

REDEVELOPMENT AGENCY BOARD

SYNOPSIS

June 12, 2001

LINDA J. LEZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES CHAIR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT10



Welcome to the San Jose Redevelopment Agency's Board meeting. Our Board is composed of the ten City Councilmembers and the Mayor, who serve as our Boardmembers and Chairperson.

This Agenda contains both a Consent Calendar section for routine business items requiring Board approval, and general business items arranged to correspond to the Agency's Core Service Areas. The Core Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the Agency provides to the community and to the City. The four Core Service Areas are:

- ***Promote and Implement Neighborhood Improvement Strategies*** — Through collaboration, revitalize commercial and residential neighborhoods so they are livable, safe, diverse and economically sustainable.
- ***Enhance the Quality and Supply of the City's Housing Stock*** — Enhance the Quality and Supply of the City's Housing Stock
- ***Initiate and Facilitate Public Facilities and Spaces*** — To guide the creation of a fabric of public facilities and spaces that is useful, stable, inviting, delightful and instills pride in the community to foster the opportunity for other investments
- ***Initiate and Facilitate Private Development*** — Capitalize on market opportunities and facilitate private development in the fastest possible time with the highest quality customer service

You may speak to the Board about items on the agenda by submitting a Speaker's Card to the Agency's Clerk seated at the front table. If you wish to address the Board about an issue that is not on the Board agenda, you may speak during the "Open Forum" during the City Council's meeting. The Board is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act), items must first be noticed on the agenda before any discussion or action. Tips for speaking to the Board:

- **Please submit a Blue Speaker's Card before the meeting or before the item is heard.** This ensures that your name is called for item(s) you wish to address, and that the meeting runs smoothly for all participants.
- When the Board reaches your item on the agenda, the Chairperson will open the public hearing and call your name. Please address the Board from the large podium located to the left of the Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Chairperson's discretion however, depending on the number of speakers and length of agenda.
- There are three lights to assist you with tracking your speaking time. They are located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and, the red light comes on when your speaking time is up.

If you have any questions, please direct them to Agency staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings. The Redevelopment Agency's Board meets on Tuesdays, following the City Council meeting at 1:30 p.m. Agendas of future meetings are posted immediately outside City Hall's main entrance and at: www.sjredevelopment.org.

CALL TO ORDER AND ROLL CALL

Mayor Ron Gonzales called the meeting to order at 3:47 p.m.

**PRESENT: GONZALES, CAMPOS, CHAVEZ, CORTESE, DANDO,
DIQUISTO, LEZOTTE, REED, SHIRAKAWA, JR.,
YEAGER, WILLIAMS.**

ORDERS OF THE DAY

See Item 10 on the City Council Agenda for description of any City Council agenda items relating to the Redevelopment Agency.

Orders of the Day Approved.

1 CEREMONIAL ITEMS

1.1 Ceremonial Matters: Annual Employee Recognition Awards.

Heard on the City Council Agenda, Item 1 – “Ceremonial Items.”

2 CONSENT CALENDAR

2.1 Approval of Minutes:

Recommendation: Approval of Redevelopment Agency Minutes for:

(a) Greater Downtown Development Strategy Study Session of March 27, 2001

Item 2.1(a) continued until August 14, 2001.

(b) Regular meeting of May 15, 2001

Approved.

2.2 Report of the Rules Committee – May 16, 2001

Vice Mayor Shirakawa, Jr., Chair

(1) Review May 29, 2001 Draft Agenda

(2) Add new items to the May 22, 2001 Amended Agenda

Approved.

2 CONSENT CALENDAR (Continued)

2.3 Report of the Rules Committee – May 23, 2001

Vice Mayor Shirakawa, Jr., Chair

- (1) Review June 5, 2001 Draft Agenda.
 - (2) Review May 29, 2001 Draft Agenda.
 - (3) Approval of a Downtown Mixed Use/Retail Study Session meeting date on June 7, 2001.
 - (4) Approval of recommended community organizations for the SNI PAC.
- Approved.**

2.4 Approval of the third amendment to the agreement with Edwin Bruce Associates for architectural design and construction administration services for the FIP in the Alum Rock Avenue Project Area.

Recommendation: Approval of the third amendment to the agreement with Edwin Bruce Associates, in the amount of \$90,000, for a total amount not to exceed \$293,000, for architectural design and construction administration services for the Facade Improvement Program (FIP) in the Alum Rock Avenue Project Area, extending the term of the agreement through June 30, 2002 and authorizing the Executive Director to extend the Agreement one additional year.

Approved.

3 NEIGHBORHOOD IMPROVEMENT STRATEGIES

None.

4 HOUSING

None.

