

REDEVELOPMENT AGENCY AMENDED AGENDA

JUNE 24, 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.

Meeting agendas are posted at the City Hall Wing and the agendas and Agency Board staff reports may be viewed on the Internet at <http://www.sjredevelopment.org/agendas.htm>. Board meetings are televised live and rebroadcast on Channel 26.

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
10:00 a.m. - Regular Session, Council Chambers, City Hall
- **Open Forum - To be heard jointly during City Council's Public Discussion.**
- **Closed Session Report**
- **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.
See Item 9 on the City Council Agenda for description of any City Council agenda items relating to the Redevelopment Agency.
Items 8.1, 8.2, 8.3 and 8.4 are to be considered in a Joint Redevelopment Agency Board/City Council Session.
The Redevelopment Agency Board agenda is to be heard in the morning immediately following Items 3.7 and 9.1.

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. CONSENT CALENDAR

2.1 Approval of Board Meeting Minutes.

Recommendation: Approval of Redevelopment Agency Minutes for:

- (a) Regular meeting of June 3, 2008.

2.2 Report of the Rules and Open Government Committee – June 4, 2008.

Chair Reed, Chairperson

- (a) Review June 10, 2008, Final Agenda.
- (b) Review June 17, 2008, Draft Agenda.
- (c) Assign “Time Certain” for convening Redevelopment Agency Agenda.

2.3 Approval of amendment to the agreement with Webb Management Services, Inc., for analyses of cultural facilities related to several San Jose arts groups.

Recommendations: Approval of the second amendment to the agreement with Webb Management Services, Inc., in the amount of \$83,250 for total compensation not to exceed \$177,250, for an analysis of cultural facilities related to San Jose Taiko, San Jose Stage Company, and Movimiento de Arte y Cultura Latino Americana, revising the scope of services and schedule of performance. CEQA: Not a project. [MERGED]

2.4 Approval of an amendment to the agreement with Bill Gould Design Art & Architecture for the Starbird Teen Center Project.

Recommendation: Approval of the fourth amendment to the agreement with Bill Gould Design Art & Architecture for the Starbird Teen Center Project, amending the contract term and schedule of performance to extend the term of the agreement one additional year, through June 30, 2009, and amending the compensation schedule with no change to the existing contract amount of \$363,690. CEQA: Exempt. File No. PP05-049. [BLACKFORD SNI]

2.5 Approval of an amendment to the agreement with the San Jose Conservation Corps.

Recommendation: Approval of the fourth amendment to the agreement with the San Jose Conservation Corps, in the amount of \$60,000 for a total contract amount not to exceed \$280,000, for community improvement services in Redevelopment Project Areas, and extension of the term of the agreement by 15 months through September 30, 2009. CEQA: Resolution No. 71042, PP08-092. [SNI/NBD] (Deferred 6/10/08, Item 2.4)

3 GENERAL

3.1 Approval of an agreement with the San Jose Downtown Association for promotional and marketing consulting services.

Recommendation: Approval of an agreement with the San Jose Downtown Association, in an amount not to exceed \$525,000, for promotional and marketing and public space programming for the period July 1, 2008 through June 30, 2009. CEQA: Exempt File No. PP08-105. [MERGED] (Deferred 6/17/08, Item 3.1)

4 NEIGHBORHOOD IMPROVEMENT STRATEGIES

5 HOUSING

6 PUBLIC FACILITIES AND SPACES

6.1 Approval of an agreement with ELS Architecture and Urban Design for services for the Civic Auditorium and Montgomery Theatre.

Recommendation: Approval of an agreement with ELS Architecture and Urban Design, in the amount of \$396,100, for architectural and design services for the Civic Auditorium and Montgomery Theatre. CEQA: Not a project. [PARK CENTER PLAZA]

7 PRIVATE DEVELOPMENT

7.1 Action related to approving an Interim Affordability Agreement with The Globe at 2nd and Santa Clara to allow temporary rental of the residential units.

Recommendation: Adoption of a resolution authorizing the Executive Director to negotiate and execute an Interim Affordability Agreement with The Globe at 2nd and Santa Clara to allow for the temporary rental of the affordable residential units. CEQA: Resolution No. 71039, File No. HA03-002-01. [CENTURY CENTER]

7 PRIVATE DEVELOPMENT

7.2 Approval of an amendment to the Sublease and Co-Sponsorship Operating Agreement with the San Jose State University Research Foundation.

