

<b>Political Connections</b>
Kaiser Cement executive Tom Legan is appointed to fill Dan McCorquodale's vacant seat on the Santa Clara County Board of Supervisors. (SJ 11/25/87) He serves on the board from 1982 – 1989. In 1986, he lost a bid for state senator against McCorquodale.
Kaiser Cement executive and Santa Clara County Supervisor Tom Legan shows conflict of interest by seeking to increase housing densities on hillsides in unincorporated areas of the county which would substantially increase the value of Kaiser property. (SJ 7/13/85)
Former Kaiser Cement employee, Barbara Koppel elected to Cupertino City Council (elected twice and serves 8 years) and also serves on the Bay Area Air Quality Management District BAAQMD. (SJ 11/21/90) (Metroactive October 17-23 1996 <a href="http://www.metroactive.com/papers/metro/10.17.96/smog1-9642.html">http://www.metroactive.com/papers/metro/10.17.96/smog1-9642.html</a> )
Kaiser Cement Corp., owned by British Hanson, unveils plan to build 1,100 homes and a golf course in the hills west of Cupertino. (SJ 2/19/92)
Supervisory candidate and longtime Cupertino council member Barbara Koppel fined for accepting too much money from Hanson and fails to accurately report \$500 from Assemblyman Jim Cunneen – who is now an adviser to Lehigh Hanson. (SJ 10/3/96)
Sandra James, former Cupertino mayor (serving 8 years on Cupertino City Council) is hired as the company's community affairs and public relations manager. (SJ 10/29/2008)
Supervisor Liz Kniss proposes Resolution No. 2010-162 commending Cupertino Citizen of the Year (& Lehigh Hanson PR manager) Sandy L. James. It is adopted unanimously.

## SJ 11/25/87

### **POLITICAL PARTIES TO THE FORE IN SUPERVISOR RACE**

**San Jose Mercury News (CA)** - Wednesday, November 25, 1987

*Author: PHILIP J. TROUNSTINE, Mercury News Political Editor*

The race for Tom Legan's seat on the officially non-partisan Santa Clara County Board of Supervisors is evolving into a partisan vendetta, with two professionally managed Democrats gunning for the board's only Republican.

While his colleagues facing re-election have drawn no serious opposition, the 44-year-old Legan has inspired two forceful opponents: Ron Gonzales, 36, former

mayor of Sunnyvale, and Bob Livengood, 32, mayor of Milpitas.

What distinguishes this race, however, is not just that an incumbent supervisor is facing a vigorous challenge. Nor is it the difference among candidates on such pressing issues as transportation, social services, operation of the jail or minority representation.

The distinction is less lofty: Never, in recent memory, has an ostensibly non-partisan election in Santa Clara County been so thoroughly enveloped by old-fashioned, cutthroat party politics.

"It has now become a partisan office," said GOP leader C. Donald Allen, president of **Cupertino** National Bank. "Since you have only one Republican, you have to do whatever you can to protect your one . . . I really don't think the county benefits from having five people of the same political party as their exclusive representatives."

"Obviously as a party, you want to take as many seats as you can of the non-partisan offices," said Andrea Leiderman, the county Democratic chairwoman. "You want to both hold those seats and use those seats as a means of developing candidates for higher office."

In recent years the board has served as a stepping stone for Democratic Assemblyman Dominic Cortese and state Sen. Dan McCorquodale and for Republican state Sen. Rebecca Morgan. And whenever an opening occurs for higher office, county supervisors are always among those given serious attention.

Partisan enmity stems from Democrats who believe that Legan -- given a rare platform for a Republican -- stabbed them in the back when he challenged McCorquodale last year. Their outrage was intensified by what many saw as a dirty campaign.

Democrats for Legan

Ironically, two Democratic supervisors -- Rod Diridon and Susanne Wilson -- had provided the critical votes to appoint Legan, a **Kaiser** Permanente executive, to the board in 1982. Urged on by labor Democrats such as John Neece of the Building Trades Council, they justified their choice in part by saying that Legan had pledged never to use the board seat as a base from which to run against an incumbent Democrat.

But Legan, denying he ever had made such a promise, challenged McCorquodale in 1986 in what became the most expensive regular state Senate election in California

history, costing \$2.86 million in all.

Appointing Legan "was a big mistake," said Leiderman. "It taught everyone a lesson . . . you never ignore a seat, regardless of what it is."

