

REDEVELOPMENT AGENCY MINUTES

SEPTEMBER 23, 2008

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3 CHUCK REED – CHAIR
DISTRICT 4
DISTRICT 5

PIERLUIGI OLIVERIO DISTRICT 6
MADISON P. NGUYEN DISTRICT 7
DAVID D. CORTESE DISTRICT 8
JUDY CHIRCO DISTRICT 9
NANCY PYLE DISTRICT 10

Call to Order and Roll Call

8:30 a.m. - Closed Session, Council Chambers Conference Room W133

Absent: Campos, Nguyen (Excused)

2:54 p.m. - Regular Session, Council Chambers, City Hall

Absent: Campos

- Open Forum
- Closed Session Report
None.
- Orders of the Day
The Orders of the Day were approved. (10-0-1) Absent: Campos.

1 CEREMONIAL ITEMS

None

2 CONSENT CALENDAR

2.1 Approval of Board Meeting Minutes.

Recommendation: Approval of Redevelopment Agency Minutes for:

- (a) Regular meeting of August 5, 2008. (Deferred 9/16/08, Item 2.1(a))
- (b) Regular meeting of August 12, 2008. (Deferred 9/16/08, Item 2.1(b))
- (c) Regular meeting of August 26, 2008.

Documents Filed: Regular minutes of August 5, August 12, and August 26, 2008.

Action: The Redevelopment Agency minutes were approved. (10-0-1) Absent: Campos.

2.2 Report of the Public Safety, Finance and Strategic Support Committee – August 21, 2008. Boardmember Nguyen, Chairperson

“b.i-iii. Redevelopment Agency Monthly Financial Reports for June 2008 (Interim).” (Deferred 9/16/08, Item 2.2)

Documents Filed: Report of the Public Safety, Finance and Strategic Support Committee, of August 21, 2008, with the Agency’s Interim Monthly Financial Reports for June 2008 attached.

Action: The Public Safety, Finance and Strategic Support Committee report and actions of August 21, 2008, were accepted. (10-0-1) Absent: Campos.

2 CONSENT CALENDAR

2.3 Report of the Rules and Open Government Committee – August 13, 2008. Chair Reed, Chairperson

- (a) Addition of new items to the August 19, 2008: Meeting cancelled.
- (b) Review August 26, 2008 Draft Agenda.
- (c) Assign “Time Certain” for convening Redevelopment Agency Agenda.
(Deferred 9/16/08, Item 2.3)

Documents Filed: Report of the Rules and Open Government Committee of August 13, 2008.

Action: The Rules and Open Government Committee report and actions of August 13, 2008, were approved. (10-0-1) Absent: Campos.

2.4 Report of the Rules and Open Government Committee – August 20, 2008. Chair Reed, Chairperson

- (a) Addition of new items to the August 26, 2008.
- (b) Review September 2, 2008 Draft Agenda: Meeting cancelled.
(Deferred 9/16/08, Item 2.4)

Documents Filed: Report of the Rules and Open Government Committee of August 20, 2008.

Action: The Rules and Open Government Committee report and actions of August 20, 2008, were approved. (10-0-1) Absent: Campos.

2.5 Report of the Rules and Open Government Committee – August 27, 2008. Chair Reed, Chairperson

- (a) Addition of new items to the September 2, 2008: Meeting cancelled.
- (b) Review September 9, 2008 Draft Agenda.

Documents Filed: Report of the Rules and Open Government Committee of August 27, 2008.

Action: The Rules and Open Government Committee report and actions of August 27, 2008, were approved. (10-0-1) Absent: Campos.

2 CONSENT CALENDAR

2.6 Report of the Rules and Open Government Committee – September 3, 2008. Chair Reed, Chairperson

- (a) Addition of new items to the September 9, 2008: Meeting cancelled.
- (b) Review September 16, 2008 Draft Agenda.
- (c) Assign “Time Certain” for convening Redevelopment Agency Agenda.

Documents Filed: Report of the Rules and Open Government Committee of September 3, 2008.

Action: The Rules and Open Government Committee report and actions of September 3, 2008, were approved. (10-0-1) Absent: Campos.

3 GENERAL

None

4 NEIGHBORHOOD IMPROVEMENT STRATEGIES

None

5 HOUSING

None

6 PUBLIC FACILITIES AND SPACES

None

7 PRIVATE DEVELOPMENT

7.1 Approval of an amendment to the agreement with Earth Tech, Inc., for environmental monitoring services.

Recommendations:

- (a) Adoption of a resolution approving an adjustment to FY 2008-09 Adopted Capital Budget, adding \$150,000 to the Adobe: Water Monitoring project line in the Park Center Redevelopment Area and amending the FY 2008-2009 Agency appropriations resolution; and
- (b) Approval of the continuation agreement and seventh amendment to the agreement with Earth Tech, Inc., in the amount of \$138,526 for a total contract amount not to exceed \$446,453, for ongoing environmental monitoring and reporting services for the Adobe Systems Phase II Sites at 345 Park Avenue and 151 Almaden Boulevard, and extending the term of the agreement by two years through August 31, 2010.

