



# **REDEVELOPMENT AGENCY BOARD**

## **MINUTES**

**MARCH 8, 2011**

PETE CONSTANT  
ASH KALRA  
SAM LICCARDO  
KANSEN CHU  
XAVIER E. CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

CHUCK REED – CHAIR

PIERLUIGI OLIVERIO  
MADISON P. NGUYEN  
ROSE HERRERA  
DONALD ROCHA  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

## Call to Order and Roll Call

**9:17 a.m.** - Closed Session, Council Chambers Conference Room W133

**Absent:** None.

**4:57 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. (11-0)

## 1 CEREMONIAL ITEMS

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None

## 2 CONSENT CALENDAR

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### 2.1 Approval of Minutes.

- (a) Approval of Redevelopment Agency Minutes for the Regular meeting of January 25, 2011.
- (b) Approval of Redevelopment Agency Minutes for the Regular meeting of February 1, 2011.
- (c) Approval of Redevelopment Agency Minutes for the Regular meeting of February 8, 2011.
- (d) Approval of Redevelopment Agency Minutes for the Regular meeting of February 15, 2011.

Documents Filed: Regular minutes of January 25, February 1, February 8 and February 15, 2011.

Action: The Redevelopment Agency minutes of January 25, February 1, February 8 and February 15, 2011 were approved. (9-0-2) Absent: Herrera, Pyle.

## **2 CONSENT CALENDAR**

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### **2.2 Approval of Council/Board Committee Reports.**

- (a) Report of the Public Safety, Finance and Strategic Support Committee – February 17, 2011. (Constant)
- (b) Report of the Rules and Open Government Committee – February 2, 2011. (Mayor)
- (c) Report of the Rules and Open Government Committee – February 9, 2011. (Mayor)
- (d) Report of the Rules and Open Government Committee – February 16, 2011. (Mayor)

Documents Filed: Report of the Public Safety, Finance and Strategic Support Committee of February 17, 2011, and Reports of the Rules and Open Government Committee meetings of February 2, 9 and 16, 2011.

Action: Report of the Public Safety, Finance and Strategic Support Committee of February 17, 2011, and Reports of the Rules and Open Government Committee meetings of February 2, 9 and 16, 2011, were approved. (9-0-2) Absent: Herrera, Pyle.

## **3 GENERAL**

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### **3.1 Report of the Executive Director, Harry S. Mavrogenes.**

**Executive Director Harry S. Mavrogenes reported that the Edenvale Community Center achieved LEED Gold Certification on March 7, 2011, for sustainable building design.**

### **3.2 Acceptance of the Agency's Financial Progress Report.**

**Recommendation:** Acceptance of the Agency's monthly Financial Progress Report. [MERGED]

Documents Filed: Memorandum from the Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated March 1, 2011, recommending that the Redevelopment Agency Board accept the Agency's monthly Financial Progress Report.

Action: The Agency's Financial Progress Report was accepted. (10-0-1) Absent: Herrera.

### 3 GENERAL

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#### 3.3 Approval to amend time limitations and extend the effectiveness of certain redevelopment plans and the last day to repay indebtedness for those plans in accordance with AB 26.

**Recommendation:** Adoption of resolutions by the Redevelopment Agency Board in accordance with AB 26 which allows these extensions in exchange for the Supplemental Education Revenue Augmentation Fund payment made in FY 2009-2010:

- (a) Amending the time limitations and extending by one year the effectiveness of the redevelopment plans and the last day to repay indebtedness with respect to the Redevelopment Plans for the Almaden Gateway, Century Center, Edenvale, Guadalupe-Auzerais, Julian-Stockton, Market Gateway, Monterey Corridor, Olinder, Park Center, Pueblo Uno, Rincon de Los Esteros (1<sup>st</sup> and 2<sup>nd</sup> expansions), San Antonio Plaza, and Strong Neighborhoods Initiative (Diridon Area only) Redevelopment Project Areas; and,
- (b) Amending the time limitations and extending by one year the effectiveness of the redevelopment plan with respect to the Redevelopment Plans for The Alameda, Alum Rock Avenue, East Santa Clara Street, Japantown, Rincon de los Esteros (3<sup>rd</sup> expansion), Story Road, and West San Carlos Street Redevelopment Project Areas.

Documents Filed: Memorandum from the Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated March 2, 2011, recommending that the Redevelopment Agency Board adopt resolutions: (a) amending the time limitations and extending by one year the effectiveness of the redevelopment plans and the last day to repay indebtedness with respect to the Redevelopment Plans for the Almaden Gateway, Century Center, Edenvale, Guadalupe-Auzerais, Julian-Stockton, Market Gateway, Monterey Corridor, Olinder, Park Center, Pueblo Uno, Rincon de Los Esteros (1<sup>st</sup> and 2<sup>nd</sup> expansions), San Antonio Plaza, and Strong Neighborhoods Initiative (Diridon Area only) Redevelopment Project Areas; and (b) amending the time limitations and extending by one year the effectiveness of the redevelopment plan with respect to the Redevelopment Plans for The Alameda, Alum Rock Avenue, East Santa Clara Street, Japantown, Rincon de los Esteros (3<sup>rd</sup> expansion), Story Road, and West San Carlos Street Redevelopment Project Areas.