Each of the candidates is drawing support across party lines from those concerned chiefly with non-partisan issues. Gonzales, for example, who would be the first Mexican-American elected to the board, is lining up a number of Republican executives from Silicon Valley as well as strong Hispanic support. Top-flight consultants

But the high stakes in the race are evident in the concentration of top-flight political consultants who have been hired.

Livengood has signed up David Townsend and Yvonne Ryzak, who have handled Los Angeles Mayor Tom Bradley, Supreme Court Justice Joseph Grodin, Supervisors Dianne McKenna and Diridon and three successful half-cent sales tax campaigns. Gonzales, meanwhile, has enlisted Roger Lee, veteran handler of San Jose Mayors Janet Gray Hayes and Tom McEnery. An expert in direct-mail campaigning, Lee has produced mail for such high-profile races as last year's Pennsylvania governor and lieutenant governor's contests.

In his past campaigns, Legan has been managed by Ron Smith, a respected pro who has handled state Sen. Morgan, Reps. Ed Zschau and Paul N. "Pete" McCloskey, and San Francisco Supervisor John Molinari among others. Smith said he and Legan have not yet concluded an agreement for the 1988 race.

A fourth candidate in the race is Charles S. Moore, 69, a retired civil engineer from Milpitas.

The supervisorial district includes most of Sunnyvale, North San Jose, Berryessa, Alum Rock and Milpitas. According to voter registration figures, 38 percent of the voters live in Sunnyvale, 16 percent in Milpitas and 46 percent in San Jose. With 114,560 voters in all, Democrats outnumber Republicans 63,116 to 34,968.

Shielded by aide

Legan, who says he will seek re-election, refused to be interviewed until December. And last week his aide, Jim Strachan, attempted to physically prevent a reporter from getting close enough to Legan to ask him questions.

"I regret that you're attempting to divert my attention from the things that the voters elected me to spend my time on," said Legan, as he arrived 15 minutes late for a board meeting.

Legan is reticent, his opponents charge, because he fears his political life is at risk. Although he won 44 percent of the vote against McCorquodale in the 12th state Senate District -- the best showing in the state by a challenger in 1986 -- Legan pulled only 41 percent in his own supervisorial district.

"That," said Livengood, "suggests to me that to know Tom Legan is to vote against him."

But Legan will be no pushover. While his colleagues on the board have denied him meaningful leadership roles, he nevertheless remains the GOP's only supervisor. In his Senate race, Legan raised more than \$1.3 million. And he already has held his first \$150-per-person fund-raising dinner.

"The only reason Legan's in trouble is because he ran as a Republican against McCorquodale," said East Side Republican Victor Ajlouny. "If party politics and integrity mean anything, then I would expect to see Republicans line up strongly for Legan."

Moreover, history favors Legan: No one has unseated an incumbent supervisor since Diridon beat Ralph Mehrkens in 1974.

Formidable campaigns

Yet both Livengood, who owns and operates a San Jose 7-Eleven store, and Gonzales, a marketing manager at Hewlett-Packard, have begun shaping formidable campaigns.

Livengood has been endorsed by McEnery, Assemblywoman Delaine Eastin, San Jose Councilman Jim Beall and a host of East Valley political leaders and developers who would normally have lined up with Legan. Rep. Don Edwards, D-San Jose, has allowed both Livengood and Gonzales to use his name to help fund-raising but has endorsed neither.

A Milpitas councilman since 1975, Livengood was a registered Republican until 1985 when he changed his registration. He said he came from a family of Republicans but "had always voted for the person, not the party." When he later discovered that "a lot of people did care whether I was a Republican or a Democrat," he switched parties.

Livengood said he supports the Deputy Sheriffs Association's opposition to a

Department of Correction to run the jails because he believes it is unproved and unworkable. Legan and Supervisors Zoe Lofgren, Dianne McKenna and Susanne Wilson voted to approve the new department.

Gonzales has the backing of Assemblymen John Vasconcellos, D-San Jose, and Byron Sher, D-Palo Alto, Supervisor McKenna, San Jose Council members Blanca Alvarado, Susan Hammer, Nancy Ianni and Pat Sausedo, several electronics industry executives, a raft of council members from smaller cities and most of the Hispanic leaders in the valley.

Although he is the son of a founder of La Confederacion de la Raza Unida, Gonzales, who speaks only sparse Spanish, defines himself as a "mainstream Hispanic Democrat," or jokingly as a "high-tech Mex."

