and, armed with reliable information relating to building code requirements, the neighbors wisely decided to work together to find contractors to demolish the remaining, disabled wall and to build a replacement.

This is a classic example of the benefit of cooperation between neighbors and having an organization like VEP, experienced and ready to assist when troubles arise. We brought all the right people together to expedite what could otherwise have been a very haphazard process.

Four neighborhood meetings have been held since the wall fell. Another meeting will occur as this newsletter goes to press. Bids are being received and informed decisions are being made. We look forward to seeing a new wall there before winter rains begin.

This is a major feat. The wall is 632-feet long overall. Its replacement involves securing bids from multiple contractors, selecting a wall design that is code compliant and acceptable to all eight homeowners (and an attractive addition to our community), demolition and removal of the old wall, and construction of a new one.

Special thanks go to these forward-looking neighbors, and especially to the **Coran** and **Melani** families, who generously opened their homes as hosts for neighborhood meetings. We're also grateful to the neighbors who helped get bids from contractors—and to **SummerHill Homes** for coming to our assistance in this effort, asking their subcontractors to bid most favorable prices and terms.

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Next Step: VEP will remove existing bushes and plant 70 miniature oleanders along the new wall. (We had planned to do this on September 24.) Please watch for our new planting schedule.

The view from city hall

- City Councilmember Nancy Pyle

September was quite a month. District 10 residents definitely know how to keep themselves busy! I always appreciate just how many great events go on within our district, since they give me the fantastic opportunity to meet with so many of you.

Following the tragic effect of Hurricane Katrina, I can't overstress just how important it is that our community be prepared in the

event of a disaster. The City of San Jose sprang into action, working with the Red Cross and County of Santa Clara to assist in the recovery of more than 100 displaced victims of the hurricane. In addition, our fire department sent seven specialists to assist with search and rescue efforts. Yet, it is critical that we remind ourselves of the need to be prepared for a disaster of similar magnitude in our own backyards.

Taking the urgency of this issue into consideration, I've decided to focus District 10's November forum on emergency preparedness. I invite you to join me on November 2nd to learn about steps each of us can take to keep our community prepared and ensure that our families are safe in the event of a disaster here at home.

~ District 10 Forum for November ~

Discussion & Dessert – Emergency Preparedness in District 10: Wednesday, November 2nd at 7 pm in the Almaden Winery Neighborhood Center, 5730 Chambertin Drive. Come join Nancy and Dr. Earl Stevens from the office of San Jose Prepared as they educate residents about emergency preparedness for District 10.

I encourage you to explore these helpful preparedness links:

- www.sanjoseca.gov/emergencyServices/
- www.sanjoseca.gov/emergencyServices/sanjoseprepared/
- www.72hours.org/

~ Safe From the Start ~

Halloween is just around the corner and I want to make sure that District 10 families are prepared for a festive and safe night of trick-or-treating fun. Working with a citywide program called *Safe From the Start*, District 10 will be hosting two sites where children can go on Halloween night to pick up a free Halloween Safety pack. Children will receive a glow necklace, a card with safety information, and a bookmark.

If you are interested in being a host or sponsor of a Halloween Safety Center, visit www.safefromthestartsanjose.org. As it gets closer to Halloween, check www.sanjoseca.gov/district10 for District 10 Safety Center locations.

Our new city hall

- Dave Noel

By the time you read this, the October 15th official city hall grand opening ceremony will have just concluded. Nevertheless, you may enjoy an overview of some key facts about our new city hall, besides the cost of its furniture ;-).

Total Area: 530,000 square feet

Height: The 18-story tower is 285 feet at its highest point

Capacity: Approximately 1,750 employees

Parking: 400 on-site and 1,128 off-site spaces

Budget: \$343-million

Meeting Rooms: 121 public meeting rooms, many reservable for use by community groups

Structural Steel: 14,400,000 pounds (9,800 pieces), enough to make about 8 billion paperclips

Light Fixtures: 4,365

Fire Alarms: 2,233

Stairs: 439 from parking level to the 18th floor

Rotunda Height: 108 feet

Rotunda Diameter: 100 feet

Rotunda Glass: 1,032 pieces make up the Rotunda dome

Wireless Internet: Free for the public

Our new city hall is billed as a customer-service-focused building where customer service activities, including Development Services and Centralized Cashiers, are centered on the first four floors for easy public access.

SummerHill Homes, a good friend!

-Dave Fadness

It's rare that a community association speaks well of a developer. It's even more rare that a developer does as much for a community as SummerHill Homes has for us.