Recommendation: Approval of the third amendment to the Sublease and Co-Sponsorship Operating Agreement with the San Jose State University Research Foundation (SJSURF) for the operation of the San Jose BioCenter (BioCenter), extending the Agency's obligation to pay the Base Rent for the BioCenter from July 1, 2008, through June 30, 2009, for a total payment of \$439,128. CEQA: Not a project [EDENVALE]

7.3 Owner Participation Agreement with Design Acquisition Corp. for rehabilitation of the building at 505 South Market Street.

Recommendation: Adoption of a resolution authorizing the Executive Director to negotiate and execute an Owner Participation Agreement with Design Acquisition Corp., in an amount not to exceed \$630,000, for the rehabilitation of the building at 505 South Market Street to accommodate the relocation of BCA Architects' corporate headquarters to Downtown San Jose. CEQA: Resolution No 72767, File No. PP08-118. [MONTEREY CORRIDOR]

7.4 Approval of an amendment to the DDA with Wilcox Block, LLC, for the buildings located at 93-99 South First Street and 17-31 West San Fernando.

Recommendation: Approval of a second amendment to the Disposition and Development Agreement (DDA) with Wilcox Block, LLC, in the amount of \$100,000, for exterior architectural enhancements and an increase in the term of the Operation and Maintenance Covenants by five years for the buildings located at 93-99 South First Street and 17-31 West San Fernando. CEQA: Resolution No 72767, File No. PP08-116. [PUEBLO UNO]

7.5 Actions related to the facility lease and Co-Sponsorship Operating Agreement for the San Jose Entrepreneur Center.

Recommendations: Adoption of a resolution:

- (a) Authorizing the Executive Director to negotiate and execute a second amendment to the Lease Agreement for the San Jose Entrepreneur Center with the Redevelopment Agency as lessee, and Ernest and Irene Pestana as lessors, for 16,350 square feet of office space at 84 West Santa Clara Street for a 13-month term at 23,484.83 per month (\$305,302.79 for 13 months) and to exercise two 12-month options for a total amount not to exceed \$903,207.71 (37 months); and,

7 PRIVATE DEVELOPMENT

- 7.5 (b) Authorizing the Executive Director to negotiate and execute a Co-sponsorship Agreement with the Northern California Small Business Development Center, a program of the Humboldt State University Sponsored Programs Foundation, that designates them as the Entrepreneur Center's fiscal sponsor and operator.
CEQA: Exempt; PP05-109. [PUEBLO UNO] [Deferred 6/28/05, Item 7.2]

7.6 **Approval of an agreement with the Downtown Association for the Downtown Ice Rink.**

Recommendation: Approval of an agreement with the San Jose Downtown Association, in the amount of \$155,000 per year for three years for a total amount of \$465,000, to assist the Association in operating the Downtown Ice Event in the Circle of Palms Plaza through the 2010/2011 holiday season. CEQA: Exempt, File No. PP08-100. [SAN ANTONIO PLAZA]

7.7 **Approval of an ENA with Mesa San Jose Building II, LLC for the proposed sale and development of the Block 2 Site.**

Recommendation: Approval of an Exclusive Negotiations Agreement (ENA) with Mesa San Jose Building II, LLC, for a 270-day term with an option to extend for an additional 90-day period, for the proposed sale and development of the Block 2 Site, located on the south side of San Fernando, between First and Second Streets. CEQA: Exempt File No. PP08-110. [SAN ANTONIO PLAZA]

7.8 **Actions related to The 88, a mixed-use project at Block 3, on San Fernando between 2nd and Third Streets.**

Recommendation: Adoption of a resolution authorizing the Executive Director to negotiate and execute:

- (a) An amendment to the recorded Declaration of Covenants and Restrictions Affecting Real Property and Reciprocal Easement Agreement with Block 3 Development Partners, to modify the definition of common areas and clarify responsibilities of parties, and,

7 PRIVATE DEVELOPMENT

- 7.8** (b) A Master Declaration of Covenants, Conditions, Restrictions, and Reservation of Easements for The 88, A Mixed Use Community, and certain associated documents implementing a governance structure for the Master Association and describing the responsibilities of the parties; and,
- (c) A Parking Operations Plan with Block 3 Development Partners for Block 3 Phase I Parking Structure together with authority to purchase up to \$230,000 of additional upgrades for the public parking facility to provide for enhanced security, and to amend the recorded Parking Agreement, Easement and Declaration of Covenants consistent with the Parking Operations Plan.

