



# **REDEVELOPMENT AGENCY AMENDED AGENDA**

**JUNE 8, 2004**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES CHAIR

KEN YEAGER  
TERRY GREGORY  
DAVID D. CORTESE  
JUDY CHIRCO  
PAT DANDO - VICE CHAIR

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

**To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.**

**On occasion the Redevelopment Agency may consider agenda items out of order.**

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session, Room 600, City Hall

See Separate Agenda

1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Orders of the Day**

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

\* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

\* Recommend deferral of Item 7.1, the temporary expansion of the San Jose McEnery Convention Center, to June 15, 2004.

Items 7.1 – 7.3 are to be considered in a joint Redevelopment Agency/City Council session.

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

## **1 CEREMONIAL ITEMS**

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## **2 CONSENT CALENDAR**

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the Agency and will be adopted by one motion. If a member of the Redevelopment Agency, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

- 2.1 **Acceptance of Agency Financial Reports**
  - (a) Monthly Financial Statements – April 2004
  - (b) Capital Cost Report - April 2004
  - (c) Cash Flow Projection - April 2004
  
- 2.2 **Report of the Rules Committee – May 12, 2004.**  
**Vice Mayor Dando, Chair**
  - (a) Review May 25, 2004 Draft Agenda.
  - (b) Addition of new items to the May 18, 2004 Agenda.
  - (c) Staff Reports Outstanding for the May 18, 2004 Agenda.

### **3 NEIGHBORHOOD IMPROVEMENT STRATEGIES**

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### **4 HOUSING**

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### **5 PUBLIC FACILITIES AND SPACES**

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- \*5.1 **Award of a construction contract for the Guadalupe River Park Stone Facing at Woz Way Project.**

**Recommendation:** Adoption of a resolution awarding a construction contract to NCCI, Inc., in the amount of \$465,000 and establishing a construction contingency in the amount of \$35,000, for a total construction cost not to exceed \$500,000, for the Guadalupe River Park Stone Facing at Woz Way Project.  
**[MERGED]**

### **6 PRIVATE DEVELOPMENT**

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- \*6.1 **Approval of an amendment to the DDA with Montgomery Hotel Group, LLC, relating to the development of the Montgomery Hotel.**

**Recommendation:** Adoption of a resolution authorizing the Executive Director:

- (a) To negotiate and execute a Third Amendment to the Amended and Restated Disposition and Development Agreement (DDA) with Montgomery Hotel

Group, LLC to: (1) cap Agency revenue participation payments at \$75 million while retaining current priority as to their payment; convert Redevelopment Agency grant monies into a loan; and adjust the distribution of tax credits between the Developer and Agency, contingent upon the General Counsel's approval of supporting legal opinions and (2) establish the Agency's total cost for the seismic retrofit and roof of the Montgomery Hotel Project and provide for an easement to the Montgomery Hotel Group, LLC, on the Agency's adjoining Block 8 parcel for location of a grease interceptor for the Hotel's restaurant use; and,

- (b) To execute a Promissory Note, Deed of Trust, and related documents evidencing the Agency's loan of \$6,065,000 to the Developer, to negotiate and execute an amendment to the Agency's agreement with Heritage Bank of Commerce evidencing Heritage's consent to the priority of Agency's revenue participation payments and to acknowledge this third amendment, and to negotiate and execute similar agreements with any future Permitted Mortgagees as defined within the DDA.

CEQA: Resolution No. 68839, RCP03-032 (SAN ANTONIO PLAZA)

## **7 JOINT REDEVELOPMENT AGENCY/COUNCIL**

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### **7.1 Approval of certain budget actions and various amendments related to the temporary expansion of the San Jose McEnery Convention Center.**

#### **Recommendation:**

- (a) Adoption of a resolution by the City Council:
  - (1) Making certain determinations required by Redevelopment Law related to Agency funding of a public improvement, specifically the Temporary Convention Center Expansion Project; and,
  - (2) Authorizing the City Manager to negotiate and execute an agreement with the Redevelopment Agency to transfer the structure upon project completion.
  
- (b) Adoption of resolutions by the Agency Board:
  - (1) Approving the addition of a Temporary Convention Center Expansion Project line to the Adopted FY 2003-2004 Capital Budget in the amount of \$6,600,000 in the Merged Redevelopment Area, and amending the FY 2003-2004 Agency appropriations resolution.
  - (2) Awarding a construction contract for construction of the Expansion Project to Garden City Construction, the low bidder, in the amount of \$4,660,478, and establishing a construction contingency in the amount

of \$233,024 for a total construction cost not to exceed \$4,893,502, for the San Jose McEnery Convention Center Temporary Expansion Project.

