



# REDEVELOPMENT AGENCY BOARD

## MINUTES

**JUNE 16, 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

4:39 p.m. - Regular Session, Council Chambers, City Hall

Absent: None.

- Open Forum
- Closed Session Report
- Orders of the Day

The Orders of the Day were approved. Item 6.1 was deferred and item 8.1 was heard during the City Council meeting with item 9.2 on that agenda. (9-0-2) Absent: Nguyen, Chirco.

## 1 CEREMONIAL ITEMS

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None

## 8 JOINT REDEVELOPMENT AGENCY/COUNCIL

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*Items 9.1 - 9.2 on the City Council's Agenda pertaining to the "Mayor's Budget Message" and "Convention Center Facilities District" were heard and action taken during the Council meeting that began at 1:30 p.m.*

The City Council convened at 4:39 p.m. to consider Item 8.1 in a Joint Session.

### 8.1 Approval of actions related to the San Jose McEnery Convention Center Expansion.

#### Recommendations:

- (a) City Council and Redevelopment Agency Board direction to the City Manager and the Executive Director to proceed with developing plans to:
  - (1) Demolish the former Martin Luther King, Jr. Library building on West San Carlos Street to clear the path for the expansion of the San Jose Convention Center;
  - (2) Relocate the City staff currently housed in the former Martin Luther King, Jr. Library building to the City Hall and other City-owned facilities.

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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 making certain findings, as required by Health and Safety Code Section 33445, and authorizing the City Manager to:
- (1) Negotiate and execute short-term office space lease in the Downtown to accommodate City staff being relocated from the former Martin Luther King, Jr., Library building;
  - (2) Negotiate and execute a Project Services Memorandum (PSM) not to exceed \$415,000 with the Redevelopment Agency describing in more detail the scope of work, schedule and other specifics of the matters set forth herein.
- (c) Adoption of a resolution by the Redevelopment Agency Board authorizing the Executive Director to negotiate and execute a PSM not to exceed \$415,000 with the City describing in more detail the scope of work, schedule and other specifics of the matters set forth herein.

CEQA: Resolution No. 72767 and Addenda thereto. File No. PP08-002. Central Service Yard: Mitigated Negative Declaration, File No. PP05-136, and addendum File No. PP09-113. **[MERGED]** (Deferred 5/19 and 6/2/09, Item 8.1)

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes and City Manager Debra Figone, dated June 4, 2009, recommending that: a) the City Council and Redevelopment Agency Board give direction to the City Manager and the Executive Director to proceed with developing plans to 1) demolish the former Martin Luther King, Jr. Library building on West San Carlos Street; and 2) relocate the City staff currently housed in the former Martin Luther King, Jr. Library building to the City Hall and other City-owned facilities; and b) adoption of a resolution by the City Council making certain findings as required by Health and Safety Code Section 33445, and authorizing the City Manager to: 1) negotiate and execute short-term office space lease in the Downtown to accommodate City staff being relocated from the former Martin Luther King, Jr., Library building, and 2) negotiate and execute a PSM not to exceed \$415,000 with the Redevelopment Agency, and c) adoption of a resolution by the Redevelopment Agency Board authorizing the Executive Director to negotiate and execute a PSM not to exceed \$415,000 with the City.

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

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*(Cont'd)*

- 8.1 Public Comments: Cyril Richard, Matt DiNapoli, Diane Driscoll, Dan Fenton and Scott Knies spoke in support of the Redevelopment Agency's actions related to the San Jose McEnery Convention Center Expansion. Ross Signorino commented on the possibility of the City leasing additional office space.

Action: The City Manager and the Executive Director were directed to proceed with developing plans to 1) demolish the former Martin Luther King, Jr. Library building on West San Carlos Street; and 2) relocate the City staff currently housed in the former Martin Luther King, Jr. Library building to the City Hall and other City-owned facilities. Agency Resolution No. 5914 adopted. Council Resolution No. 75005 adopted. (9-0-2) Absent: Nguyen, Chirco.

**The City Council portion of the meeting adjourned at 5:25 p.m.**

## **2 CONSENT CALENDAR**

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- 2.1 **Report of the Rules and Open Government Committee – May 27, 2009.**  
**Chair Reed, Chairperson**

- “4.1 Review June 2, 2009, Final Agenda.  
4.2 Review June 9, 2009, Draft Agenda.

Documents Filed: Report of the Rules and Open Government Committee of May 27, 2009.

