

# **REDEVELOPMENT AGENCY BOARD**

## **SYNOPSIS**

**November 12, 2002**

LINDA J. LEZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES CHAIR

KEN YEAGER  
GEORGE SHIRAKAWA, JR.  
DAVID CORTESE  
JOHN DIQUISTO  
PAT DANDO

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT10



Welcome to the San Jose Redevelopment Agency's Board meeting. Our Board is composed of the ten City Councilmembers and the Mayor, who serve as our Boardmembers and Chairperson.

This Agenda contains both a Consent Calendar section for routine business items requiring Board approval, and general business items arranged to correspond to the Agency's Core Service Areas. The Core 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 Core 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 speak to the Board about items on the agenda by submitting a Speaker's Card to the Agency's Clerk seated at the front table. If you wish to address the Board about an issue that is not on the Board agenda, you may speak during the "Open Forum" during the City Council's meeting. The Board is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act), items must first be noticed on the agenda before any discussion or action. Tips for speaking to the Board:

- **Please submit a Blue Speaker's Card before the meeting or before the item is heard.** This ensures that your name is called for item(s) you wish to address, and that 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 Board from the large podium located to the left of the Clerk's table.
- 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.
- There are three lights to assist you with tracking your speaking time. They are located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and, the red light comes on when your speaking time is up.

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's Board meets on Tuesdays, following the City Council meeting at 1:30 p.m. Agendas of future meetings are posted immediately outside City Hall's main entrance and at: [www.sjredevelopment.org](http://www.sjredevelopment.org).

## **CALL TO ORDER AND ROLL CALL**

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**Mayor Ron Gonzales called the meeting to order at 2:43 p.m.**

**PRESENT: GONZALES, CAMPOS, CHAVEZ, CORTESE, DANDO,  
DIQUISTO, REED, SHIRAKAWA, JR., YEAGER,  
WILLIAMS.**

**ABSENT: LEZOTTE (EXCUSED)**

## **ORDERS OF THE DAY**

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See Item 10.1 on the City Council Agenda for description of any City Council agenda items relating to the Redevelopment Agency.

**Orders of the Day approved. Item 5.1 was deferred. Item 6.1 was dropped.**

**Absent: LeZotte.**

### **1 CEREMONIAL ITEMS**

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**None.**

### **2 CONSENT CALENDAR**

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#### **2.1 Report of the Rules Committee – October 9, 2002**

**Vice Mayor Shirakawa, Jr., Chair**

(a) Review October 22, 2002 Draft Agenda.

(b) Add new items to October 15, 2002 Agenda.

**Approved. Absent: LeZotte.**

#### **2.2 Report of the Rules Committee – October 16, 2002**

**Vice Mayor Shirakawa, Jr., Chair**

(a) Review October 29, 2002 Draft Agenda.

(b) Add new items to October 22, 2002 Agenda.

**Approved. Absent: LeZotte.**

## **2 CONSENT CALENDAR (Continued)**

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### **2.3 Report of the Rules Committee – October 23, 2002**

**Vice Mayor Shirakawa, Jr., Chair**

- (a) Review November 5, 2002 Draft Agenda.
- (b) Add new items to October 29, 2002 Agenda.

**Approved. Absent: LeZotte.**

### **2.4 Approval of a Facade Improvement Program Agreement for facade improvements of a building located at 942-948 East Santa Clara Street.**

**Recommendation:** Approval of a Facade Improvement Program Agreement, in the amount of \$165,000, with Melinda Nguyen, owner of 942-948 East Santa Clara Street for facade improvements of that building. CEQA: Exempt

**Approved. Absent: LeZotte.**

### **2.5 Approval of an amendment to the Master Agreement with URS Corporation Americas for environmental and geotechnical services in various Redevelopment Project Areas.**

**Recommendation:** Approval of the first amendment to the Master Agreement with URS Corporation Americas, in the amount of \$100,000, for a total not to exceed \$250,000, for environmental and geotechnical services in various Redevelopment Project Areas, with a term through May 31, 2003, and requiring the payment of prevailing wages for certain work.

**Approved. Absent: LeZotte.**

### **2.6 Approval of an agreement with EDAW, Inc., for economic development strategy planning services.**

**Recommendation:** Approval of an agreement with EDAW, Inc., in an amount not to exceed \$230,000, for economic development strategy, and urban design and planning services for the West San Carlos Street and Bascom Avenue commercial corridors.

**Approved. Absent: LeZotte.**

## **3 NEIGHBORHOOD IMPROVEMENT STRATEGIES**

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**None.**

## 4 HOUSING

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None.

