CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

REDEVELOPMENT AGENCY AMENDED AGENDA

DECEMBER 16, 2008

PETE CONSTANT	DISTRICT 1		PIERLUIGI OLIVERIO	DISTRICT 6
FORREST WILLIAMS	DISTRICT 2		MADISON P. NGUYEN	DISTRICT 7
SAM LICCARDO	DISTRICT 3	CHUCK REED – CHAIR	DAVID D. CORTESE	DISTRICT 8
KANSEN CHU	DISTRICT 4		JUDY CHIRCO	DISTRICT 9
NORA CAMPOS	DISTRICT 5		NANCY PYLE	DISTRICT 10

CITY OF SAN JOSE
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Welcome to the San Jose Redevelopment Agency's Board meeting. Our Board is composed of the ten City Council Members and the Mayor, who serve as our Boardmembers and Chairperson.

If you wish to address the Redevelopment Agency about an issue that is not on the agenda, you may speak during the "Open Forum" during the City Council's meeting. The Council/Agency is unable to take action on issues presented during "Open Forum."

The Agenda following this page contains a Consent Calendar section for routine business items requiring Redevelopment Agency approval, as well as general business items arranged corresponding to the Agency's Critical Service Areas. The Critical 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 Critical 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 provide input on agenda items by filling out a BLUE Speaker's Card and submitting it to the City Clerk or Agency's Clerk during the meeting. If you wish to speak to the Agency, some tips to help you are noted below:

- **Submit a speaker's card before the meeting and before the item is heard**. This will ensure that your name is called for the items you wish to address, and ensure 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 Agency from the speaker's podium.
- 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.

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 meets on Tuesdays, following the City Council's meeting at 1:30 p.m.

Agendas and staff reports for Redevelopment Agency Board agenda items may be viewed on the Internet at http://www.sjredevelopment.org/agendas. Board Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda that are not exempt from disclosure pursuant to the California Public Records Act and that are distributed to a majority of the legislative body will be available for public inspection at the Redevelopment Agency at San Jose City Hall, 200 E. Santa Clara St, 14th Floor, San Jose, CA 95113-1903 at the same time that the public records are distributed or made available to the Redevelopment Agency Board.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-8500 or (408) 294-9337 (TTY) at least three business days before the meeting.

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

- Call to Order and Roll Call

  8:30 a.m. - Closed Session, Call to Order in Council Chambers
  Adjourn to Closed Session in Council Chambers Conference Room W133
  See Separate Agenda

  10:30 a.m. - Regular Session, Council Chambers, City Hall
  The Agency Board agenda will be considered at 10:30 a.m. before the City Council's agenda.

- Open Forum

  To be heard jointly during the City Council's Open Forum. Members of the Public are invited to speak on any item that does not appear on today's agenda and that is within the subject matter jurisdiction of the Redevelopment Agency Board.

- Closed Session Report

- Orders of the Day

  Item 8.1 will be heard immediately following Ceremonial Items.

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

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

See Item 9 on the City Council Agenda for description of any City Council agendized items relating to the Redevelopment Agency.

1 CEREMONIAL ITEMS

2 CONSENT CALENDAR

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 Board, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Board Meeting Minutes.

Recommendation: Approval of Redevelopment Agency Minutes for the Regular meeting of November 18, 2008.

2.2 Approval of contract amendments with two firms for Facade Improvement Program services.

Recommendations:

(a) Approval of the first amendment to the Amended and Restated Agreement with Studio "S Squared" Architects, for architectural services and construction administration service for the Facade Improvement Program, reducing the overall compensation from $770,000 to $650,000 and extending the term of the agreement through June 30, 2010.

(b) Approval of the first amendment to the Amended and Restated Agreement with Edwin Bruce Associates Architects for architectural services and construction administration service for the Facade Improvement Program, extending the term through June 30, 2010, with no additional funding.

CEQA: Not a project. **[MERGED]**

2.3 Approval of the fourth amendment to the agreement with Alliance Engineering Consultants, Inc., for the Transit Mall Pedestrian Lighting project

Recommendations: Approval of the fourth amendment to the agreement with Alliance Engineering Consultants, Inc., for design, bidding and construction administration services for the Transit Mall Pedestrian Lighting project, extending the term of the agreement by one year through December 31, 2009, at no additional cost. CEQA: Resolution No. 72767, File No. PP08-274. **[MERGED]**

2 CONSENT CALENDAR

2.4 Approval of a Facade Improvement Program Grant Agreement with Empire California Investment, LLC, for the building located at 499 N. 11th Street.