He said he "leans toward the board's position" on the question of the Department of Corrections because he is concerned about the rising costs of the jail system and its impact on the county's ability to provide social services.

**Caption:** Photos (3)

Tom Legan . . . The board Republican Ron Gonzales . . . Hires an expert Bob Livengood . . . Milpitas mayor

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**Page:** *1B*

## **SJ 7/13/85**

### **LEGAN CAN'T VOTE ON LAND-USE ISSUE, STATE PANEL RULES**

**San Jose Mercury News (CA)** - Saturday, July 13, 1985

**Author:** *ARMANDO ACUNA, Mercury News Sacramento Bureau*

The state Fair Political Practices Commission ruled unanimously Friday that Santa Clara County Supervisor Tom Legan can't vote on a land-use issue that could financially affect his employer, **Kaiser Cement Corp.**

On a 4-0 vote, the commission upheld the legal opinion of its staff, which said efforts by

Legan to increase housing densities on hillsides in the unincorporated areas of the county would substantially increase the value of **Kaiser** property.

Legan said he believes he had a fair hearing, and that he does not intend to appeal the ruling. Legan, who requested the FPPC ruling after newspaper stories reported his financial interest in **Kaiser**, said he will ask the FPPC whether he will be permitted to vote on other hillside preservation or development proposals. **Kaiser** owns a huge limestone quarry in the foothills above **Cupertino**, where Legan works as rock products manager. He also owns more than \$1,000 of **Kaiser** stock.

The company's property includes 967 acres of undeveloped hillside land in county jurisdiction.

Under a proposal advanced by Legan, the amount of development allowed on hillsides under county jurisdiction would have been increased. Last December, the board of supervisors voted 3-2, with Legan in the majority, to undertake an environmental study of Legan's plan.

After questions about the propriety of Legan's actions were raised, Legan stopped voting on all hillside matters, pending a review by the FPPC.

At issue was whether Legan had a conflict of interest.

State law says no public official "shall make, participate in the making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he had a financial interest." An official has a financial interest in a decision, according to the law, if "the decision will have a financial effect, distinguishable from its effect on the public generally," on a source of income.

County Counsel Donald L. Clark, who represented Legan at the hearing, said there was no conflict of interest because allowing more housing on the hillsides would have affected all owners of hillside property, who they claimed represented a "significant segment" of the public.

But the FPPC staff said a change in the county's general plan allowing higher hillside densities would increase the value of **Kaiser**'s undeveloped land by \$2.9 million, a result the staff said "will clearly be distinguishable from the effect upon the general public."

Clark argued that **Kaiser** had no plans to develop any of its land for housing, stressing

the "unity of use and unity of ownership" based on the quarry operation.

Commissioner Michael B. Montgomery was skeptical. He said that if **Kaiser** really didn't want to develop its land, then why hadn't the company made an effort to say, "We don't want to be part of the higher density."

Later in the hearing Montgomery said **Kaiser** 's reluctance to "to take everyone off the hook . . . sort of bothers me a little bit." Montgomery noted, for example, that **Kaiser** could sell its undeveloped property to residential builders and keep the quarry. And Commissioner Lim P. Lee, noting the clamor for more housing in the South Bay, said, "If the price is right, **Kaiser** will sell that land."

**Caption:** Photojump page hed  
Supervisor Tom Legan . . . **Kaiser** rock products manager

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## **SJ 11/21/90**

### **KOPPEL, ON A ROLL, LOOKS TO '91 BALLOT MEASURES WON, AND NOW SHE'S MAYOR**

**San Jose Mercury News (CA)** - Wednesday, November 21, 1990

**Author:** *BERNARD BAUER, Mercury News Staff Writer*

Buoyed by her appointment last week as mayor of **Cupertino** and her success as the leader of the city's two ballot measures on Nov. 6, Councilwoman Barbara Koppel has announced she will run for re-election in 1991.

Koppel, elected to the council in 1987, becomes the first announced candidate in **Cupertino** 's municipal election next November, in which two of the city's five council

seats will be up for grabs. The term of Councilwoman Barbara Rogers also ends next November.

Koppel was appointed mayor on Nov. 13 by the city's four other council members. The one-year term rotates among them. Council terms last four years. Councilman Nick Szabo was appointed vice-mayor.

Koppel chaired the campaign for Measure T, which imposes a utility tax on residents and businesses to fund open space and recreational site purchases. The measure won by a better than two-to-one margin.