SummerHill is the company that recently built the 78 "Las Brisas" homes at the corner of Branham Lane and Vistapark Drive. All of those homes have been sold for many months, but SummerHill's presence is still being felt in our community.

Consider these facts:

1. SummerHill met more than once with VEP early in the project planning process, disclosing site plans and listening to our concerns over building in what used to be a walnut orchard.
2. SummerHill reduced the number of homes they *could* have built in order to alter their site layout, increasing the setback to and improving privacy in the backyards of existing homes, as requested by VEP.
3. SummerHill worked with VEP and the project neighbors to minimize construction impacts throughout the home-building process.
4. SummerHill Worked with VEP and back-fence neighbors to improve the fencing and privacy between new and existing homes.
5. SummerHill responded to VEP requests by repaving the full width of Hyde Park Drive adjacent to their site, besting the half-street repaving required by city code.
6. SummerHill built a cul-de-sac at the end of Vistapark Drive, adding irrigation and landscaping, all in response to VEP's request.
7. SummerHill built and landscaped a median island on Vistapark Drive, south of Branham Lane, in response to VEP's request.
8. SummerHill worked with VEP and the neighbors on parkstrip landscaping, planting more than the required number of street trees and installing attractive, low-maintenance decomposed granite.
9. SummerHill paid the first-year VEP membership dues for all of its 78 new home buyers.
10. SummerHill fully supported VEP's efforts to have a community room built at Vista Park. Working with then-Councilwoman Pat Dando, we succeeded in directing all of the Park Fee (PDO) revenue which SummerHill had to pay the city towards the construction of community room. To maximize the funds available for construction, SummerHill volunteered to build it on a turn-key basis. This probably saved VEP at least twenty years of waiting and lobbying for a community room!
11. On hearing that VEP was proposing to paint the old sound walls on the north side of Branham Lane as a volunteer project, SummerHill offered to do it for us—at no charge! That work has now been completed and it looks G-R-E-A-T. (The wall west of Vistapark Drive fell down before painting began.)
12. In response to VEP's request, SummerHill offered its help to obtain bids for replacing the fallen sound wall on Vistapark Drive at Branham Lane, asking its subcontractors to offer most favorable terms.

VEP salutes this fine company for the many things it did for our community. In our eyes, they have set a new, almost impossibly high standard for developers in San Jose. Thank you, SummerHill Homes!

Are we prepared?

-Marilyn Rodgers (*)

Are we prepared for a disaster or large-scale emergency?

During recent days and weeks, we have watched the news coverage of all types of disasters. We've had hurricanes in New Orleans and the Gulf Coast, fires in California, a terrorist threat to the subway system in New York, an earthquake in Pakistan. We've even experienced a minor emergency here in our VEP neighborhood--a 5-hour long power failure.

As we watch the news, we feel empathy for those involved, and thankful that it did not happen here. It is human nature to not want to think about, or plan for, unpleasant events. So, unfortunately, we procrastinate educating ourselves and preparing for these events.

Survey after survey tells us that WE ARE NOT PREPARED for a major earthquake, which inevitably will hit the Bay Area within the next 30 years. Immediately following an earthquake, our awareness is increased at least temporarily. For a few days we attempt to do some things toward becoming prepared: buy more flashlights/batteries, buy several gallons of water and store them in the garage, and so forth.

For most of us with busy lives, however, we soon forget and don't continue with our preparedness planning. We hope it won't happen to us, or that by some miracle, we can "dodge the bullet", or that outside help will take over to rescue us. Recently, we have also become painfully aware (following Hurricane Katrina), that outside help may be 3- to 7-days away. Therefore, it is imperative that we become self-sufficient and able to sustain ourselves, our families, and our neighbors for at least that period of time.

To help all of us become better informed, we will run a series of articles in the VEP NEWS over coming months. Additional activities are currently being planned. The VEP Executive Board wants to encourage all of us to become better prepared, and thus be able to protect ourselves, our families, and our neighbors.

This series of articles will begin with information as to what we can do for ourselves and our families. Next, the focus will be on neighbors, and what can we do to prepare/organize on our block, street, or cul-de-sac. Lastly, we'll focus on what can VEP do as a large neighborhood association in conjunction with the City of San Jose and the County of Santa Clara to be better prepared.

District 10 Councilwoman, Nancy Pyle, will feature Disaster/Emergency Preparedness and a presentation of San Jose City's Emergency Plan as topics for her monthly community forum. It will be held Wednesday, November 2nd starting at 7 pm, at the Almaden Winery Neighborhood Center, 5730 Chamberlin Drive. Please attend.