Recommendation: Approval of a Facade Improvement Program Grant Agreement with Empire California Investment, LLC, in the amount of $132,000, including a construction contingency in the amount of $12,000, for non-structural facade improvements to the building located at 499 North 11th Street. CEQA: Exempt, File No. CP08-024 **[MERGED]**

3 GENERAL

4 NEIGHBORHOOD IMPROVEMENT STRATEGIES

5 HOUSING

6 PUBLIC FACILITIES AND SPACES

6.1 Approval of an amendment with LMN Architects for the Convention Center.

Recommendation: Approval of an Amended and Restated Agreement with LMN Architects, adding $5,128,000, for a total contract amount of $10,678,000, to complete the design development of a proposed expansion of the San Jose Convention Center, update the cost estimate based on design development, produce the necessary design documents and provide bid support and contract administration support for the proposed demolition of the former Martin Luther King Jr. Library building and for the proposed replacement of the roofing for the existing Convention Center, produce the necessary design documents for the proposed site utilities, earthwork, piles and associated foundation work, and extending the term of the agreement by one year through December 31, 2010. CEQA: Resolution No. 72767. **[MERGED]**

6 PUBLIC FACILITIES AND SPACES

6.2 Approval of the first amendment to the agreement with ELS Architecture and Urban Design for the Civic Auditorium and Montgomery Theatre.

Recommendations: Approval of the first amendment to the agreement with ELS Architecture and Urban Design, in the amount of $503,900, for a total contract amount not to exceed $900,000, for continued architectural design services for the Civic Auditorium and Montgomery Theatre Rehabilitation Project. CEQA: Not a project. **[PARK CENTER]**

7 PRIVATE DEVELOPMENT

7.1 Amendment of the Signage Grant Program.

Recommendation: Adoption of a resolution amending the Signage Grant Program to include an additional covenant for businesses located in buildings that have received Facade Improvement Program (FIP) grants and are now eligible for a Signage Grant. CEQA: Not a project. **[MERGED]**

SUPPLEMENTAL MEMO

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

See item 9 on the City Council's Agenda, which will be heard and action taken only during the Council meeting that begins at 1:30 p.m. today, for any Redevelopment-related actions on that agenda.

CONVENE CITY COUNCIL TO CONSIDER ITEM 8.1 IN A JOINT SESSION

8.1 Adoption of resolutions pertaining to the Agency's FY 2008-2009 Capital Budget and Two-Year Spending Plan.

Recommendations: Adoption of resolutions by the City Council and Agency Board pertaining to the Agency's annual budgets and public improvements as follows:

(a) Adoption of resolutions by the Redevelopment Agency Board:
   (1) Amending the FY 2008-2009 Appropriations Resolution and Revenue Resolution to reflect various modifications to the FY 2008-2009 Revenue, Capital Budget; and,
   (2) Adopting a Two-Year Spending Plan ending FY 2009-2010.

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

8.1 (b) Adoption of a resolution by the City Council making certain determinations regarding the expenditure of Agency funds on public improvements in the FY 2008-09 Capital Budget.

[TO BE HEARD FOLLOWING THE CONSENT CALENDAR]

8.2 Acceptance of the Annual Report of Financial Transactions of Community Redevelopment Agencies.

Recommendation: Acceptance by the City Council and Agency Board of the Annual Report of Financial Transactions of community redevelopment agencies for FY 2007-08 for the purpose of forwarding the annual report to the State Controller, in accordance with Community Redevelopment Law, Section 33080.1.

8.3 Approval of amendments to Cooperation Agreements for the loan of Agency employees to the City.

Recommendation: City Council and Redevelopment Agency Board approval of:

(a) The second amendment to the Cooperation Agreement between the Redevelopment Agency and the City of San Jose, extending the term for the loan and employment of an Agency employee to the Office of the Mayor to serve as Senior Policy Advisor, Economic Development and Land Use by one year; and,

(b) The second amendment to the Cooperation Agreement between the Redevelopment Agency and the City of San Jose, extending the term for the loan and employment of an Agency employee to the Office of the Mayor to serve as Schedule Coordinator by one year.

CEQA: Not a project.

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

8.4 Actions related to a Cooperation Agreement between the City and the Redevelopment Agency leading to expansion of the current Enterprise Zone.

* **Recommendations:** It is recommended that,

(a) The City Council adopt a resolution authorizing the City Manager to negotiate and execute a Cooperation Agreement with the Redevelopment Agency, allowing the Executive Director of the Agency to complete and submit an application to the State Housing and Community Development Department to expand the current Enterprise Zone and authorizing the Redevelopment Agency to administer the Enterprise Zone on behalf of the City.

(b) The Redevelopment Agency Board adopt a resolution authorizing the Executive Director to negotiate and execute a Cooperation Agreement with the City of San Jose, allowing the Redevelopment Agency to complete and submit an application to the State Housing and Community Development Department and to administer the Enterprise Zone on behalf of the City, and making certain findings required by redevelopment law.

CEQA: **[MERGED]**

ADJOURN CITY COUNCIL PORTION OF THE MEETING

- Adjournment

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

   a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
   b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
   c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
   d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
   e) Persons in the audience will not place their feet on the seats in front of them.
   f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
   g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

   a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
      - No objects will be larger than 2 feet by 3 feet.
      - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
      - The items cannot create a building maintenance problem or a fire or safety hazard.
   b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)

c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:

a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
b) Meeting attendees are usually given two minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.