She was also the original proponent and moving force behind Measure U, a two-term limit advisory measure for council members. Measure U won in a three-to-one landslide.

Although Measure U did not target Rogers by name, it was widely seen as a message by voters that she should not try for 17 consecutive years in office. Rogers, who joined the council in 1978, said in a recent interview that she is undecided about running next year.

"If I were her, it would give me a strong message to probably not run again," said Koppel, who pressed for a similar measure as a private citizen in the early 1980s.

Koppel stressed that she never intended Measure U as a personal attack on Rogers. However, Koppel said it is important "to encourage new people to apply. . . . It's a healthy turnover in any government."

Koppel is likely to be a formidable candidate in the coming election. In 1987 she set a record, yet to be surpassed, by raising \$11,848 for her campaign.

Koppel said she would pursue a policy of "controlled growth in specific areas" in **Cupertino** over the next year. She defined those areas as De Anza Boulevard, Stevens Creek Boulevard and sections near the Vallco shopping center.

Among her highest priorities are preserving open space at the site of the former St. Joseph's Seminary and curbing air pollution from **Kaiser Cement** Corp.'s quarry in the hills above the city, Koppel said.

The seminary land has been targeted for a large development of luxury private homes by the San Jose Diocese of the Roman Catholic Church, which owns the property.

"I want minimum development there and lots of open space," Koppel said.

The **Kaiser** plant is the worst toxic air polluter in Santa Clara County, according to an August report by the Bay Area Air Quality Management District.

**Caption:** Photo

Koppel

**Memo:** Also ran in EX1/12, WT5

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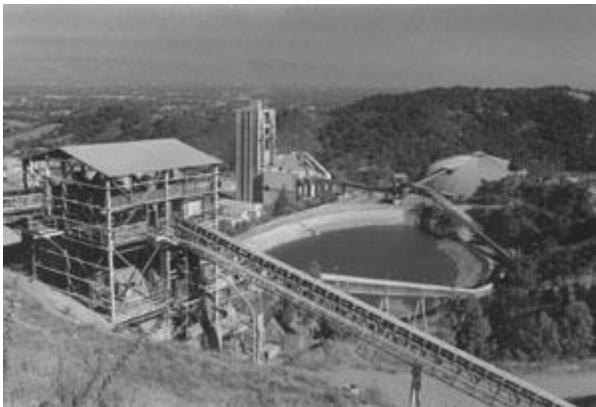
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## **METROACTIVE**

### Burning Rubber



Christopher Gardner

**Where There's Smoke:** Neighbors worry that Kaiser Cement's test burn of old tires at its Cupertino foothills facility increased dioxin emissions 54 percent.

Kaiser Cement insists the air pollution caused by burning old tires instead of

## coal is minute, but can Santa Clara Valley's air take the toxic hit?

By [Michael Learmonth](#)

For 45 days last winter, unbeknownst to the general population, the Kaiser cement plant in the hills above Cupertino burned 100,000 Michelins, Goodyears and Pirellis. Management at the 57-year-old plant was conducting an experiment to see if it could substitute scrap tires for a portion of the Utah coal that normally fires its kilns.

The Bay Area Air Quality Management District, which declared 25 Spare the Air days the same year, had quietly issued Kaiser its experimental permit in November 1995. And Kaiser was anxious to prove that burning tires--a vastly less expensive energy source than coal--would have no "significant" environmental impact, paving the way for a permit to burn tires full-time.

"We have 3,000 pages of test results," says Earl F. Bouse Jr., a vice president of Kaiser Cement. "The next step is for us to put in an application to use [tires]."

The results, compiled by Radian International, the consulting firm Kaiser hired to interpret the test data, showed increases during the test in benzene, dioxin, polyaromatic hydrocarbons, airborne particles, hexavalent chromium, copper, lead, manganese, mercury and zinc emitted from the plant. Most of the increases were slight, and some of the chemical emissions normally associated with coal actually decreased during the test.

Despite the increases, all the emissions during the test were well below state standards. But a group of Cupertino residents, and the Silicon Valley Toxics Coalition, have served notice to Kaiser that any increase in pollutants from the plant, no matter how

slight, is too much for the valley's already abysmal air to absorb. They hope to force Kaiser to conduct a full environmental impact report, in addition to the \$250,000 study conducted by a private firm, before one more retread is tossed into the kiln.

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[Pollution](#) settles in the valley, making air quality in San Jose worse than the Bay Area average.