CEQA: Downtown Strategy EIR, Resolution No. 72767, adopted on 6/21/05.
[PARK CENTER PLAZA] (Deferred 9/16/08, Item 7.1)

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated September 11, 2008, recommending (a) adoption of a resolution approving an adjustment to FY 2008-09 Adopted Capital Budget, adding \$150,000 to the Adobe: Water Monitoring project line in the Park Center Redevelopment Area and amending the FY 2008-2009 Agency appropriations resolution, and (b) Approval of the continuation agreement and seventh amendment to the agreement with Earth Tech, Inc.

Action: Agency Resolution No. 5857 adopted. The Redevelopment Agency Board approved the continuation agreement and seventh amendment to the agreement with Earth Tech, Inc. (10-0-1) Absent: Campos.

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

Items 9.1 – 9.2 on the City Council's Agenda, related to “Edenvale Community Center Joint Use” and “Edenvale Community Center Construction Award” were heard and action taken during the Council meeting at 1:30 p.m..

The City Council convened at 4:51 p.m. to consider Items 8.1 – 8.3 in a Joint Session.

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

8.1 Agency Board and City Council actions related to issuance of Merged Area Redevelopment Project Revenue Bonds in an amount not to exceed \$119,000,000.

Recommendations:

- (a) Adoption of a resolution by the Redevelopment Agency Board:
 - (1) Authorizing the issuance of Merged Area Redevelopment Project Tax Allocation Bonds, in two or more series (tax-exempt and taxable), in an aggregate principal amount not to exceed \$119,000,000 (the 2008 Bonds); and approving in substantially final form the Twelfth Supplemental Indenture of Trust with Union Bank, as Trustee; and,
 - (2) Authorizing the competitive sale of the 2008 Bonds; and,
 - (3) Approving in substantially final form the Preliminary Official Statement (POS), Official Notices Inviting Bids and Notice of Intention to Sell Bonds, and authorizing Agency staff to distribute the POS; and,
 - (4) Authorizing all officers, agents and employees to take such actions and execute such documents necessary and desirable to accomplish issuance of the 2008 Bonds; and,
 - (5) Authorizing the Executive Director to qualify the 2008 Bonds for municipal bond insurance in order to give bidders for the 2008 Bonds the option to purchase such insurance.
- (b) Adoption of a resolution by the City Council approving the issuance of Merged Area Redevelopment Project Tax Allocation Bonds, in two or more series (tax-exempt and taxable), in an aggregate principal amount not to exceed \$119,000,000, and affirming subordination of statutory pass-through payments to debt service on the bonds.

(Item continued on the next page)

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

(Cont'd)

- 8.1** Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated September 9, 2008, recommending (a) adoption of a resolution authorizing the issuance of Merged Area Redevelopment Project Tax Allocation Bonds, in two or more series (tax-exempt and taxable), in an aggregate principal amount not to exceed \$119,000,000 (the 2008 Bonds); and approving in substantially final form the Twelfth Supplemental Indenture of Trust with Union Bank, as Trustee; and, authorizing the competitive sale of the 2008 Bonds; and, approving in substantially final form the Preliminary Official Statement (POS), Official Notices Inviting Bids and Notice of Intention to Sell Bonds, and authorizing Agency staff to distribute the POS; and, authorizing all officers, agents and employees to take such actions and execute such documents necessary and desirable to accomplish issuance of the 2008 Bonds; and, authorizing the Executive Director to qualify the 2008 Bonds for municipal bond insurance in order to give bidders for the 2008 Bonds the option to purchase such insurance; and (b) adoption of a resolution by the City Council approving the issuance of Merged Area Redevelopment Project Tax Allocation Bonds, in two or more series (tax-exempt and taxable), in an aggregate principal amount not to exceed \$119,000,000, and affirming subordination of statutory pass-through payments to debt service on the bonds.

Action: Agency Resolution No. 5858 adopted. City Council Resolution No. 74595 adopted. (10-0-1) Absent: Campos.

- 8.2 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,
- (b) Approval by the Redevelopment Agency Board of a contract for construction of the SoFA Sidewalk Demonstration Project, for a total construction cost not to exceed \$600,000 including the contingency.

CEQA: Resolution No 72767, File No. PP08-119. [**MARKET GATEWAY**]
(Deferred 6/24/08 and 8/26/08, Item 8.1)

DROPPED

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

8.3 Acceptance of an update on the Convention Center Phase 1 Expansion Project.

Recommendation: Acceptance of the update on the schematic design for the renovation and expansion of the San Jose McEnery Convention Center. CEQA: Not a project. **[MERGED]** (Deferred 8/26/08, Item 8.3)

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes and City Manager Debra Figone, dated September 11, 2008, recommending acceptance of an update on the renovation and expansion of the San Jose McEnery Convention Center.

Action: The Redevelopment Agency Board and City Council accepted the update on the renovation and expansion of the San Jose McEnery Convention Center. (10-0-1) Absent: Campos.

The City Council portion of the meeting adjourned at 4:07 p.m.

- **Adjournment**
The Redevelopment Agency Board adjourned at 4:07 p.m.

ATTEST:

HARRY S. MAVROGENES, SECRETARY