



REDEVELOPMENT AGENCY BOARD

MINUTES

AUGUST 11, 2009

PETE CONSTANT
ASH KALRA
SAM T. LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED – CHAIR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
ROSE HERRERA
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Call to Order and Roll Call

4:05 p.m. - Regular Session, Council Chambers, City Hall

Absent: None.

- Open Forum
- Closed Session Report

None.

- Orders of the Day

The Orders of the Day were approved. Items 8.1 – 8.3 were heard first. (11-0)

1 CEREMONIAL ITEMS

None

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

No Redevelopment-related actions were discussed on the City Council agenda today.

The City Council convened at 4:05 p.m. to consider Items 8.1 – 8.3 in a Joint Session.

- 8.1 Approval of a Cooperation Agreement for the loan of an Agency employee to the City.

Recommendation: City Council and Redevelopment Agency Board approval of a Cooperation Agreement specifying the terms and conditions for the loan and employment of an Agency employee to the Office of Councilmember Rose Herrera on a temporary basis, for up to one year.

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated July 30, 2009, recommending City Council and Redevelopment Agency Board approval of a Cooperation Agreement specifying the terms and conditions for the loan and employment of an Agency employee to the Office of Councilmember Rose Herrera on a temporary basis, for up to one year.

Action: The Cooperation Agreement between the City and the Agency was approved. (10-0-1) Absent: Chu.

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

8.2 Approval of the Fourth Amendment to the Restaurant Lease with Cupertino Flames, LLC.

Recommendations:

- (a) Adoption of a resolution by the City Council accepting the summary of costs and findings of the Amended Summary 33433 Report, pursuant to the California Health and Safety Code Section 33433 for the lease with Cupertino Flames, LLC, for ground floor retail space at 88 South Fourth Street.
- (b) Redevelopment Agency Board approval of the Fourth Amendment to the Restaurant Lease with Cupertino Flames, LLC, for the property located at 88 South Fourth Street, increasing the total square footage of the premises, revising the schedule and scope of the project, extending the lease term, waiving a portion of the Common Area Maintenance charges, and additional financing of the Shell Improvements through a Shell Improvement Allowance of \$260,000, for a total Agency assistance for the lease of \$735,000.
- (c) City Council approval of a First Amended Certificate of Nondisturbance and Attornment with Cupertino Flames, LLC under the terms of the Master Lease between the City and the Redevelopment Agency.

CEQA: Resolution No. 64273, Use of San Jose Downtown Strategy Plan FEIR. File No. CP98-054. [MERGED] (Deferred 6/23/09, Item 8.3)

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated July 30, 2009, recommending: a) adoption of a resolution by the City Council accepting the summary of costs and findings of the Amended Summary 33433 Report for the lease with Cupertino Flames, LLC, for ground floor retail space at 88 South Fourth Street; b) Redevelopment Agency Board approval of the Fourth Amendment to the Restaurant Lease with Cupertino Flames, LLC; and c) City Council approval of a First Amended Certificate of Nondisturbance and Attornment with Cupertino Flames, LLC under the terms of the Master Lease between the City and the Redevelopment Agency. Supplemental memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated August 11, 2009, recommending that the City Council authorize the City Clerk to execute the First Amended Certificate of Nondisturbance and Attornment with Cupertino Flames, LLC, following receipt of an executed copy of the Agreement.

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8 JOINT REDEVELOPMENT AGENCY/COUNCIL

(Cont'd)

8.2 Action: Council Resolution No. 75085 adopted. The Fourth Amendment to the Restaurant Lease with Cupertino Flames, LLC; was approved by the Agency Board. (11-0)

8.3 **Approval of an agreement with San Juan Bautista Child Development Center for renovations to expand the Head Start Preschool Program.**

Recommendation: Approval by the City Council and Agency Board of the second amendment to the agreement with SJB (formerly San Juan Bautista) Child Care Development Center, Inc., pertaining to the child care center at Terilyn Avenue, increasing the Agency contribution \$80,000, for a total Agency contribution of \$330,000 and amending the terms of the previously approved agreement to extend the project schedule and performance timelines. CEQA: Exempt, File No. CP08-052. [SNI: K.O.N.A.]