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**KAISER'S DREAM** of using scrap tires in its kilns reflects a major trend in the cement industry. Thirty-three other plants in the United States now burn some percentage of tires as fuel. Kaiser says that substituting scrap tires for 10 percent of the coal it normally uses will save the company about \$500,000 every year. And what else is the country going to do with all its old tires, anyway?

Beyond the cement companies, the tire-burning trend makes municipal waste managers and the tire industry very happy. Americans annually discard a tire per every man, woman and child--over 30 million per year in California alone. This presents an ongoing waste-management migraine for local governments. It also looks bad for the tire industry, whose products are subject to increasing taxes to help pay for the disposal problem.

This triumvirate of tire-burning boosters wage constant battle against the image of burning tires most people have in their minds. Combusting tires under controlled conditions in sealed cement kilns, they argue, is as safe, if not safer, than burning coal.

"Tires are benign, they are not a hazardous waste," said Michael Blumenthal, director of the Scrap Tire Management Council, a lobby funded by the tire industry. Blumenthal was hired to head the

organization in 1990 to promote "viable markets" for scrap tires.

The vulcanization process discovered by Charles Goodyear that makes tires indestructible is also virtually irreversible. In other words, they can't be melted into material for new tires. Last year 131 million scrap tires were burned as fuel in cement, power and paper plants. By comparison, 12 million were used for civil engineering in road embankments, landfill and highway barriers. Six million were ground into particles to make rubberized asphalt, hoses, mats and playground material. More than 30 percent of the tires scrapped last year were tossed into landfills.

Proponents of tire burning argue the cement-making process is especially suited to disposing of tires. The process that slowly super-heats limestone combusts the tire completely, steel belts and all. Any ash or oxidized metals become part of the product.

Imagine, an old tire that just vanishes! Could this be the tire collecting water and mosquitoes by the railroad tracks, the one stuck in the mud on the banks of a slough? Or one of the estimated 500,000 currently piling into mountains in the Santa Clara Valley? Blumenthal says the answer is yes.



**BUT TIRE BURNING** has not been welcomed with open arms everywhere. Some environmentalists say the practice benefits industry more than the environment. RMC Lonestar, a cement plant in Davenport, near Santa Cruz, gave up its plan to burn scrap tires three years ago in the face of citizen and local government opposition. Tire burning at California Portland Cement

near Mojave was stopped when a judge withdrew the

company's permit until an environmental impact report was conducted.

Leslie Byster of the Silicon Valley Toxics Coalition argues that the quality of the ambient air in Santa Clara County is already poor. Measured in health risk per million, downtown San Jose scores 500 while the rest of the Bay Area averages about 300. According to estimates released by Austin-based Radian, an environmental contractor for government and industry, Kaiser's emissions contribute a total health risk of 4.6. Burning tires would only increase that to 4.8. But Kaiser's emissions alone already constitute almost 1 percent of Santa Clara's total health risk.

"These plants are high pollution sources," says William Pease, research toxicologist at the University of California at Berkeley. Pease conducted a study of cement plants that burn tires, and found the difference between coal and tires to be very small. "We didn't find that using tires made a drastic change in the type of pollutants released. I doubt you would find anyone in the scientific community who would say otherwise."

But some of the activists opposing Kaiser say any increase is too much.

"All polluters can say that they are only adding a little bit," says Byster. "Even if they're right, this is preventable pollution."

*EARL BOUSE* and his community relations manager, Ralph Venturino, were waiting for me when I arrived at the Kaiser plant at the end of Stevens Creek Boulevard. Spread across the conference table were three-foot-thick volumes of study results and the previous week's *Metro*, open to the cover story about the specter of corporate sponsorship of national parks. Bouse seemed particularly tickled by the illustration.

"I see you've got a corporate guy pissing on the environment," he said.

Kaiser has been chipping limestone out of the hills above Cupertino since it was built by American industrialist Henry J. Kaiser in 1939. The plant's first task was to crank out the 1.1 million tons of cement needed to build the Shasta Dam across the Sacramento River.

The chain of Kaiser hospitals evolved from the health plan Kaiser provided his cement workers. The modern-day HMO and the cement plant are no longer connected.

Our tour began at the massive dome where freshly mined and crushed limestone arrives by conveyor belt to be sorted. The limestone is dumped in a circular pile and a sample taken to determine its purity.

