

# **REDEVELOPMENT AGENCY MINUTES**

**OCTOBER 16, 2007**

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

**4:55 p.m.** - Regular Session, Council Chambers, City Hall

**Absent: Nguyen (Excused)**

- **Open Forum –**  
None.
- **Closed Session Report**  
None.
- **Orders of the Day**  
**The Orders of the Day were approved.** Items 7.2 “OPA with First Street Associates Two,” and 8.2 “Award of a construction contract for construction of a parking lot for the Guadalupe River Park,” were deferred to November 6, 2007. (10-0-1) Absent: Nguyen.

## **1 CEREMONIAL ITEMS**

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None

## **2 CONSENT CALENDAR**

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### **2.1 Report of the Rules and Open Government Committee – September 12, 2007.**

**Chair Reed, Chairperson**

- (a) Review September 18, 2007, Final Agenda; meeting cancelled.
- (b) Review September 25, 2007 Draft Agenda.
- (c) Assign “Time Certain” for convening Redevelopment Agency Agenda.

Documents Filed: Report of the Rules and Open Government Committee of September 12, 2007.

Action: The Rules and Open Government Committee report and actions of September 12, 2007, were approved. (10-0-1) Absent: Nguyen.

### **2.2 Report of the Rules and Open Government Committee – September 19, 2007.**

**Chair Reed, Chairperson**

- (a) Review September 25, 2007, Final Agenda.
- (b) Review October 2, 2007 Draft Agenda.
- (c) Assign “Time Certain” for convening Redevelopment Agency Agenda.

*(Item continued on the next page)*

## **2. CONSENT CALENDAR**

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- 2.2** Documents Filed: Report of the Rules and Open Government Committee of September 19, 2007.

Action: The Rules and Open Government Committee report and actions of September 19, 2007, were approved. (10-0-1) Absent: Nguyen.

- 2.3** **Report of the Rules and Open Government Committee – September 26, 2007.**  
**Chair Reed, Chairperson**

- (a) Review October 2, 2007, Final Agenda.
- (b) Review October 9, 2007 Draft Agenda: Meeting Cancelled.
- (c) Assign “Time Certain” for convening Redevelopment Agency Agenda.

Documents Filed: Report of the Rules and Open Government Committee of September 26, 2007.

Action: The Rules and Open Government Committee report and actions of September 26, 2007, were approved. (10-0-1) Absent: Nguyen.

## **3 GENERAL**

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None

## **4 NEIGHBORHOOD IMPROVEMENT STRATEGIES**

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None

## **5 HOUSING**

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None

## 6 PUBLIC FACILITIES AND SPACES

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### 6.1 Award of a construction contract to Robert A. Bothman, Inc., for the Plata Arroyo Skatepark Project.

**Recommendations:** Adoption of a resolution approving the award of a construction contract to Robert A. Bothman, Inc., the lowest responsive bidder in the amount of \$210,880, for the Plata Arroyo Skatepark Improvement Project located in Plata Arroyo Park, and authorizing a construction contingency in the amount of \$21,088 for a total contract amount of \$231,968. CEQA: Exempt, PP07-212. [SNI: GATEWAY EAST]

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated October 4, 2007, recommending adoption of a resolution approving the award of a construction contract to Robert A. Bothman, Inc., for the Plata Arroyo Skatepark Improvement Project.

Action: Agency Resolution No. 5792 adopted. (10-0-1) Absent: Nguyen.

## 7 PRIVATE DEVELOPMENT

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### 7.1 Approval of an agreement with the Downtown Association for the Downtown Ice Rink.

**Recommendations:** Approval of the first amendment to the Amended and Restated Agreement with the San Jose Downtown Association, in the amount of \$30,000 for a total amount not to exceed \$1,080,000, for expedited opening of the ice rink and mitigation of construction impacts in the Circle of Palms Plaza during the winter holiday season. CEQA: Exempt, File No. PP04-259. [MERGED]

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated October 4, 2007, recommending approval of the first amendment to the Amended and Restated Agreement with the San Jose Downtown Association.

Action: The Redevelopment Agency Board approved the first amendment to the Amended and Restated Agreement with the San Jose Downtown Association. (10-0-1) Absent: Nguyen.

## **7. PRIVATE DEVELOPMENT**

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### **7.2 Approval of an amendment to the OPA with First Street Associates Two pertaining to the space at 451 South First Street.**

**Recommendations:** Approval of the first amendment to the Owner Participation Agreement (OPA) with First Street Associates Two, increasing the Agency's rent participation for up to 150 days for the leased space housing Works/San Jose, located at 451 South First Street. CEQA: Resolution No. 64273 and 68839, PP04-07-224. [SNI]

**Deferred to 11/6/07**

## **8 JOINT REDEVELOPMENT AGENCY/COUNCIL**

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**City Council convened at 4:57 p.m.**

### **8.1 Issuance of Merged Area Redevelopment Project Tax Allocation Bonds in an aggregate amount not to exceed \$225,000,000.**

**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 \$225,000,000 (the 2007 Bonds); and approving in substantially final form the Eleventh Supplemental Indenture of Trust with Union Bank, as Trustee; and,
  - (2) Authorizing the competitive sale of the 2007 Bonds; and,
  - (3) Approving in substantially final form the Preliminary Official Statement (POS), Notice of Intention to Sell Bonds and Official Notices Inviting Bids 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 2007 Bonds; and,
  - (5) Authorizing the Executive Director to purchase municipal bond insurance and surety bonds for the 2007 Bonds, and to purchase a surety bond to replace the funded reserve for outstanding Series 2003.

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## **8. JOINT REDEVELOPMENT AGENCY/COUNCIL**

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(Cont'd)

- 8.1** (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 \$225,000,000.

CEQA: Not a project.

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated October 4, 2007, recommending adoption of a resolution by the Redevelopment Agency Board 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 \$225,000,000 (the 2007 Bonds); and approving in substantially final form the Eleventh Supplemental Indenture of Trust with Union Bank, as Trustee; and authorizing the competitive sale of the 2007 Bonds; and approving in substantially final form the Preliminary Official Statement (POS), Notice of Intention to Sell Bonds and Official Notices Inviting Bids 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 2007 Bonds; and authorizing the Executive Director to purchase municipal bond insurance and surety bonds for the 2007 Bonds, and to purchase a surety bond to replace the funded reserve for outstanding Series 2003; and 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 \$225,000,000. Supplemental Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated October 12, 2007, providing the Preliminary Official Statement.

Action: Agency Resolution No. 5793 adopted. Council Resolution No. 74061 adopted. (10-0-1) Absent: Nguyen.

## **8. JOINT REDEVELOPMENT AGENCY/COUNCIL**

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### **8.2 Award of a construction contract for construction of a parking lot for the Guadalupe River Park.**

#### **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 improvements for public and service access and parking for the Guadalupe River Park.
  
- (b) Adoption of a resolution by the Redevelopment Agency Board approving the award of a construction contract to Joseph J. Albanese Inc., the low bidder, in the amount of \$789,963; and authorizing a construction contingency in the amount of \$118,494, for construction of a parking lot for the GRP with access from Santa Clara and St. John Streets.

CEQA: Downtown Strategy 2000 EIR, Resolution No. 72767. File No. PP07-223. **[MERGED]** (Deferred 10/2/07, Item 8.2)

**Deferred to 11/6/07**

**City Council adjourned at 4:58 p.m.**

- **Adjournment**  
**The Redevelopment Agency Board adjourned at 4:58 p.m.**

**ATTEST:**

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**HARRY S. MAVROGENES, SECRETARY**