5 PUBLIC FACILITIES AND SPACES

5.1 Approval of the acquisition of property at 97 - 99 North 5th Street for the parking garage for the Civic Center Project, in the amount of \$875,000.

Recommendation: Adoption of a resolution authorizing the Executive Director to negotiate and execute a Purchase and Sale Agreement with Lilly S. Lee, in the amount of \$875,000 plus related closing costs, for the property located at 97-99 North 5th Street (APN: 467-20-001), for the parking garage for the Civic Center Project. CEQA: Resolution No. 68905.

Public testimony received. Resolution No. 5171 adopted.

Absent: Reed, Yeager.

5 PUBLIC FACILITIES AND SPACES (Continued)

5.2 Finding of need and necessity for eminent domain acquisition of the property at 156 – 160 East Saint John Street for the parking garage for the Civic Center Project.

Recommendation: Adoption of a resolution determining that the public interest and necessity require the acquisition by eminent domain of the property owned by Keith Alan Watt and located at 156 – 160 East Saint John Street (APN: 467-20-018), for the parking garage for the Civic Center Project, and authorizing the General Counsel to file suit in eminent domain with respect to such property. CEQA: Resolution No. 68905.

Item 5.2 continued until June 26, 2001.

5.3 Approval of the fourth amendment to the agreement with ELS Architects, in the amount of \$276,880, for a total contract amount not to exceed \$7,100,000, for additional design, bidding and construction administration services for the Fox California Theatre project.

Recommendation: Approval of the fourth amendment to the agreement with ELS Architects, in the amount of \$276,880 for a total contract amount not to exceed \$7,100,000, for additional design, bidding and construction administration services for the Fox California Theatre project, for security and telecommunication systems.

Public testimony received. Approved. Absent: Dando, Reed, Yeager.

5.4 Approval of an agreement with Consolidated Engineering Laboratories, in an amount not to exceed \$330,000, for construction testing and inspection services for the Fox California Theatre project.

Recommendation: Approval of an agreement with Consolidated Engineering Laboratories, in an amount not to exceed \$330,000, for construction testing and inspection services for the Fox California Theatre project.

Public testimony received. Approved. Absent: Reed, Yeager.

5 PUBLIC FACILITIES AND SPACES (Continued)

5.5 Finding of need and necessity for eminent domain acquisition of the property at 40 North 4th Street for off-site construction support for the Civic Center Project.

Recommendation: Adoption of a resolution determining that the public interest and necessity require the acquisition by eminent domain of the property owned by Lap Thanh Tang, Kathy Wilson (aka Tu Thi Nguyen) and Sylvia Hang Ngoc Tang, and located at 40 North 4th Street (APN: 467-20-016), for off-site construction support for the Civic Center Project, and authorizing the General Counsel to file suit in eminent domain with respect to such property. CEQA: Resolution No. 68905.

Public testimony received. Resolution No. 5172 adopted.

Absent: Yeager.

5.6 Finding of need and necessity for eminent domain acquisition of the property at 21 North 5th Street for off-site construction support for the Civic Center Project.

Recommendation: Adoption of a resolution determining that the public interest and necessity require the acquisition by eminent domain of the property owned by Guang Tzong Lee, Guang Min Lee, and Guang Liang Lee and located at 21 North 5th Street (APN: 467-20-010), for off-site construction support for the Civic Center Project, and authorizing the General Counsel to file suit in eminent domain with respect to such property. CEQA: Resolution No. 68905.

Public testimony received. Resolution No. 5173 adopted.

Absent: Yeager.

5.7 Finding of need and necessity for eminent domain acquisition of the property at 53 North 5th for the parking garage for the Civic Center Project.

Recommendation: Adoption of a resolution determining that the public interest and necessity require the acquisition by eminent domain of the property owned by George J. Berris and located at 53 North 5th Street (APN: 467-20-005), for the parking garage for the Civic Center Project, and authorizing the General Counsel to file suit in eminent domain with respect to such property. CEQA: Resolution No. 68905.

Public testimony received. Resolution No. 5174 adopted.

5 PUBLIC FACILITIES AND SPACES (Continued)

5.8 Finding of need and necessity for eminent domain acquisition of the property at 155-159 East Santa Clara Street for off-site construction support for the Civic Center Project.

Recommendation: Adoption of a resolution determining that the public interest and necessity require the acquisition by eminent domain of the property owned by Flamengo & Lo Associates and located at 155-159 East Santa Clara Street (APN: 467-20-082), for off-site construction support for the Civic Center Project, and authorizing the General Counsel to file suit in eminent domain with respect to such property. CEQA: Resolution No. 68905.

Public testimony received. Resolution No. 5175 adopted.