Then the limestone leaves the dome on a conveyor that takes it to the first of two furnaces that super-heat the stones to 2,800 degrees Fahrenheit. The whole burning concoction of limestone, coal and--if Kaiser has its way--tires is then poured down a revolving cylindrical kiln. The cooled product is called klinker, a hard, black substance that is ground up and mixed with gypsum. That's cement, the substance that glues rocks together to make the concrete in roads, bridges and subway stations.

Emissions are sucked into the "bag house" and filtered. Thirty-six stacks discharge an odorless exhaust that is invisible from the west, but a faint blue-gray from the east.

Bouse has worked in the cement industry since he came to the Bay Area from Montana in the 1960s. Some of his efforts to help Kaiser be a good neighbor to Cupertino include an electronic sign that posts the

speeds of truckers on Stevens Creek, and a \$100,000 vacuum truck to fight the dust.

Bouse has a folksy manner about him, openly admitting he has to wash his car every few weeks, or the ubiquitous dust may turn to cement in the first fog bank.

But his chance to have an amicable relationship with many people in Cupertino may have been lost last November, when residents learned of the tire burning not from Kaiser but from Sue Abby of the Silicon Valley Toxics Coalition.



**RUTH SCOTT REMEMBERS** the Sunday that Sue Abby came to her door. She was spending time with her father, while her two sons worked in the backyard. The activist informed Scott the experiment would take place over the next few months, and it filled Scott with dread. Her younger son, born with a weak immune system, takes antibiotics regularly to stay healthy enough for school.

"Our son started getting sick when we moved up here three years ago," recalls Scott. "My husband said the other night maybe we should move, find some place where the air is safer." She has made plans to fork over the \$800 it will cost to test him for sensitivity to dioxin.

Leslie Fowler lives within earshot of the Kaiser plant. During the test dates, she says, she wiped excessive dark-colored dust from the screens in her house. Fowler says that had she known about the plant four years ago when they were buying a house, they might have looked elsewhere.

**THE BURNING ISSUE** of tires appears to be adding fuel to the already hot race for the Santa Clara County Board of Supervisors between Barbara Koppel and Joe Simitian. Koppel, a Republican and former mayor of Cupertino, worked for Kaiser part-time 13 years ago. She also received donations from Kaiser employees when she sat on the board of the Bay Area Air Quality Management District. When Simitian accused her of a conflict of interest, Koppel argued that all decisions on Kaiser's permits were made by the air district staff, not the board members. Koppel also accepted campaign checks from Kaiser Cement, as well as Kaiser Sand and Gravel. Since both companies are owned by Hanson Industries, a British conglomerate, Koppel violated campaign finance rules by accepting more than the legal limit of \$350 from one company. Upon discovering the violation, Koppel returned \$350 and said the checks had come from different addresses and different banks.

Despite her Kaiser connections, Koppel has sided with the neighbors in asking for an environmental impact report.

Simitian also says if elected he will push for a "rigorous" environmental impact report on Kaiser's plans, performed by the county.

**THE ENVIRONMENTAL** Protection Agency recognizes dioxin as the most carcinogenic synthetic chemical known. It increased 54 percent during Kaiser's test. But no matter how small Kaiser says the increases were, it is too much for the Silicon Valley Toxics Coalition and the West Valley Citizen's Air Watch.

Their point is that Kaiser's emissions are already high, and this is where they want to draw a line in the sand. Forcing Kaiser to undergo an environmental impact report would balloon its costs. It could also effectively halt Kaiser's tire-burning plans for years to come.

A exasperated Bouse is candid at the prospect of more study.

"We're in the business of making cement," he said. "If it's something that's going to be a drag-out fight for four or five years, why do it?"

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## SJ 2/19/92

### GRAND PLAN FOR HILLS OF CUPERTINO BRITISH COMPANY WANTS TO PUT 1,100 HOMES ON KAISER PROPERTY

San Jose Mercury News (CA) - Wednesday, February 19, 1992

*Author: BERNARD BAUER, Mercury News Staff Writer*

The British company that owns **Kaiser Cement** Corp. tonight is expected to unveil a plan to build 1,100 homes and a golf course in the hills west of **Cupertino**, according to city officials.

The proposal comes when the city is moving toward strict hillside development limits. A majority of the city council backs a proposal introduced this month by City Councilman Marshall Goldman to require minimum lot sizes of five to 20 acres per home in the hills west of Interstate 280.

Beverly Hills-based consultant John Janneck, who works for Hanson Trust PLC, the British holding company that bought the **cement** company in 1986, confirmed Tuesday that he will make a presentation tonight to the city's planning commission on the 3,600-acre **Kaiser** property.