A community strategy that we can all participate in is to ask questions, and increase awareness of those around us. Do our children's schools have a disaster plan? What is it? What about our places of worship? How about our employers? Most large organizations have one; do you know what it is? If these organizations do not have an emergency plan, help them form a task force or interest group on preparedness.

If you are interested in further (more formal) education for yourself, *San Jose Prepared* offers courses. San Jose Prepared is part of San Jose's Office of Emergency Preparedness, and offers a series of classes; five modules, each 4-hours in length, leading to a certificate. Topics covered are:

- Module 1 = Home Preparedness and Neighborhood Organization,
- Module 2 = Fire Suppression and Hazardous Materials,
- Module 3 = Disaster Medicine and Disaster Psychology,
- Module 4 = Light Search and Rescue, and

- Module 5 = Terrorism Awareness for the Community, and Graduation.

For additional information, contact Dr. Earl Stevens at (408) 277-4598 or sjprepared@ci.sj.ca.us.

Additional websites of interest:

- www.sanjoseca.gov/emergencyServices/
- www.sanjoseca.gov/emergencyServices/sanjoseprepared/
- www.72hours.org/

*[(*Ed. Note: Marilyn Rodgers is a registered nurse, a long-time resident of our community, and VEP's vice president.)]*

Coming soon: a new Edenvale Branch Library

-Carmencita Valerio ()*

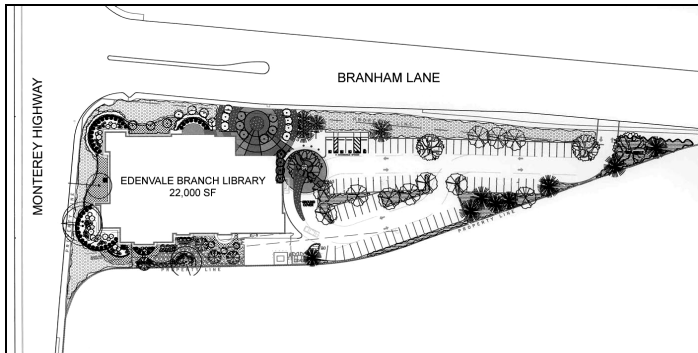
The City of San Jose is now in the process of building a new 22,200 square-foot Edenvale Branch Library. This new facility will be located at the southeast corner of Branham Lane and Monterey Road. (A site plan is shown below.)

Besides the traditional adult and childrens' spaces, this new branch will have the following features:

- Marketplace - an active central hub with popular and new materials;
- Internet Cafe - where food, drink and Internet access are available in a coffeehouse ambiance;
- Tech Center - an open computer lab that can also be used for classes;
- Quiet Study - a room for silent reading and studying;
- Living Room - a cozy space to read and relax with lounge seating, tables and study carrels;
- Teens - enclosed space they can call their own with collection, seating, computers and TV;
- Family Place - for parents and their young children with picture books, storytelling area, and toddler computers;
- Computers = 41;
- Reader seats = 120;
- Group Study Rooms = 2 rooms, 8 seats each;
- Storytelling area = space for 50 children;
- Community Room = 100 seats;
- Parking spaces = 76.

If you have any questions, please contact me at (408) 793-4103 or carmencita.valerio@sanjoseca.gov.

[(Ed. Note: Carmencita Valerio is San Jose Library's Program Coordinator, Branch Library Development Team.)]*



Coming soon: The Edenvale Branch Library

Beware: jury duty phishing scam

- Dave Noel

A jury duty phishing scam is that latest twist used to commit identity theft. Posing as a local court employee, the "phisher" calls victims and tells them they failed to report for jury duty and a warrant is being issued for their arrest.

When the victims claim they never received a jury duty notification, the scammer asks for confidential information--such as their Social Security number, birth date, credit card numbers, and so on--for "verification" purposes.

The prospect of a warrant for an arrest catches the victims off guard and causes them to be less vigilant about protecting their personal information.

In reality, court workers will never call to ask for this type of private information. In fact, most courts follow up via snail mail and rarely, if ever, call prospective jurors.

Never give out this type of personal information over the phone. As a general rule, DO NOT give out personal information to anyone who calls you--only give it out to people or businesses you have called and trust.

Santa Clara County Vector Control services

The County of Santa Clara provides a program for the control of mosquitoes, rats and other vectors. Vectors are mosquitoes, rodents, ticks, fleas, and other undomesticated animals capable of transmitting disease or causing injury to humans.