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes and City Manager Debra Figone, dated July 30, 2009, recommending City Council and Agency Board approval of the second amendment to the agreement with SJB Child Care Development Center, Inc., pertaining to the child care center at Terilyn Avenue.

Action: The second amendment to the agreement with SJB Child Care Development Center, Inc., was approved by the Agency Board and City Council. (11-0)

The City Council portion of the meeting adjourned at 4:11 p.m.

2 CONSENT CALENDAR

2.1 Report of the Public Safety, Finance and Strategic Support Committee – June 18, 2009.

Boardmember Nguyen, Chairperson

3.1(a) Redevelopment Agency April 2009 Financial Reports.

- (1) Financial Statements
- (2) Capital Cost Report
- (3) Cash Flow Projections

Documents Filed: Report of the Public Safety, Finance and Strategic Support Committee meeting of June 18, 2009, with the Agency's Monthly Financial Reports for April 2009 attached.

Action: The Public Safety, Finance and Strategic Support Committee report and actions of June 18, 2009, were accepted. (11-0)

2.2 Approval of Board Meeting Minutes.

Recommendation: Approval of Redevelopment Agency Minutes for:

- (a) Regular meeting of June 9, 2009.
- (b) Regular meeting of June 16, 2009.
- (c) Regular meeting of June 23, 2009.

Documents Filed: Regular Minutes of June 9, 16, and 23, 2009.

Action: The Redevelopment Agency Minutes of June 9, 16, and 23, 2009, were approved. (11-0)

2.3 Report of the Rules and Open Government Committee – June 10, 2009.

Chair Reed, Chairperson

“4.1 Review June 16, 2009, Final Agenda.

4.2 Review June 23, 2009, Draft Agenda.

Documents Filed: Report of the Rules and Open Government Committee of June 10, 2009.

Action: The Rules and Open Government Committee report and actions of June 10, 2009, were approved. (11-0)

2 CONSENT CALENDAR

2.4 Report of the Rules and Open Government Committee – June 17, 2009.

Chair Reed, Chairperson

4.1 Review June 23, 2009, Final Agenda.

4.2 Review June 30, 2009, Draft Agenda, Meeting Cancelled.

Documents Filed: Report of the Rules and Open Government Committee of June 17, 2009.

Action: The Rules and Open Government Committee report and actions of June 17, 2009, were approved. (11-0)

3 GENERAL

None

4 NEIGHBORHOOD IMPROVEMENT STRATEGIES

None

5 HOUSING

None

6 PUBLIC FACILITIES AND SPACES

6.1 Approval of an increase of the project contingency budget for the demolition of two City-owned buildings adjacent to Parkside Hall, located at 180 Park Avenue.

Recommendation: Adoption of a resolution by the Redevelopment Agency Board authorizing an increase of the project contingency budget by \$17,462 for a total contingency of \$32,279 and a total funding authorization of \$270,471, for the demolition of two City-owned buildings known as meeting rooms 1A and 1B, adjacent to Parkside Hall, located at 180 Park Avenue. CEQA: Resolution No. 72767, File No. PP09-137. **[PARK CENTER PLAZA]**

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6 PUBLIC FACILITIES AND SPACES

(Cont'd)

- 6.1 Documents Filed:** Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated July 30, 2009, recommending adoption of a resolution authorizing an increase of the project contingency budget by \$17,462 for the demolition of two City-owned buildings located at 180 Park Avenue.

Action: Agency Resolution No. 5928 adopted. (11-0)

7 PRIVATE DEVELOPMENT

None

- **Adjournment**
The Redevelopment Agency Board adjourned at 4:13 p.m.

ATTEST:



HARRY S. MAVROGENES, SECRETARY