Janneck, who has been meeting privately for several years with city officials to tout Hanson's development plans, declined to discuss details of his proposal.

But Councilman Wally Dean said Janneck has told him the company wants to build more than 3,000 homes, several golf courses, offices and retail businesses on its land, which surrounds the **cement** quarry.

Dean said he expected **Kaiser** to propose 1,100 homes at tonight's meeting. "But it's not clear whether that's just Phase One," Dean said.

M.J. "Paddy" Bishop, president of **Kaiser Cement**, said Tuesday that any development would occur in "the far distant future" and on "outlying areas" of the property.

Bishop said there is at least 20 years' worth of material left in the quarry. "It's our intention to keep making **cement**," he said.

'Massive' development

But Councilman Goldman said Janneck has been pitching a plan to officials that calls for a "massive" development in the hills.

Last week, Goldman said, Janneck called him and proposed a smaller version of the plan. "It appeared to be downscaled from the original proposal, but it's still a fairly high number of units," Goldman said.

While most of the **Kaiser** property is under Santa Clara County's jurisdiction, county guidelines would require annexation to **Cupertino** before significant development could occur.

Diocese has plans, too

Until recently, the debate over developing **Cupertino**'s hills centered on the Roman Catholic Diocese of San Jose, which wants to build hundreds of homes on land it owns adjacent to Rancho San Antonio County Park.

While no formal application has yet been filed, the fate of **Cupertino**'s hills will be decided later this year when the city's current revision of its general plan is expected to be completed.

The council's endorsement of Goldman's proposed restrictions, which included the huge

**Kaiser** property, has widened the issue. More than 80 percent of the company's land is undeveloped woods, according to Robert Cowan, **Cupertino** 's planning director.

Goldman said Tuesday that tonight's presentation by Janneck is probably occurring in reaction to the political tide in **Cupertino** turning toward strict building limits in the hills.

Bishop said that while **Kaiser** intends to concentrate on **cement** production, "no landowner can look at potential restrictions on the use of his property with a whole lot of approval." He also said Janneck wants to "involve the community in deciding" what to do with the **Kaiser** land.

But Kindel Blau, president of OAKS, a citizens group formed to block the diocese's development plans in the hills, said community sentiment strongly favors open space west of I-280. "People want to look to the west of **Cupertino** and see open hills," Blau said. "They don't want to see houses on the ridge line."

**Caption:** Photo

PHOTO: BEGINNINGS -- The **cement** plant above **Cupertino** was built in 1939, when the valley below was an expanse of orchards.

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## **SJ 10/3/96**

### **ETHICS PANEL BARES TEETH, PENALIZES CANDIDATE KOPPEL**

**San Jose Mercury News (CA)** - Thursday, October 3, 1996

***Author:** TINI TRAN, Mercury News Staff Writer*

In a surprising ruling that may well affect a hotly competitive race, the Santa Clara County Ethics Commission on Wednesday slapped supervisorial candidate Barbara Koppel with \$2,000 in penalties and forfeitures for campaign funding violations.

The commission publicly rebuked Koppel for violating the county's 1994 campaign finance ordinance, aimed at limiting the influence of campaign contributors, in four separate instances.

The decision sends a first, powerful signal that this 2-year-old commission intends to be a force in county campaigns. That would be unusual. Most such "political watchdogs" shy away from punishing politicians in the heat of an election.

Koppel, a former **Cupertino** councilwoman who is running against Palo Alto Councilman Joe Simitian to represent the north county on the board of supervisors, maintained after the ruling that she has run a clean campaign. She said she is bearing the brunt of being the test case for the commission.

"I think they struggled with what the policy says. It's clear there are some holes there," she said. "I think we made some mistakes, but we've operated our campaign as well as we could. It's clear Joe has chosen to run his campaign in the courts."

According to the commission's ruling, the violations were:

(box) Koppel had accepted contributions of \$350 from two companies, Kaiser **Cement** Corporation and Kaiser Sand and Gravel, which are owned by the same parent company, **Hanson** Industries. The ordinance caps contribution limits at \$350 per business entity.

(box) Koppel had accepted \$700 worth of food for her victory party the night of March 26. The ordinance forbids candidates from accepting contributions within 17 days before the primary election.

(box) Koppel had failed to accurately report \$500 in contributions from Assemblyman Jim Cunneen. A \$350 contribution from his Assembly campaign was improperly credited as a personal contribution.

