

REDEVELOPMENT AGENCY AMENDED AGENDA

JUNE 22, 2010

PETE CONSTANT
ASH KALRA
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED – CHAIR

PIERLUIGI OLIVERIO DISTRICT 6
MADISON P. NGUYEN DISTRICT 7
ROSE HERRERA DISTRICT 8
JUDY CHIRCO DISTRICT 9
NANCY PYLE DISTRICT 10

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

If you wish to address the Redevelopment Agency about an issue that is not on the agenda but that is within the subject matter jurisdiction of the Redevelopment Agency Board., you may speak during the “Open Forum” during the City Council's meeting. The Council/Agency is unable to take action on issues presented during “Open Forum.”

This Agenda contains a Consent Calendar section for routine business items requiring Redevelopment Agency approval, as well as general business items arranged corresponding to the Agency’s Critical Service Areas. The Critical 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 Critical 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

Items listed in Section 8 require approval of both the Redevelopment Agency Board and the City Council. **You may provide input on any agenda item by filling out a BLUE Speaker’s Card and submitting it to the City Clerk or Agency’s Clerk during the meeting.** If you wish to speak to the Agency, some tips to help you are noted below:

- **Submit a speaker’s card before the meeting and before the item is heard.** This will ensure that your name is called for the items you wish to address, and ensure 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 Agency from the speaker’s podium, which is located to the left of the City 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.

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 meets on Tuesdays, following the City Council’s meeting at 1:30 p.m.

Agendas and staff reports for Redevelopment Agency Board agenda items may be viewed on the Internet at <http://www.sjredevelopment.org/agendas.htm>. Board Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda that are not exempt from disclosure pursuant to the California Public Records Act and that are distributed to a majority of the legislative body will be available for public inspection at the Redevelopment Agency at San Jose City Hall, 200 E. Santa Clara St, 14th Floor, San Jose, CA 95113-1903 at the same time that the public records are distributed or made available to the Redevelopment Agency Board.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-8500 or (408) 294-9337 (TTY) at least three business days before the meeting.

On occasion the Redevelopment Agency may consider agenda items out of order.

- **Call to Order and Roll Call**
8:00 a.m. - Closed Session, Call to Order in Council Chambers
Adjourn to Closed Session in Council Chambers Conference Room W133
See Separate Agenda
10:00 a.m. - Regular Session, Council Chambers, City Hall
- **Open Forum**
To be heard jointly during the City Council's Open Forum. Members of the Public are invited to speak on any item that does not appear on today's agenda and that is within the subject matter jurisdiction of the Redevelopment Agency Board.
- **Orders of the Day**
ITEMS 8.1 – 8.4 ARE TO BE CONSIDERED IN A JOINT REDEVELOPMENT AGENCY BOARD/CITY COUNCIL SESSION.
Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.
THE REDEVELOPMENT AGENCY AGENDA WILL BE HEARD FOLLOWING COMPLETION OF THE CONSENT CALENDAR ON THE CITY COUNCIL'S AGENDA.
- * **Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.**
- **Closed Session Report**

1 CEREMONIAL ITEMS

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the Agency and will be adopted by one motion. If a member of the Redevelopment Agency Board, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

2.2 Approval of Council/Board Committee Reports.

- (a) Report of the Rules and Open Government Committee – June 2, 2010.
(Mayor)

2.3 Approval of amendments to Agency Master Agreements.

Recommendation: Approval of amendments to Master Agreements:

- (a) Approval of the fourth amendment to the Master Agreement with HMH Engineers, Inc., extending the term through June 30, 2011, and updating the schedule of hourly rates with no additional compensation.
- (b) Approval of a Continuation Agreement and Fourth Amendment to the Agreement with Bellecci & Associates, Inc., extending the term through June 30, 2011, and extending the hourly rate schedule for services, with no additional compensation.

CEQA: Not a Project. [MERGED]

2.4 Approval of a Settlement Agreement with San Jose Parking. SUPPLEMENTAL MEMO

* **Recommendations:**

- (a) Approval of a Settlement Agreement and Release with San Jose Parking, Inc., considered by the Agency during the Closed Session held on June 15, 2010, in which San Jose Parking, Inc. will dismiss with prejudice its lawsuit against the Redevelopment Agency arising out of an Exclusive Negotiations and Operating Agreement for the Fountain Alley Parking Lot, and release the Agency from any and all liability in exchange for a payment of \$200,000 by the Agency; and,
- (b) Adoption of a resolution approving an adjustment to the Adopted FY 2009-10 Revised Capital Budget by adding \$200,000 to the Fountain Alley Parking Lot project line in the Century Center Redevelopment Area, and amending the FY 2009-2010 Agency appropriations resolution.

