

REDEVELOPMENT AGENCY AMENDED AGENDA

DECEMBER 9, 2008

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED – CHAIR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
DAVID D. CORTESE
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

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**
9:30 a.m. - Closed Session, Call to Order in Council Chambers
Adjourn to Closed Session in Council Chambers Conference Room W133
See Separate Agenda
1:30 p.m. - Regular Session, Council Chambers, City Hall
- * **The Agency Board agenda will be considered following conclusion of the Ceremonial Items on 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**
- * **Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.**
Items 8.1, 8.2 and 7.1 will be heard first on this agenda.
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 the City Council agenda item 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 Report of the Public Safety, Finance and Strategic Support Committee – November 20, 2008.

Boardmember Nguyen, Chairperson

“b.i-iii. Redevelopment Agency Monthly Financial Reports for September 2008.

2.2 Report of the Rules and Open Government Committee – November 5, 2008. Chair Reed, Chairperson

- (a) Review November 11, 2008, Final Agenda: Meeting cancelled.
- (b) Review November 18, 2008, Draft Agenda.
- (c) Review November 17, 2008, Draft Capital Budget Study Session Agenda.
- (d) Assign “Time Certain” for convening Redevelopment Agency Agenda.

2.3 Report of the Rules and Open Government Committee – November 12, 2008. Chair Reed, Chairperson

- (a) Review November 18, 2008, Final Agenda.
- (b) Review November 25, 2008, Draft Agenda: Meeting cancelled.
- (c) Assign “Time Certain” for convening Redevelopment Agency Agenda.

2.4 Report of the Rules and Open Government Committee – November 19, 2008. Chair Reed, Chairperson

- (a) Review November 25, 2008, Final Agenda: Meeting cancelled.
- (b) Review December 2, 2008, Draft Agenda: Meeting cancelled.

2.5 Approval of Master Agreements for civil engineering and for construction management services.

Recommendations:

- (a) Approval of a Master Agreement with Kitchell Corporation in the amount of \$100,000 for construction management services for two years; and,
- (b) Approval of the third amendment to the Master Agreement with Bellecci & Associates, Inc., in the amount of \$100,000 for a total contract amount not to exceed \$350,000, for civil engineering services, and extending the term of the agreement by one year, though April 30, 2010; and,

2 CONSENT CALENDAR

- 2.5 (c) Adoption of a [resolution adjusting the FY 2008-09 Adopted Capital Budget](#) adding \$200,000 to the Project Support Studies project line in the Merged Redevelopment Area and amending the FY 2008-2009 Agency appropriations resolution.
CEQA: Not a project. [MERGED]

2.6 [Approval of a Settlement Agreement and Release, with GIP Fairmont, LLC and 150 South First Street, LLC, related to the Pavilion Garage.](#)

Recommendation: Adoption of a [resolution](#) approving a [Settlement Agreement and Release](#), which incorporates a Parking Operations Plan for the Pavilion Garage, with GIP Fairmont, LLC and 150 South First Street, LLC, considered by the Agency during the Closed Session held on September 23, 2008, in which the parties will dismiss their lawsuits against each other in exchange for the execution of such [Parking Operations Plan for the Pavilion Garage](#). [SAN ANTONIO PLAZA]

3 GENERAL

4 NEIGHBORHOOD IMPROVEMENT STRATEGIES

4.1 [Approval of a FIP Agreement for the building at 409 South Second Street.](#)

Recommendation: Approval of a [Facade Improvement Program \(FIP\) Agreement with Tuyen Ngoc Vu](#), in the amount of \$330,000, including a construction contingency in the amount of \$30,000, for non-structural facade improvements to the building located at 409 South Second Street and whose tenant is the BoTown restaurant. CEQA: Downtown Strategy 2000 Final EIR, Resolution No. 72767. File Number PP07-260. [MERGED]

5 HOUSING

6 PUBLIC FACILITIES AND SPACES

7 PRIVATE DEVELOPMENT

7.1 Approval of the business terms for the proposed San Pedro Square Urban Market and direction to staff.

11/07-INFO MEMO 12/02 SUPPL. 12/05-STATUS UPDATE 12/05-SUPPL. 12/08-SUPPL. RESPONSE D5 12/09-2ND SUPPL.

Recommendation: Approval of business terms for the proposed San Pedro Square Urban Market and direction to staff to prepare an Owner Participation Agreement for Board consideration in early 2009. CEQA: Resolution No 72767, File No. PP08-114. [JULIAN-STOCKTON/SNI]

* [TO BE HEARD FOLLOWING ITEM 8.2]

7.2 Approval of a Reimbursement Agreement with Brocade to assist in acquisition of capital equipment for its headquarters facility. INFO MEMO

Recommendation: Adoption of a resolution approving a Reimbursement Agreement with Brocade Communications Systems, Inc., (Brocade) for up to \$4 million to assist in acquisition of capital equipment to be installed in its industrial headquarters facility in the Rincon de Los Esteros Redevelopment Project Area, and making certain findings required by California Redevelopment Law. CEQA: Final EIR North San Jose Area Development Plan Policies Update, Resolution No. 72768 and Addenda thereto, File No H07-018. [RINCON DE LOS ESTEROS]

8 ~~JOINT REDEVELOPMENT AGENCY/COUNCIL~~

Item 9.1 on the City Council's Agenda, related to "North San Jose Area Development Policy" will be heard and action taken only during the Council meeting that begins at 1:30 p.m. today.

CONVENE CITY COUNCIL TO CONSIDER ITEMS 8.1 – 8.3 IN A JOINT SESSION

8.1 Public Hearing and City Council and Redevelopment Agency Board approval of the Mayor's Redevelopment Budget Message. D4 Info

Recommendation: City Council and Redevelopment Agency Board consideration and approval of the Mayor's Redevelopment Agency Budget Message. (Mayor)

* [TO BE HEARD FIRST FOLLOWING ORDERS OF THE DAY]

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

8.2 Approval of the Agency's FY 2008-09 Amended Capital Budget and 2009-2013 CIP.

Recommendations: Redevelopment Agency Board approval of:

- (a) The Amended Capital Budget for FY 2008-09 for the Redevelopment Agency and,
- (b) The Two-Year Spending Plan ending FY 2009-2010 for the Redevelopment Agency of the City of San Jose.

* **[TO BE HEARD FOLLOWING ITEM 8.1]**

8.3 Acceptance of the proposed San Jose McEnery Convention Center expansion schematic design.

Recommendation: Acceptance by the City Council and Redevelopment Agency Board of the recommended schematic design for the proposed San Jose McEnery Convention Center expansion and direction for the Agency to proceed with design development of the project based on a budget estimate of \$300,000,000. CEQA: Resolution No. 72767. **[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.