



REDEVELOPMENT AGENCY BOARD

MINUTES

APRIL 21, 2009

PETE CONSTANT
ASH KALRA
SAM T. 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
ROSE HERRERA DISTRICT 8
JUDY CHIRCO DISTRICT 9
NANCY PYLE DISTRICT 10

Call to Order and Roll Call

5:12 p.m. - Regular Session, Council Chambers, City Hall

Absent: Constant, Herrera, Chirco.

- Open Forum
- Closed Session Report

None.

- Orders of the Day

The Orders of the Day were approved. (8-0-3) Absent: Constant, Herrera, Chirco. (All excused)

1 CEREMONIAL ITEMS

None

2 CONSENT CALENDAR

2.1 Report of the Rules and Open Government Committee – March 18, 2009.

Chair Reed, Chairperson

“4.1 Review March 24, 2009, Final Agenda.

4.2 Review March 31, 2009, Draft Agenda.

Documents Filed: Report of the Rules and Open Government Committee of March 18, 2009.

Action: The Rules and Open Government Committee report and actions of March 18, 2009, were approved. (8-0-3) Absent: Constant, Herrera, Chirco.

2.2 Report of the Rules and Open Government Committee – March 25, 2009.

Chair Reed, Chairperson

“4.1 Review March 31, 2009, Final Agenda: Meeting cancelled.

4.2 Review April 7, 2009, Draft Agenda.

Documents Filed: Report of the Rules and Open Government Committee of March 25, 2009.

Action: The Rules and Open Government Committee report and actions of March 25, 2009, were approved. (8-0-3) Absent: Constant, Herrera, Chirco.

2 CONSENT CALENDAR

2.3 Report of the Rules and Open Government Committee – April 1, 2009. Chair Reed, Chairperson

“4.1 Review April 7, 2009, Final Agenda.

4.2 Review April 14, 2009, Draft Agenda.

Documents Filed: Report of the Rules and Open Government Committee of April 1, 2009.

Action: The Rules and Open Government Committee report and actions of April 1, 2009, were approved. (8-0-3) Absent: Constant, Herrera, Chirco.

2.4 Approval of Board Meeting Minutes.

Recommendation: Approval of Redevelopment Agency Minutes for:

(a) Regular meeting of March 24, 2009.

Documents Filed: Regular minutes of March 24, 2009.

Action: The Redevelopment Agency minutes of March 24, 2009, were approved. (8-0-3) Absent: Constant, Herrera, Chirco.

2.5 Approval of an amendment to the agreement with Civil Engineering Associates for consulting services for the Julian Street realignment.

Recommendations: Approval of the first amendment to the agreement with Civil Engineering Associates, Inc., in the amount of \$105,000 for a total contract amount of \$752,960, for consulting services in connection with the proposed Julian Street realignment and related infrastructure improvements for the North San Pedro Housing Project. CEQA: Resolution No. 72170, Use of FEIR Brandenberg Mixed Use Project/North San Pedro Housing Sites Project, File No. GPT03-03-01a & GP03-03-01b. [JULIAN-STOCKTON]

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated April 9, 2009, recommending approval of the first amendment to the agreement with Civil Engineering Associates, Inc., in the amount of \$105,000 for a total contract amount of \$752,960, for consulting services in connection with the proposed Julian Street realignment and related infrastructure improvements for the North San Pedro Housing Project.

(Item continued on the next page)

2 CONSENT CALENDAR

(Cont'd)

- 2.5 Supplemental memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated April 21, 2009, recommending adoption of resolutions authorizing the Executive Director to negotiate and execute the contracts listed as items 2.5, 2.6 and 7.1 on the Agency Agenda, pending correction of the State Controller's Report on Property Tax Pass-through Payments regarding the payment obligations of the San Jose Redevelopment Agency. Executive Director of Redevelopment Agency Harry S. Mavrogenes provided an email date/ time stamped April 21, 2009, at 4:55 p.m. from the State Controller's Office removing the Agency from the non-compliant list and announced that the Board could proceed with the actions as originally set forth on the agenda.

Action: The first amendment to the agreement with Civil Engineering Associates, Inc., was approved. (8-0-3) Absent: Constant, Herrera, Chirco.

- 2.6 **Approval of the third amendment to the Master Agreement with Kleinfelder West, Inc. for geotechnical and environmental services.**

Recommendations: Approval of the third amendment to the Master Agreement with Kleinfelder West, Inc. (previously Kleinfelder, Inc.), in the amount of \$100,000 for a contract total not to exceed \$350,000, for geotechnical and environmental services and extending the agreement by one year through April 30, 2010. CEQA: Not a project. **[MERGED]**

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated April 9, 2009, recommending approval of the third amendment to the Master Agreement with Kleinfelder West, Inc. for geotechnical and environmental services and extending the agreement by one year through April 30, 2010.

(Item continued on the next page)

2 CONSENT CALENDAR

(Cont'd)

- 2.6 Supplemental memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated April 21, 2009, recommending adoption of resolutions authorizing the Executive Director to negotiate and execute the contracts listed as items 2.5, 2.6 and 7.1 on the Agency Agenda, pending correction of the State Controller's Report on Property Tax Pass-through Payments regarding the payment obligations of the San Jose Redevelopment Agency. Executive Director of Redevelopment Agency Harry S. Mavrogenes provided an email date/ time stamped April 21, 2009, at 4:55 p.m. from the State Controller's Office removing the Agency from the non-compliant list and announced that the Board could proceed with the actions as originally set forth on the agenda.