~ Vector Control District services ~

- Free informational publications on vectors and vector-borne diseases (many of these will be published in future editions of this newsletter).
- Community educational programs.
- Speakers available for schools, civic or business groups, and homeowners associations.
- Rat control and advisory services.
- Wildlife advisory/management services (skunks, raccoons, opossums).
- Mosquitofish planted in residential ponds.
- Mosquito surveillance and control activities.
- Insect and tick identification.
- Surveillance for malaria, encephalitis, and other vector-borne diseases.
- Surveillance of public parks for ticks that can transmit Lyme disease.
- Information on biology and control of head lice.
- Community resource numbers (see below).

These services are available at NO CHARGE to residents of all fifteen participating cities and the unincorporated areas of our county. District funding is provided by a small service charge that is assessed annually on all non-exempt land parcels. The District is administered by Santa Clara County Department of Environmental Health.

~ Useful contact numbers ~

- Humane Society of Silicon Valley = (408) 727-3383
- County Animal Control = (408) 779-4791
- County Agricultural Commissioner (pesticide questions and/or complaints) = (408) 918-4600
- Audubon Society (native birds) = (408) 252-3747
- San Jose Animal Services & Care = (408) 501-2130
- Wildlife Center of Silicon Valley = (408) 929-9453
- Wildlife Education & Rehab Center = (408) 779-9372
- CA Poison Control Center = (800) 876-4766
- County Dept of Environmental Health:
 - * Rats, cockroaches, other vectors in food establishments =

(408) 918-3400

* Master gardener - Pest detection - Squirrels, gophers = (408) 299-2635

- Santa Clara County Vector Control District, 976 Lenzen Avenue, San Jose, CA 95126. Phone: (408) 792-5010. Fax: (408) 298-6356. www.sccvector.org Office hours: M-F, 8 am - 5 pm.

'Tis the season to be pruning

-John Marks, VEP's Green Gardener

What is the best way to prune orange trees? Orange trees need little pruning compared to other fruit trees. In fact, they prefer to have a skirt of leaves all the way to the ground. This protects the trunk which can get sunscald when exposed to strong sunlight.

Citrus trees bloom and bear fruit on new growth, so cutting off branch tips will reduce the size of your crop. If desired, you can prune off the dead twigs and small branches found on the inside of the tree, but be aware of the sharp thorns, as these can give nasty scratches!

~ Keeping ants off fruit trees ~

Ants will climb into plants, shrubs, and trees to get access to the sweet exudate of certain sucking insects (aphids, mealybugs and scale). They use the exudate as a food. Prevent their access to any shrub or tree that you see them invading by spreading *Tree Tanglefoot Pest Barrier* around the stem or trunk. Wrap a 3-inch wide band of masking tape around the trunk near the base. Spread a 2-inch or so wide band of tanglefoot over the tape. Ants can't cross the gooey, sticky stuff. Replace the tape and Tanglefoot as needed.

~ How to prune lavender ~

Some say that lavender should be cut back almost to the ground in the early winter. But that's a care technique applicable only in the eastern U.S. Lavender in California should be pruned after flowering in mild-winter areas. You can use hedge shears to cut them back, or prune off stalks that have spent flowers on them. You'll get better results if you prune off the stalks. Make your cut just above a junction, leaving at least an inch of the leafy stem. Your lavender will be more bushy and compact as a result.

~ How to grow parsley in pots ~

Parsley is easy to grow in pots, and with restricted sunshine. But since the seeds aren't reliable, transplants at a nursery often take several weeks to sprout. Use a commercial potting mix. Keep the mix moist. Fertilize monthly with a water-soluble complete fertilizer, such as *Jobes* or *Miracle-Gro*.

Your parsley will grow all winter, but it is best to plant new ones to replace the old plants every spring.

Guest writers wanted--*you!*

- Dave Noel

We often receive notes from VEP members, especially realtors, who want to get more involved in our local community. Do you want to get your name or topic of interest out to our community? Here's an idea, submit an article to the VEP News.

You can do it. You don't have to be a great writer or speller; we can polish your article. All we ask is that your article be of general interest to our members and less than 400 words. We publish our full newsletter in January, February, March, April, May, September, October and November. Our newsletter article deadline is generally the 2nd Tuesday of the month. Our newsletter arrives in mailboxes about ten days later.

If writing isn't your cup of tea, we have many other ways to get you involved in our community. Just contact any of the board

members listed on the mailing page of this newsletter or send an email to vep@vepca.org. We'd love to hear from you!

What is VEP Community Association?

- VEP is an all-volunteer organization of your neighbors working to improve our neighborhoods; VEP is our community's "homeowner's association".
- VEP volunteers participate in a variety of activities, all of which originate in and benefit our neighborhoods.
- VEP volunteers make our neighborhood's views and needs known to government at all levels.
- Founded in 1969, we are one of the largest, most successful, and most continuously active and enduring grass roots volunteer organizations in Santa Clara County (maybe the world!).