CEQA: Not a Project. [CENTURY CENTER]

3 GENERAL

4 NEIGHBORHOOD IMPROVEMENT STRATEGIES

5 HOUSING

6 PUBLIC FACILITIES AND SPACES

6.1 Authority to award a contract for kitchen/concessions equipment at the Civic Auditorium.

Recommendation: Adoption of a resolution by the Agency Board delegating authority to the Executive Director to award a contract for kitchen/concessions equipment, authorizing a project contingency in an amount not to exceed 10% of the contract amount, for a total contract amount not to exceed \$465,000 for the procurement, delivery, and installation of the Kitchen/Concession Equipment Project for the Civic Auditorium, to resolve related request for proposal protests and responsibility issues, or to reject all proposals if determined that an award can not be made. CEQA: Exempt, File No. PP 10 – 066. **[PARK CENTER]**

7 PRIVATE DEVELOPMENT

7.1 Approval of an amendment to the Sublease and Co-Sponsorship Operating Agreement with the SJSURF for management of the San Jose BioCenter.

Recommendation: Approval of the fifth amendment to the Sublease and Co-Sponsorship Operating Agreement with the San Jose State University Research Foundation (SJSURF) for the management of the San Jose BioCenter, extending the Agency's obligation to pay the base rent for the BioCenter through June 30, 2011, in an amount not to exceed \$395,215.20. CEQA: Not a project. **[EDENVALE]**

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

See item 9.1, "Development Agreement with Cisco Technology," and 9.2, "RFP for the Convention Center," on the City Council's Agenda, which will be heard and action taken only during the Council meeting that begins at 10:00 a.m. today.

CONVENE CITY COUNCIL TO CONSIDER ITEMS 8.1 – 8.4 IN A JOINT SESSION

8.1 Approval of a Capital Equipment Assistance Agreement with Intermolecular, Inc., for acquisition of capital equipment.

Recommendations:

- (a) Agency Board approval of a Capital Equipment Assistance Agreement with Intermolecular, Inc., in an amount not to exceed \$400,000, for acquisition of capital equipment for manufacturing to be installed at Intermolecular's headquarters in the Rincon de Los Esteros Redevelopment Project Area; and,
- (b) Adoption of a resolution by the Agency Board making necessary findings required by law for such agreement.
- (c) City Council reaffirmation of the prior Council resolution to invest Community Development Block Grant (CDBG) funds from the City's Clean Tech Careers fund to create job opportunities for low to moderate-income residents and to further assist Intermolecular by providing a \$200,000 CDBG grant for additional equipment acquisition and creation of low to moderate income jobs.

CEQA: Not a Project. **[RINCON DE LOS ESTEROS]**

8.2 FY 2010-2011 Cooperation Agreements between the City of San Jose and the Redevelopment Agency.

Recommendation: Adoption of resolutions by the Redevelopment Agency and the City Council authorizing the Executive Director and City Manager to execute:

- (a) Capital Improvement Projects in the Merged Redevelopment Area; and
- (b) Support Services in the FY 2010-11 Operating Budget.

CEQA: Not a Project. **[MERGED]**

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

8.3 Acceptance of the report on the Strong Neighborhoods Business Plan Update.

Recommendations: As referred by the Neighborhood Services and Education Committee on June 10, 2010:

(a) Accept the report on the Strong Neighborhoods Business Plan Update with the goals of:

- (1) Removing barriers to neighborhood action,
- (2) Stabilizing neighborhoods in crisis,
- (3) Supporting neighborhood action, and
- (4) Connecting resources to priorities.

(b) Adoption of resolutions by the **City Council** and **Agency Board** directing the City Manager and Redevelopment Agency Executive Director to implement the Strong Neighborhoods Business Plan Update.

[Neighborhood Services and Education Committee referral 6/10/10 – Item D(6)]
[DEFERRED TO AUGUST 10, 2010]

8.4 Approval of an amendment to the Inclusionary Housing Policy.

CITY RESOLUTION AGENCY RESOLUTION

* **Recommendation:** Adoption of resolutions by the Redevelopment Agency Board and City Council approving an amendment to the City/Agency Inclusionary Housing Policy in Redevelopment Project Areas, temporarily suspending inclusionary housing requirements related to newly constructed rental units until the earlier of January 1, 2013, or the effective date of the City's Inclusionary Housing Ordinance, to ensure compliance with case law, and making other minor changes. CEQA: PP08-258, addendum to the General Plan Update EIR, Resolution No. 65459 **[MERGED]**

[Rules and Open Government Committee referral, 5/26/10 – Item H(1)]
(Deferred June 8, June 15, 2010, Item 8.2)

ADJOURN CITY COUNCIL PORTION OF THE MEETING

- **Adjournment**

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)

- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.
3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.