5.9 Finding of need and necessity for eminent domain acquisition of the property at 167 - 175 East Santa Clara Street for off-site construction support for the Civic Center Project.

Recommendation: Adoption of a resolution determining that the public interest and necessity require the acquisition by eminent domain of the property owned by Grace Yuet Wai Tan Liu and located at 167 - 175 East Santa Clara Street (APN: 467-20-014), for off-site construction support for the Civic Center Project, and authorizing the General Counsel to file suit in eminent domain with respect to such property. CEQA: Resolution No. 68905.

Public testimony received. Mayor Gonzales requested that the record note that Mr. Herman H. Fitzgerald, representing Grace Yuet Wai Tan Liu, Van Thi Tuyet Tran, and Joseph T. Nguyen and Linda K. Nguyen, spoke in opposition to Items 5.9, 5.10 and 5.11. Resolution No. 5176 adopted.

5.10 Finding of need and necessity for eminent domain acquisition of the property at 179 – 181 East Santa Clara Street for off-site construction support for the Civic Center Project.

Recommendation: Adoption of a resolution determining that the public interest and necessity require the acquisition by eminent domain of the property owned by Van Thi Tuyet Tran and located at 179 - 181 East Santa Clara Street (APN: 467-20-013), for off-site construction support for the Civic Center Project, and authorizing the General Counsel to file suit in eminent domain with respect to such property. CEQA: Resolution No. 68905.

Public testimony received. Resolution No. 5177 adopted.

5 PUBLIC FACILITIES AND SPACES (Continued)

5.11 Finding of need and necessity for eminent domain acquisition of the property at 193 – 197 East Santa Clara Street for off-site construction support for the Civic Center Project.

Recommendation: Adoption of a resolution determining that the public interest and necessity require the acquisition by eminent domain of the property owned by Joseph T. Nguyen and Linda K. Nguyen and located at 167 - 175 East Santa Clara Street (APN: 467-20-083), for off-site construction support for the Civic Center Project, and authorizing the General Counsel to file suit in eminent domain with respect to such property. CEQA: Resolution No. 68905.

Public testimony received. Resolution No. 5178 adopted.

5.12 Finding of need and necessity for eminent domain acquisition of the property at 600 East Julian Street as a receiver site for the relocation of two historic houses.

Recommendation: Adoption of a resolution determining that the public interest and necessity require the acquisition by eminent domain of the property owned by Steven Dowdell and Kathy Dowdell, Frank C. Oliver and Andrea Oliver, Leslie T. Guttadauro and Robin C. Guttadauro, and Fra Drumm ("Owner") and located at 600 East Julian Street (APN: 467-04-020), as a receiver site for the relocation of two historic houses from the Civic Center Site, and authorizing the General Counsel to file suit in eminent domain with respect to such property. CEQA: Resolution No. 68905.

Public testimony received. Resolution No. 5179 adopted.

5.13 Finding of need and necessity for eminent domain acquisition of the leasehold interests and billboard located at 394 N. 4th Street, situated on a historic house receiver site.

Recommendation: Adoption of a resolution determining that the public interest and necessity require the acquisition by eminent domain of the leasehold interest and billboard of Eller Media Company, located at 394 North 4th Street (APNs: 249-46-077 & 078), located on a historic house receiver site from the Civic Center Site, and authorizing the General Counsel to file suit in eminent domain with respect to such property. CEQA: Resolution No. 68905.

Public testimony received. Resolution No. 5180 adopted.

6 PRIVATE DEVELOPMENT

6.1 Approval of revisions to the Agency's Design Review process, Schematic Design approvals process and Design Guidelines.

Recommendation: Adoption of a resolution:

- (a) Approving revisions to the Design Review Process in the Downtown Core and Julian-Stockton Redevelopment Area; and,
- (b) Directing the Redevelopment Agency to bring major projects to the Agency Board for Schematic Design approval, following completion of schematic design review by City Planning and the Agency; and,
- (c) Adopting the Design Guidelines recommended by the Strategy 2000 – San Jose Greater Downtown Strategy for Development Task Force.

Boardmember Chavez made a motion that the Council approve the outline with the addition of an evaluation process that both comes back in the future but that on an ongoing basis there's a way to check in on the timeline. She also requested to add that a major project should include something that you deem has a significant impact on a neighborhood.

Boardmember LeZotte made an addition to the motion that Green Building guidelines are included in the amended guidelines to be brought back to the Agency Board. Resolution No. 5181 adopted.

7 JOINT REDEVELOPMENT AGENCY/COUNCIL

None.

8 CLOSED SESSION REPORT

None.

9 ADJOURNMENT

The meeting was adjourned at 5:05 p.m.