- (3) Authorizing the Executive Director to determine the lowest responsive and responsible bidder and award a contract for the construction of site preparation and improvements for the San Jose McEnery Convention Center Temporary Expansion Project, and to establish a contract contingency for up to 15%, as long as the construction contract and contingency do not exceed \$1,217,000; and,
- (4) Authorizing the Executive Director to negotiate and execute ancillary agreements with public utility companies, in an aggregate amount not to exceed \$180,000, for services required for the Project; and,
- (5) Authorizing the Executive Director to negotiate and execute an agreement with the City for the transfer of ownership and operation of the temporary structure upon project completion.

(c) Approval by the Agency Board of agreements with:

- (1) Ellerbe Becket, Inc., in an amount not to exceed \$70,000, for professional architectural design and engineering services.
- (2) Bellecci and Associates, Inc., in an amount not to exceed \$45,000, for professional civil engineering services.
- (3) Alliance Engineering Consultants, Inc., in an amount not to exceed \$71,000, for professional electrical design services.
- (4) Zahn Group, Inc., in an amount not to exceed \$65,000, for professional construction management services.

CEQA: Mitigated Negative Declaration File Number CP04-028 [MONTEREY CORRIDOR]

**[RECOMMENDED DEFERRAL TO JUNE 15]**

**7.2 [Approval of an amendment to the DDA with Regis Homes of Northern California, for the development of residential units at 320 North First Street and acceptance of the revised 33433 Summary Report and Re-Use Appraisal.](#)**

**Recommendation:** Adoption of resolutions:

- (a) By the City Council and Agency Board accepting the summary of costs and findings of the enclosed Amended Summary 33433 Report, pursuant to the California Health and Safety Code Section 33433, for the planned 38 to 42 unit for-sale residential project, and that the consideration for the site is not less than the fair reuse value; and,
- (b) By the Agency Board approving the First Amendment to the Disposition and Development Agreement and authorizing the Executive Director to execute ancillary documents as contemplated by the First Amendment

DDA, and to negotiate and execute additional amendments to this amended DDA substantially in conformance with the intent of the First Amendment DDA as reasonably necessary to comply with lender restrictions.  
CEQA: Resolution No. 68839 PDC02-077 [SNI: 13th Street]

### 7.3 **Award of a construction contract for the Meadowfair Park Project.**

#### **Recommendations:**

- (1) Adoption of a resolution by the City Council making certain determinations required by Redevelopment Law for Redevelopment Agency funding of Public Improvements; and,
- (2) Approval by the City Council of a Cooperation Agreement with the Redevelopment Agency providing for the City's contribution of \$450,000 towards the Agency's construction of the Meadowfair Park Project; and,
- (3) Adoption by the City Council of the following Appropriation Ordinance amendments in Council District 8 Construction and Conveyance Tax Fund:
  - (a) Establishing a transfer to the Redevelopment Agency in the amount of \$123,000 for the Meadowfair Park project; and,
  - (b) Decreasing the Ending Funding Balance by \$123,000
- (4) Adoption by the City Council of the following Appropriation Ordinance amendments in the Park Trust Fund:
  - (a) Establishing a transfer to the Redevelopment Agency in the amount of \$327,000 for the Meadowfair Park project; and,
  - (b) Decreasing the Reserve for Future PDO/PIO Projects by \$327,000.
- (5) Adoption of a resolution by the Agency Board delegating authority to the Executive Director to award a construction contract to the lowest responsive bidder within 180 days from the bid opening and authorizing a construction contingency in the amount of 10% of the contract price for construction of improvements to Meadowfair Park, for a total construction cost not to exceed \$840,000 including the contingency, or to reject all bids if an award cannot be made; and,
- (6) Approval by the Agency Board of a Cooperation Agreement with the City of San Jose providing for the City's contribution of \$450,000 towards the Agency's construction of the Meadowfair Park Project; and,
- (7) Adoption of a resolution by the Redevelopment Agency Board approving the addition of \$450,000 to the Other Revenue line item, reflecting the transfer of funds from the City in the FY 2003-2004 Adopted Budget, approving the add of \$450,000 to fund the construction contract in the Meadowfair Park project line in

the SNI – West Evergreen Redevelopment area to the FY 2003-2004 Adopted Budget, and amending the Agency’s FY 2003-04 Appropriation Resolution.  
CEQA: ND, File No. PP04-01-025 [SNI: WEST EVERGREEN]

- **Closed Session Report**
- **Open Forum - To be heard jointly with City Council Public Discussion.**
- **Adjournment**