What does "VEP" stand for? How did we get that odd name? It's simple, "VEP" represents the first three letters of the original subdivision names built here in 1969:

V = Vistapark;

E = Encore (and Echo Valley); and

P = Parkview Valley.

That's all there is to it! Of course, we've grown over the years to include the Blossom Heights subdivision and many others. But the original name VEP stuck, and we've been known by it for 36 years. (Some like to think of us as **V**ery **E**nergetic **P**eople.)

[Ed. Note: See the mailing page of this newsletter for a map of our core membership area. We also welcome members from outside these boundaries who share common interests.]

Why join VEP?

- To receive our newsletter nine times a year, keeping you up-to-date and informed.
- To participate in and support neighborhood activities and representation.
- To contribute to our annual VEP Community Service Awards for area high school graduates.
- To be part of an outstanding community organization with a long record of success for our neighborhoods.

Not a member? We have a deal for you!

If you're getting this newsletter in the mail, but aren't a paid member of VEP, we've got a special deal for you. Join this month for \$10 and you'll be paid-up through the end of 2005. Just fill in the form below, write a check payable to VEP, and mail it to us at the address shown. Better yet, bring your \$10 check with you to our October 25 meeting.

Use the following form to join VEP:

★ Membership Application ★

None of the following information will be sold to or otherwise shared with any third party.

**** Please type or print legibly ****

Last name(s): _____

First name(s): _____

Street address: _____

Telephone # _____

Email address(es): _____

Comments): _____

Can you give VEP a few volunteer hours? _____

Mail your \$20 check to VEP, P.O. Box 18111, San Jose 95158.

VEP neighborhood developments

-Jeri Arstingstall

4558 Birkenshaw Place: The plans for development of two homes that will face onto Branham Lane have made their way to the Public Works Department. This parcel is situated on the south side of Branham Lane, about one block west of New Compton Drive.

The property owner told us after public hearings on March 1, 2005 that she would share her development plans with VEP and her neighbors, allowing our participation in the resolution of safety and other interface concerns we expressed in testimony to the San Jose City Council that night. Although declared in Councilwoman Pyle's presence, the owner's commitment was NOT fulfilled.

Neighbors who will be affected by this development can now only contact Lee Wilcox at (408) 535-4910 for information. Lee is Councilwoman Nancy Pyle's Chief of Staff.

Neighborhood scuttlebutt

-Dave Fadness

- VEP has requested that the city impose a limitation on truck traffic on Vistapark Drive and Narvaez Avenue. In response, San Jose's Department of Transportation has recommended that the city council formalize this change by Thanksgiving. Our community should have an "early Christmas present" this year. We'll keep you posted on hearing dates, etc.

- VEP is still pressing at city and county levels to have a landscaping maintenance agreement approved, allowing Pinn Brothers Housing to complete their landscaping work in the median of Capitol Expressway, Snell to Bluefield.

Pinn built the high-density residential units on the northeast corner of Capitol and Vistapark. Before their project was approved by the city council in December 2001, VEP asked for and Pinn promised to donate a range of amenities; landscaping the Capitol median was one of them.

Although the City of San Jose recently derailed negotiations, we haven't given up hope that an agreement may still be reached. Until then, Pinn won't be able to plant remaining trees and apply mulch that will make our reach of Capitol one of the most attractive in the entire County Expressway system.

- VEP's proposal to landscape the median triangle on Rosenbaum Avenue (at Capitol Expressway) is still on hold. We're asking County Supervisor **Don Gage's** help in winning approval to beautify this site as a volunteer project.

- VEP plans to apply for a grant to install irrigation, plant trees, and apply mulch to the barren area on the north side of Chynoweth, between Rt. 87 and Pearl Avenue. Please watch for and respond to our call for volunteers.

- VEP will replace existing bushes on the northwest corner of Vistapark/Branham. As soon as the fallen sound wall is replaced, we will plant 70 miniature oleanders there. Here's yet another opportunity for you to volunteer!

- VEP has offered to landscape the new community room at Vista Park. That room will become our meeting place, hopefully starting with our November 29 general membership meeting. San Jose Parks will install irrigation and collaborate on a landscaping plan. We volunteers will do the planting. Watch this newsletter for updates.

A message from Oak Grove School District

-Superintendent Manny Barbara

A community member recently asked me a question: *How can schools say they lack money, yet the school buildings themselves look great and have recently been modernized?* This is an excellent question that can be easily answered.