## 5 PUBLIC FACILITIES AND SPACES

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### 5.1 Approval of a Lease Termination and Release Agreement with West Hotel Partners, LP (San Jose Hilton Hotel), for the parking lot located at the southeast corner of Almaden Boulevard and Balbach Street.

**Recommendation:** Approval of a Lease Termination and Release Agreement between West Hotel Partners, LP, and the Redevelopment Agency for the property located at the southeast corner of Almaden Boulevard and Balbach Street.

**Item 5.1 deferred to November 26, 2002.**

### 5.2 Approval of the second amendment to the agreement with Swinerton Builders, for construction of the Fox California Theatre, adding the Phase 3C scope of work, increasing the total contract amount to \$51,791,930.

**Recommendation:** Approval of the second amendment to the Amended and Restated Agreement with Swinerton Builders, adding the Phase 3C scope of work to the Fox California Theatre construction contract, increasing the contract amount by \$6,435,436, for a total contract amount not to exceed \$51,791,930, with no change in the contract completion date, and increasing the construction contingency in the amount of \$1,080,000, for a total of \$5,180,000. CEQA: Resolution No. 68839

**Approved. Absent: LeZotte.**

### 5.3 Award of a contract to Nextira One for supply and installation of the telephone system for the San Jose State University/City of San Jose Joint Library Project.

**Recommendation:** Award of a contract to Nextira One, in the amount of \$249,952, of which San Jose State University will be obligated to reimburse up to 59%; for supply and installation of the telephone system for the Joint Library, establishing a contract contingency in the amount of \$12,498, and authorizing the Executive Director to execute contract amendments up to the amount of the contingency.

**Approved. Absent: LeZotte.**

## 6 PRIVATE DEVELOPMENT

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### 6.1 Finding of need and necessity for eminent domain acquisition of property at the southeast corner of Story and King Roads.

**Recommendation:** Adoption of a resolution determining that the public interest and necessity require the acquisition of real property owned by Jacqueline M. Flynn, and located at 1730 Story Road at the southeast corner of Story and King Roads (APN: 486-11-036), and authorizing the General Counsel to file suit in eminent domain to acquire such property interest, to apply for an order of possession before judgment and to prosecute the action to final judgment, and authorizing the deposit of money in court for possession of the property from the funds lawfully available. CEQA: Mitigated ND

**Item 6.1 was dropped.**

### 6.2 Finding of need and necessity for eminent domain acquisition of property at the southeast corner of Story and King Roads.

**Recommendation:** Adoption of a resolution determining that the public interest and necessity require the acquisition of real property owned by Cau Vu and Mau T. Doan and located at 1848 Story Road at the southeast corner of Story and King Roads (APN: 486-11-001), and authorizing the General Counsel to file suit in eminent domain to acquire such property interest, to apply for an order of possession before judgment and to prosecute the action to final judgment, and authorizing the deposit of money in court for possession of the property from the funds lawfully available. CEQA: Mitigated ND

**Board Member Shirakawa, Jr. amended the motion to allow an additional thirty days to negotiate with the property owner. Public testimony received. Resolution No. 5361 adopted. Noes: Dando, Reed. Absent: LeZotte.**

### 6.3 Finding of need and necessity for eminent domain acquisition of properties at the southeast corner of Story and King Roads.

**Recommendation:** Adoption of a resolution determining that the public interest and necessity require the acquisition of real property owned by George T. Chang and Pi-Ying Chang and located at 1708 and 1720 Story Road at the southeast corner of Story and King Roads (APN: 486-11-035), and authorizing the General Counsel to file suit in eminent domain to acquire such property interest, to apply for an order of possession before judgment and to prosecute the action to final judgment, and authorizing the deposit of money in court for possession of the property from the funds lawfully available. CEQA: Mitigated ND.

**6 PRIVATE DEVELOPMENT (Continued)**

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Item 6.3 – Continued

**Board Member Dando moved to have the November 19, 2002 eminent domain items heard in the evening. The motion failed on a 2-8-1 vote with Mayor Gonzales, Vice Mayor Shirakawa, Jr., Board Members Campos, Chavez, Cortese, Diquisto, Yeager and Williams voting No. Resolution No. 5360 adopted. Absent: LeZotte.**

**7 JOINT REDEVELOPMENT AGENCY/COUNCIL**

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**None.**

**CLOSED SESSION REPORT**

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**None.**

**OPEN FORUM**

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**None.**

**ADJOURNMENT**

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**The meeting was adjourned at 3:20 p.m.**