Action: The third amendment to the Master Agreement with Kleinfelder West, Inc., was approved. (8-0-3) Absent: Constant, Herrera, Chirco.

3 GENERAL

- 3.1 **Amending the Small Business Loan Program Guidelines to allow additional businesses to be eligible for loans and assistance.**

Recommendation: Adoption of a resolution finding that assistance to businesses located outside of the Redevelopment Project Areas but within the Downtown Core, in the area generally bounded by Julian Street to the north, Fourth Street on the east, Santa Clara on the south, and Market Street on the west, will primarily benefit the Agency's Downtown Redevelopment Project Areas, and amending the SBLP Guidelines to allow small business loans and technical assistance to eligible businesses in this Primary Benefit area. CEQA: Not a project. [MERGED]

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated April 9, 2009, recommending adoption of a resolution finding that assistance to businesses located outside of the Redevelopment Project Areas but within the Downtown Core, in the area generally bounded by Julian Street to the north, Fourth Street on the east, Santa Clara on the south, and Market Street on the west, will primarily benefit the Agency's Downtown Redevelopment Project Areas, and amending the SBLP Guidelines.

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3 GENERAL

(Cont'd)

- 3.1 Action: Agency Resolution No. 5903 adopted. (8-0-3) Absent: Constant, Herrera, Chirco.

4 NEIGHBORHOOD IMPROVEMENT STRATEGIES

5 HOUSING

6 PUBLIC FACILITIES AND SPACES

7 PRIVATE DEVELOPMENT

- 7.1 **Approval of an Owner Participation Agreement with CTC for assistance to rehabilitate the property located at 749 Story Road.**

Recommendations:

- (a) Adoption of a resolution approving an adjustment to the Agency's FY 2008-09 Adopted Capital Budget adding \$139,000 to the Story Road - Career Training Center project line in the Neighborhood Business Investment Program, and amending the Agency's FY 2008-2009 appropriations resolution; and,
- (b) Approval of an Owner Participation Agreement with the Center for Training and Careers (CTC), Inc., to provide Agency assistance to rehabilitate the property located at 749 Story Road.

CEQA: Exempt, File No. PP08-236. NEPA: Identified as a Categorically Excluded Project on 9-8-09. [OLINDER]

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7 PRIVATE DEVELOPMENT

(Cont'd)

- 7.1 Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated April 9, 2009, recommending (a) approving an adjustment to the Agency's FY 2008-09 Adopted Capital Budget adding \$139,000 to the Story Road - Career Training Center project line in the Neighborhood Business Investment Program, and amending the Agency's FY 2008-2009 appropriations resolution; and (b) approval of an Owner Participation Agreement with the Center for Training and Careers, Inc., to provide Agency assistance to rehabilitate the property located at 749 Story Road. Supplemental memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated April 16, 2009, provided a replacement budget adjustment enclosure.

Supplemental memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated April 21, 2009, recommending adoption of resolutions authorizing the Executive Director to negotiate and execute the contracts listed as items 2.5, 2.6 and 7.1 on the Agency Agenda, pending correction of the State Controller's Report on Property Tax Pass-through Payments regarding the payment obligations of the San Jose Redevelopment Agency. Executive Director of Redevelopment Agency Harry S. Mavrogenes provided an email date/ time stamped April 21, 2009, at 4:55 p.m. from the State Controller's Office removing the Agency from the non-compliant list and announced that the Board could proceed with the actions as originally set forth on the agenda.

Action: Agency Resolution No. 5904 adopted. An Owner Participation Agreement with the Center for Training and Careers, Inc., was approved. (8-0-3)
Absent: Constant, Herrera, Chirco.

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

Items 9.1 – 9.2 on the City Council's Agenda pertaining to "Written Objections to the Amended Merged Plan," and "Final Adoption of Ordinance No. 28525" were heard and action taken during the Council meeting that began at 1:30 p.m.

The City Council convened at 5:15 p.m. to consider Item 8.1 in a Joint Session.

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

8.1 Approval of an amendment to the lease with San Jose Credit Union for property located at 88 South Fourth Street.

Recommendations: Redevelopment Agency Board and City Council concurrence with the approval of the first amendment to the Lease with San Jose Credit Union for the property located at 88 South Fourth Street, Suite 120, increasing the term of the Lease, revising the schedule of adjustments to the Monthly Base Rent and providing a rent credit. CEQA: Resolution No. 64273 Downtown Strategy Plan San Jose FEIR, File No. CP98-054. [SNI]

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated April 9, 2009, recommending City Council concurrence with and Agency Board approval of the first amendment to the Lease with San Jose Credit Union for the property located at 88 South Fourth Street, Suite 120, increasing the term of the Lease, revising the schedule of adjustments to the Monthly Base Rent and providing a rent credit.

Action: The City Council concurred with and Agency Board approved the first amendment to the Lease with San Jose Credit Union for the property located at 88 South Fourth Street, Suite 120, increasing the term of the Lease, revising the schedule of adjustments to the Monthly Base Rent and providing a rent credit. (8-0-3) Absent: Constant, Herrera, Chirco.

The City Council portion of the meeting adjourned at 5:16 p.m.

- **Adjournment**

The Redevelopment Agency Board adjourned at 5:16 p.m.

ATTEST:



HARRY S. MAVROGENES, SECRETARY