Over the last several years, schools in the Oak Grove School District have indeed received significant modernization. Roofs have been replaced or repaired. Classrooms have been modernized, receiving new paint, new whiteboards, and Internet access among other things. Playgrounds and bathrooms have been added or upgraded at all schools. Buildings have been painted and received major safety retrofitting. Some of the older schools received badly needed libraries.

This was all made possible because our community voted in 1995 for a \$75-million bond measure. Based on the survey of needs done before the election, the \$75-million would have addressed only the major "basic" needs. However, because of the passage of that bond measure, we were able to leverage those local funds in order to receive additional state funding and thus meet significantly more of the identified needs.

However, bond funds must only be used to upgrade school facilities. They cannot be used for daily operating costs, such as salaries, increased energy costs, transportation, or other programs. As a result, while facilities have received needed upgrading because of the bond funds received, funding for programs and staff has been reduced significantly.

We receive most of our revenue from the state and a relatively small amount from the federal government. California schools have received approximately \$9.8-billion less over the past several years than the amount provided for in state law. This has necessitated approximately \$4-million dollars in program reductions in our district alone. Furthermore, to save money we have had to take the very painful measure of closing two of our schools.

We are very fortunate that our community passed a \$68 parcel tax in 1991, which has resulted in needed funds to maintain some basic programs. Unlike bond funds, parcel tax funds can be used for day-to-day operational costs. As a result, we have been able to maintain minimal levels of support for library clerks, custodians, and maintenance staff, as well as for textbooks, teaching materials and supplies, and after-school programs to assist students needing extra help.

Because we have been able to maintain these basic services with parcel tax funds, we have been able to keep important programs such as all-day kindergarten, class size reduction at 20-to-1 at grades K-3, our Visual and Performing Arts program at grades 4-6, and counseling and after-school sports at our intermediate schools. Under no circumstances can we legally use bond funds to support these programs or for any other day-to-day operating costs.

Hopefully, this will help to clarify the seeming contradiction of improved school facilities while experiencing significant budget reductions. If you would like additional information on our district budget (or anything pertaining to the Oak Grove School District), please feel free to contact me at: (408) 227-8300, Ext. 202 or superintendent@ogsd.k12.ca.us.

Carson School news

- Irene Shoberg (*)

Carson's Principal **Katie Milligan** expresses her gratitude to Carson's Staff and families for making our school part of the "800" Club. The "800" number represents the API (Academic Performance Index) goal for all schools. The API figure monitors our students' achievement at the California state level.

Carson's Pre-School open registration period will end December 1, 2005. Please watch upcoming newsletters for future dates to register for Carson's Pre-School in the 2006-07 school year.

[Ed. Note: Irene Shoberg is a long-time VEP member and the Categorical Program/ Library Assistant at Rachel Carson School.]

Gunderson High School happenings

-Cary Catching, Principal

I am pleased to share with our community some of the exciting events that are happening at Gunderson over the next few weeks.

Congratulations go out to Mr. **Richard Collins**, special education teacher at Gunderson High School. Mr. Collins was recently selected as the teacher of the year by the San Andreas Regional Center. This honor recognizes individuals who have been champions of the educational rights of developmentally disabled children and adults. We are proud to have Mr. Collins as a member of our faculty!

Keep you eyes open for information regarding Gunderson's Homecoming Game against Willow Glen High School. Gunderson will be hosting this event in our new stadium on October 28, beginning with the Junior Varsity game at 3:30 p.m., rally at 6 p.m., and Varsity game at 7:30 p.m.

Football players will be walking the neighborhood with informational flyers and answering any questions neighbors may have regarding these events. VEP members will also be able to receive a complimentary ticket to the game. Please contact Principal Cary Catching at 535-6340 or cary_catching@sjusd.org in order to receive your ticket.

Gunderson drama students have been invited to attend three productions this year at San Jose's premier theatre company, *San Jose Repertory Theater*. This pilot program will introduce students to various forms of theater, from acting to technical production. Students will also participate in after-show discussions with actors and directors.

Gunderson has reinstated quarterly newsletters. These newsletters are chock-full of information about our school, including activities, curricular information, outreach services information, etc. If you would like to be put on our mailing list, please contact at (408) 535-6340 or cary_catching@sjusd.org. In addition, you may come by the school and pick up the current issue on the front counter.

Finally, Gunderson has instituted monthly *Principal's Coffees*, an opportunity for parents and community members to meet with me to discuss school activities, upcoming events, concerns, etc. The next "coffee" is slated for Friday, November 4 at 7:30 a.m., in the Art Gallery. We invite you to attend.