(box) Lastly, Koppel had run a campaign deficit of approximately \$9,000, and then solicited and raised funds outside of the allowable fund-raising period. The ordinance strictly prohibits raising funds that way in order to prevent unseen influence by campaign contributors.

Koppel has already forfeited \$500 to the county's general fund. She will be required to pay \$1,500 in additional fines within the next 30 days.

Koppel finished first in a three-way primary race and is in a runoff against Simitian. The incumbent, Dianne McKenna, is retiring because of term limits.

It was Simitian who brought the violations to the attention of the commission.

"I'm satisfied" with the ruling, Simitian said Wednesday. "In the two-year history of the ordinance, she is the only candidate to be found in violation. I think that makes a strong case for

her ethics."

Though the commissioners stopped short of issuing a public censure, they repeatedly criticized Koppel's campaign bookkeeping for its "lack of due care." In particular, they were concerned with the "clear manipulation" in accounting for Cunneen's contributions.

"(The ruling) may have political impact but that's not the focus of this commission," said chairwoman Edie Kirkwood. "We are about enforcing the ordinance; we're not about politics."

Unlike similar boards, the county commission was given some teeth to enforce the new reforms. It has the ability to subpoena evidence and impose financial penalties on violators.

San Jose's ethics commission, in comparison, has no power to impose penalties. Two other political watchdogs, the Federal Election Commission and the state's Fair Political Practices Commission, can penalize politicians, but they generally do so well after an election.

**Caption:** Photo, Map

MAP: MERCURY NEWS

Supervisorial District 5

[961003 LO 4B]

PHOTO: Koppel

Candidate insists she has run a clean campaign.

[961003 LO 1B 3; color]

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## **SJ 10/29/2008**

### **OPPONENTS VENT AT MEETING ABOUT CUPERTINO CEMENT PLANT**

**San Jose Mercury News (CA)** - Wednesday, October 29, 2008

**Author:** *Matt Wilson , Cupertino Couri*

Residents unleashed a torrent of complaints about the operation of the Lehigh Southwest **Cement** plant at a community meeting Oct. 22.

Concerns about odors from the plant, late night noise, potential landslides, air quality, frustration with lime dust residents say cakes their car windshields, and limiting the speed and number of quarry and **cement** trucks on Foothill Boulevard dominated the discussion.

Representatives from Santa Clara County and the Bay Area Air Quality Management District responded that the plant and quarry are routinely inspected and that most plant emissions were well below benchmark levels that would pose serious health risks.

The site is operating under a reclamation plan established in 1985, which is scheduled to expire in March 2010. The quarry can not operate without a new plan.

An environmental impact report, required to approve the amendment, is currently delayed pending further geological analysis. Rob Eastwood, a county senior planner, assured the audience that state law requires all issues and comments will be looked at in the EIR. Eastwood said that the ongoing geological review would dictate what happens next in regards to the quarry's reclamation amendment.

The company is seeking to expand quarry operations from 330 acres to 917 acres and extending that permitted use by 25 years. The plan details how the area must return the quarry to a useable condition by replanting native plants.

The facility, formerly known as **Hanson** Permanente **Cement** , is owned by German building materials company Heidelberg **Cement** Group.

Residents packed a room at the Quinlan Community Center. Many of them said they wished that the plant and quarry on Stevens Creek Boulevard would shut down.

Audience members often shouted out complaints when a question did not yield the desired response. A question about noise pollution was greeted with thunderous applause. An audience member yelled out, "We can't sleep at night."

When someone asked if the quarry would be able to stay open if its reclamation extension is not complete by 2010, the room broke into applause at the mere mention of the quarry closing.

When Eastwood explained that the plant would remain in operation so long as the extension application was in progress, the crowd responded with a chorus of boos.

The plant was constructed in 1939 to provide **cement** to build California's Shasta Dam. Mining on the site dates back to the 1880s. The quarry is responsible for half of the **cement** used in the Bay Area and over two-thirds of the **cement** used in Santa Clara County. The plant and quarry are not located within **Cupertino** 's city limits.

Sandra James, former **Cupertino** mayor and a longtime resident, was hired recently as the company's community affairs and public relations manager.

Quarry representatives mingled and spoke individually with residents after the meeting to address their concerns.

For more information on the application, visit [www.sccplanning.org](http://www.sccplanning.org). For general Lehigh-Southwest information or questions, call (408) 500-5034.

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