CEQA: Resolution No. 72767 Final EIR entitled, San Jose Downtown Strategy 2000; and Resolution No. 71039.1 Final EIR entitled, Mixed-Use Project and Century Center Plan Amendment, File No. PP08-120. [SAN ANTONIO PLAZA]

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

See items 9.1 – 9.5 on the [City Council's Agenda](#) related to the “Appropriations Resolution Amendments,” “Monte Vista Apartments,” “San Jose Day Nursery,” “City/Agency Cooperation Agreements,” and “Public Art Master Plan” which will be heard and action taken only during the Council meeting that begins at 10:00 a.m. today.

CONVENE CITY COUNCIL TO CONSIDER ITEMS 8.1 – 8.5 IN A JOINT SESSION

8.1 [Approval of a Reimbursement Agreement with SVTC Technologies, Inc.](#)

Recommendations:

- (a) Adoption of a resolution by the Redevelopment Agency Board approving an adjustment to FY 2007-08 Adopted Capital Budget by adding \$100,000 to the Edenvale Emerging Technology Fund project line in the Edenvale Redevelopment Project Area, and amending the FY 2007-2008 Agency appropriations resolution.

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

- 8.1** (b) Approval by the Redevelopment Agency Board of a Reimbursement Agreement with SVTC Technologies, Inc., to provide financial assistance in an amount not to exceed \$100,000, for acquisition and installation of capital equipment to be installed in SVTC Technologies, Inc., industrial and manufacturing headquarters facility in the Edenvale Redevelopment Project Area.
- (c) Adoption of a resolution by the Redevelopment Agency Board making certain findings as required by Redevelopment Law.
- (d) Adoption of a resolution by the City Council directing the City Manager to pursue Employment Training Panel Funds, in an amount up to \$100,000, to support the workforce development efforts of SVTC Technologies, Inc., CEQA: Resolution No. 67245, File No. HA82-269-01. **[EDENVALE]**

8.2 Approval of an ENA with Urban Markets, LLC for a planned urban market development in the San Pedro Square district.

Recommendation: Approval by the City Council and Redevelopment Agency Board of an Exclusive Negotiations Agreement (ENA) with Urban Markets, LLC to negotiate for a 180-day period for a planned urban market development in the San Pedro Square district of the Downtown core, generally bounded by West Santa Clara Street on the south, North Market Street on the east, West Saint John Street on the north and Almaden Avenue on the west. CEQA: Resolution No 72767, File No. PP08-114. **[JULIAN-STOCKTON/SNI]**

8.3 City Council and Agency Board actions related to award of a contract for construction of the SoFA Sidewalk Demonstration Project.

Recommendation:

- (a) Adoption of a resolution by the City Council making certain determinations required by Redevelopment Law, Health and Safety Code Section 33445, for Agency funding of the proposed improvements to the SoFA Sidewalk Demonstration Project; and,

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

- 8.3** (b) Adoption of a resolution by the Redevelopment Agency Board delegating authority to the Executive Director to award a contract to the lowest responsive bidder and to authorize a construction contingency in an amount not to exceed 10% of the contract amount for construction of the SoFA Sidewalk Demonstration Project, for a total construction cost not to exceed \$600,000 including the contingency, to resolve bid protests and responsibility issues or reject all bids if an award cannot be made.
CEQA: Resolution No 72767, File No. PP08-119. [**MARKET GATEWAY**]

8.4 Approval of a contract for the Civic Auditorium Boiler System Replacement Project.

Recommendations:

- (a) Adoption of a resolution by the City Council making certain determinations required by Redevelopment Law, Health and Safety Code Section 33445, for Agency funding of the proposed improvements to the Civic Auditorium; and,
- (b) Adoption of a resolution by the Redevelopment Agency Board approving a contract with San Jose Boiler Works in the amount of \$1,290,000, for the Civic Auditorium Boiler System Replacement Project; authorizing a project contingency in the amount of \$129,000 for a total contract amount of \$1,419,000.

CEQA: Final EIR “San Jose Downtown Strategy 2000”, Resolution No 72767 and Addenda Thereto, File No. PP08-098. [**PARK CENTER PLAZA**]

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.