Trespassing enforcement processes

-Richard I. Calderon ()*

VEP requested information on the San Jose Police Department's trespassing enforcement relating to dayworkers. Please understand that trespassing enforcement processes do not change because of whom the enforcement is being directed towards.

The following information is relevant for private property that is open to the public; i.e., parking lots or business premises. Every property owner has property rights which they can exercise, and the San Jose Police Department will provide property owners with information associated to this type of enforcement, when requested.

Property owners must remain within certain guidelines when they exercise their property rights. The business owner/manager or their agent can determine that a person must leave their property and that person would have to leave the property after being told to leave.

The business owner/manager or their agent should be able to articulate some business-related reason why they want the person to leave their property. It can be as simple as "This person has been loitering in my parking lot or on my walkway in front of my business for the past ten-twenty minutes and he has not made any attempt to patronize my business." or "He is sitting on my private walkway right next to the entrance of my store and his presence is disturbing to my customers."

The business owner/manager or their agent should be able to determine their property lines; i.e., where their property begins and ends. Their authority to engage in control of their property ends at their property line. The legal authority for this private property trespassing enforcement is San Jose Municipal Code Section 10.20.140.

A. This section makes it a misdemeanor to **remain** on private property if all of the following elements are present.

1. The trespasser is **physically present** on private property or business premises; and
2. **The owner, lessee, or other person lawfully in charge** of the private property or business premises **requests the trespasser to leave**; and
3. Thereafter the trespasser **refuses or fails to leave**.

B. SJMC Section 10.20.140(B) makes it a misdemeanor to **enter** private property if all the following elements are met:

1. **The owner, lessee, or other person lawfully in charge** of the private property or business premises **notifies the trespasser to keep off or away** from the private property or business premises; and
2. After receiving the notice, the trespasser **physically enters** upon the private property or business premises;
3. Without the express permission of the owner, lessee, or person in charge.

ADDITIONAL GUIDELINES

POLICE OFFICERS CANNOT ACT AS AGENTS OF A PROPERTY OWNER: In order to enforce this provision of the Municipal Code, the owner, lessee, or other person in charge of the private property must notify the trespasser to either leave or to stay away or keep off the property. A police officer cannot act as an agent of the owner, lessee or other person in charge of the premises.

SIGNS ARE IRRELEVANT: "No trespass" signs **are not** an element of the crime and the presence or absence of such signs is irrelevant. Trespassing signs can be a deterrent and it is the property owner's choice if they wish to post signs.

CLOSED OR OPEN TO PUBLIC: This provision works when the premises are closed to the public as well as when the premises are open to the general public, just so long as the owner, lessee, or person in charge of the premises gives the warning to the trespasser.

CLOSED FOR THE NIGHT: The owner may simply say I don't want persons on my property (private walkways or parking lots) when the business is closed. The process for trespassing enforcement of this type involves a different process and the SJPD STOP Program coordinates the processes/paperwork required for this. The telephone number for information regarding the STOP Program is 289-8365.

REPEAT TRESPASSERS: Repeat trespassers can be cited or arrested under Subsection B as long as they have been warned by the owner, lessee, or person in charge to keep off or away from the private property or business premises. The warning need not be repeated on every occasion of trespass in order for officers to take enforcement action, as long as the owner's warning has been documented and the Officer is certain that proper and understandable requests have been made by the owner/manager or his agent.

EXCEPTIONS:

1. Lawful labor union activities; or
2. Lawful free speech activities protected by the California or United States Constitutions; or
3. When application of the ordinance would result in discrimination on the basis of color, race, religion, creed, ancestry, natural origin or would result in a violation of the *Jesse Unruh Civil Rights Act* (this Act prohibits discrimination by business establishments on the basis of sex, race, color, religion, ancestry, national origin, or disability or on any other arbitrary basis lacking a nondiscriminatory business justification; i.e., a basis that is not rationally related to the conduct of the business, or to the services performed or facilities provided by the business establishment.); or
4. When application of the ordinance would constitute a refusal to accommodate a hotel guest under Penal Code Section 365 or other provisions of law relating to innkeepers (e.g., hotels and motels) and common carriers (e.g., taxicabs and buses).

[(*)Ed. Note: Lt. Richard I. Calderon is San Jose Police Department's Liaison for Dayworkers Issues; (408) 277-4728.]

Beloit College *Mindset List*[®]

- Dave Noel

Each August Beloit College releases the Beloit College Mindset List[®], which offers a world view of today's entering college students. It is the creation of Beloit's Keefer Professor of the Humanities **Tom McBride** and Director of Public Affairs **Ron Nief**.