Action: The Rules and Open Government Committee report and actions of May 27, 2009, were approved. (9-0-2) Absent: Nguyen, Chirco.

## **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 Approval of amendments to agreements for Tree Establishment Services.

**Recommendation:** Approval of the third amendment to the agreement with Anderson Tree Care, in the amount of \$200,000 for a total contract amount not to exceed \$470,000, for tree establishment services and extend the term of the agreement by 18 months, through December 31, 2010. CEQA: Exempt. File No. PP08-035. [MERGED]

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated June 4, 2009, recommending approval of the third amendment to the agreement with Anderson Tree Care for tree establishment services and extending the term of the agreement by 18 months.

Action: Deferred to June 23, 2009.

## 7 PRIVATE DEVELOPMENT

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### 7.1 Approval of a Reimbursement Agreement with Shocking Technologies, Inc., for acquisition of capital equipment.

**Recommendation:**

- (a) Approval of a Reimbursement Agreement with Shocking Technologies, Inc., in an amount not to exceed \$500,000, for acquisition of capital equipment to be installed in Shocking Technologies' industrial and manufacturing headquarters facility.
- (b) Adoption of a resolution by the Redevelopment Agency Board making certain findings as required by Redevelopment Law.  
CEQA: Exempt, File No. CP08-025. [EDENVALE]

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## 7 PRIVATE DEVELOPMENT

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*(Cont'd)*

- 7.1 Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated June 4, 2009, recommending approval of a Reimbursement Agreement with Shocking Technologies, Inc., and adoption of a resolution making certain findings as required by Redevelopment Law. Supplemental memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated June 11, 2009, informing the Redevelopment Agency Board of revisions made to the reimbursement agreement between Shocking Technologies, Inc., and the Agency, as reflected in the final reimbursement agreement.

Public Comments: Lex Kosowsky, Shocking Technologies, Inc., spoke in support of the Redevelopment Agency's proposed agreement with Shocking Technologies, Inc.

Action: The agreement with Shocking Technologies Inc., was approved. Agency Resolution No. 7915 adopted. (9-0-2) Absent: Nguyen, Chirco.

- 7.2 **Approval of a Reimbursement Agreement with Borgata Recycling Inc., for acquisition of capital equipment.**

**Recommendations:**

- (a) Approval of a Reimbursement Agreement with Borgata Recycling, Inc., in an amount not to exceed \$385,000, for acquisition of capital equipment for manufacturing to be installed at Borgata Recycling's headquarters in the Monterey Corridor Redevelopment Project Area.
- (b) Adoption of a resolution by the Redevelopment Agency Board making certain findings as required by Redevelopment Law.

CEQA: Exempt, File No. CP08-025. **[MONTEREY CORRIDOR]**

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated June 4, 2009, recommending approval of a Reimbursement Agreement with Borgata Recycling, Inc., and adoption of a resolution making certain findings as required by Redevelopment Law. Supplemental memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated June 9, 2009, informing the Redevelopment Agency Board of revisions made to the reimbursement agreement between Borgata Recycling, Inc., and the Agency, as reflected in the final reimbursement agreement.

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## 7 PRIVATE DEVELOPMENT

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(Cont'd)

- 7.2 Public Comments: Brian Chrisman, Borgata Recycling, Inc., spoke in support of the Redevelopment Agency's proposed agreement with Borgata Recycling, Inc.

Action: The agreement with Borgata Recycling, Inc., was approved. Agency Resolution No. 7916 adopted. (9-0-2) Absent: Nguyen, Chirco.

- 7.3 **Approval of an Owner Participation Agreement with Black Sea Gallery Development, LLC.**

**Recommendation:** Approval of an Owner Participation Agreement with Black Sea Gallery Development, LLC, to facilitate occupancy by a Ross Dress For Less at 27 South First Street. CEQA: Resolution No. 72767, Use of San Jose Downtown Strategy 2000 FEIR, File No. PP09-073. **[PUEBLO UNO]**

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated June 4, 2009, recommending approval of an Owner Participation Agreement with Black Sea Gallery Development, LLC, to facilitate occupancy by a Ross Dress For Less at 27 South First Street

Action: The Owner Participation Agreement with Black Sea Gallery Development, LLC, was approved. (8-0-3) Absent: Kalra, Nguyen, Chirco.

- **Adjournment**  
**The Redevelopment Agency Board adjourned at 5:37 p.m.**

ATTEST:

  
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**HARRY S. MAVROGENES, SECRETARY**