On average, the members of the Class of 2009 are 18 years old, which means they were born in 1987. Starbucks, souped-up car stereos, telephone voicemail systems, and Bill Gates have always been a part of their lives.

McBride notes that "Cable channels have become as mainstream as the 'Big 3' used to be, formality in dress has become more quaint than ever, and Aretha Franklin, Kermit the Frog and Jimmy Carter have become old-timers."

Here are some excerpts from this year's Beloit College Mindset List[®] for the class of 2009. To see the entire list of 75 items, visit www.beloit.edu/~pubaff/mindset/.

1. Andy Warhol, Liberace, Jackie Gleason, and Lee Marvin have always been dead.
3. Heart-lung transplants have always been possible.

4. Wayne Gretzky never played for Edmonton.
6. With little need to practice, most of them do not know how to tie a tie.
7. Pay-Per-View television has always been an option.
8. They never had the fun of being thrown into the back of a station wagon with six others.
9. Iran and Iraq have never been at war with each other.
10. They are more familiar with Greg Gumbel than with Bryant Gumbel.
12. Al-Qaida has always existed with Osama bin Laden at its head.
14. Car stereos have always rivaled home component systems.
15. Jimmy Swaggart and Jim Bakker have never preached on television.
16. Voice mail has always been available.
21. They have always had the right to burn the flag.
22. For daily caffeine emergencies, Starbucks has always been around the corner.
23. Ferdinand Marcos has never been in charge of the Philippines.
28. Michael Jackson has always been bad, and greed has always been good.
29. The Starship Enterprise has always looked dated.
30. Pixar has always existed.
33. Aretha Franklin has always been in the Rock and Roll Hall of Fame.
36. It has always been possible to walk from England to mainland Europe on dry land.
37. They have grown up in a single superpower world.
39. American Motors has never existed.
41. Les Miserables has always been on stage.
43. "Baby M" may be a classmate, and contracts with surrogate mothers have always been legal.
47. Irradiated food has always been available but controversial.
48. Snowboarding has always been a popular winter pastime.
54. They never saw the shuttle Challenger fly.
57. Black Americans have always been known as African-Americans.
58. They never saw Pat Sajak or Arsenio Hall host a late night television show.
60. Salman Rushdie has always been watching over his shoulder.
61. Digital cameras have always existed.
62. Tom Landry never coached the Cowboys.
65. The Field of Dreams has always been drawing people to Iowa.
66. They never saw a Howard Johnson's with 28 ice cream flavors.
69. Lyme Disease has always been a ticking concern in the woods.
- 70 Jimmy Carter has always been an elder statesman.
72. America's Funniest Home Videos has always been on television.

Bulletin Board Ads

HELP WANTED: Volunteers needed to help plan and implement VEP's *Memorial Day Parade & Festival* for 2006. Call Dave Fadness (578-6428) or Annamarie McKnight (578-2363) today!

U.S. MILITARY ITEMS WANTED: Top \$\$ paid. Call Doug at 978-3093 or 629-7436.

MR. FIX-IT will repair leaks, sticking doors, locks, latches, lights, and life's little ills. No job is too small. Call John @ 629-6433.

Bulletin Board advertising rules:

1. Bulletin Board ads are limited to four (4) lines of text. One line contains 50 characters, including spaces.

2. VEP will print **free** Bulletin Board ads for its members for one-time transactions involving less than \$400, for lost and found, and for services offered by kids under 18 or retirees over 60 years of age. Free ads may be published in a maximum of three successive issues of the VEP News per submission. After three issues, non-renewed ads will be dropped without notice.

3. VEP will print commercial Bulletin Board ads for its members for \$6 per issue of the VEP News. (A commercial ad is one that offers goods and/or services for a fee. The VEP President and/or Editor has final say in determining whether an ad is commercial.) Ads must be prepaid before publication and be of four (4) lines or less in length (see 1, above). Commercial bulletin board ads may be published indefinitely so long as payment is received in advance of publication. Non-renewed ads will be dropped without notice. No graphics allowed.

4. Bulletin board ads and payment must be received at least 12 days prior to the fourth Tuesday of the month for inclusion in that month's newsletter. Mail to VEP, P.O. Box 18111, San Jose, 95158.

Use this form as a guide for submitting an ad:

NAME: _____

PHONE # _____

AD WORDING: _____

The VEP Executive Board reserves exclusive right to refuse any ad for any reason. VEP does not certify nor is it responsible in any way for the claims, goods, or services of any advertisers.