*(Item continued on the next page)*

### **3 GENERAL**

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3.3 Action: Agency Resolution No. 6006 and 6007 adopted. (10-0-1) Absent: Herrera.

### **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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None

### **7 PRIVATE DEVELOPMENT**

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7.1 **Approval of an amendment to the Ground Lease Agreement with F.C. Pavilion, LLC.**

**Recommendation:** Approval of the second amendment to the Ground Lease Agreement with F.C. Pavilion, LLC, suspending the pass-thru rent from Camera 12 for a period up to five years as well as providing for the assignment of F.C. Pavilion LLC's rights under the Ground Lease to FC Pavilion Theatre, LLC.  
**CEQA:** Not a project, File No. PP10-066 (f). **[SAN ANTONIO PLAZA]**

**Documents Filed:** Memorandum from the Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated February 28, 2011, recommending that the Redevelopment Agency Board approve the second amendment to the Ground Lease Agreement with F.C. Pavilion, LLC, suspending the pass-thru rent from Camera 12 for a period up to five years.

**Public Comments:** Halfdan Hussey, Amy Choice and James Zuur spoke in support of item 7.1. Aurelia Sanchez spoke against item 7.1.

**Action:** The amendment to the Ground Lease Agreement was approved. (11-0)

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

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

**The City Council convened at 5:10 p.m. to consider items 8.1 – 8.2 in a Joint Session.**

### **8.1 Actions related to the San Jose Diridon Development Authority Joint Powers Agreement.**

**Recommendations:** Adoption of resolutions by the City Council and Redevelopment Agency Board:

- (a) Authorizing the City Manager to execute, on behalf of the City, a joint powers agreement for the San Jose Diridon Development Authority;
- (b) Authorizing the Executive Director to: (i) execute, on behalf of the Redevelopment Agency, a joint powers agreement for the San Jose Diridon Development Authority; and (ii) execute such documents as necessary to transfer various Agency properties to the San Jose Diridon Development Authority.

CEQA: Categorically Exempt File No. PP11-028 per CEQA Guidelines Section 15320, Changes in the Organization of Local Agencies. [MERGED]

Documents Filed: Memorandum from the Executive Director of Redevelopment Agency Harry S. Mavrogenes and City Manager Debra Figone, dated March 4, 2011, recommending that the Redevelopment Agency Board and City Council adopt resolutions: (a) authorizing the City Manager to execute, on behalf of the City, a joint powers agreement for the San Jose Diridon Development Authority; and (b) authorizing the Executive Director to: (i) execute, on behalf of the Redevelopment Agency, a joint powers agreement for the San Jose Diridon Development Authority; and (ii) execute such documents as necessary to transfer various Agency properties to the San Jose Diridon Development Authority. Letter from Miguel Márquez, Santa Clara County Counsel, dated March 8, 2011, stating the County's objection to the proposed action and the Board of Supervisors' authorization to file a lawsuit to seek injunctive relief.

Action: City Council Resolution No. 75752 adopted. Agency Resolution No. 6008 adopted. (11-0)

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

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### **8.2 Actions Related to the Transfer and Acceptance of Public Facilities.**

**Recommendation:** Adoption of resolutions by the City Council and Redevelopment Agency Board:

- (a) Authorizing the City Manager to negotiate and execute, on behalf of the City, a Cooperation Agreement with the Redevelopment Agency, which provides for the transfer to the City of various properties which are public facilities; and,
- (b) Authorizing the Executive Director to negotiate and execute, on behalf of the Redevelopment Agency, a Cooperation Agreement with the City to provide for the transfer to the City of various Agency-owned properties acquired by the Agency and developed for, or to be developed for, public facilities.

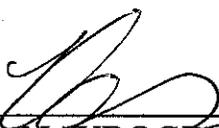
CEQA: Not a Project. **[MERGED]**

Documents Filed: Memorandum from the Executive Director of Redevelopment Agency Harry S. Mavrogenes and City Manager Debra Figone, dated March 4, 2011, recommending that (a) the City Council adopt a resolution authorizing the City Manager to negotiate and execute, on behalf of the City, a Cooperation Agreement with the San Jose Redevelopment Agency, which provides for the transfer to the City of various Agency properties with are public facilities; and (b) the Redevelopment Agency Board adopt a resolution authorizing the Executive Director to negotiate and execute, on behalf of the Redevelopment Agency, a Cooperation Agreement with the City to provide for the transfer to the City of various Agency owned properties acquired by the Agency and developed for, or to be developed for, public facilities. Letter from Miguel Márquez, Santa Clara County Counsel, dated March 8, 2011, stating the County's objection to the proposed action and the Board of Supervisors' authorization to file a lawsuit to seek injunctive relief.

Action: City Council Resolution No. 75753 adopted. Agency Resolution No. 6009 adopted. (11-0)

- **Adjournment**  
**The Redevelopment Agency Board adjourned at 5:18 p.m.**

**ATTEST:**

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**HARRY S. MAVROGENES, SECRETARY**

**SAN JOSE DIRIDON DEVELOPMENT AUTHORITY**

**1:30 P.M.**

**TUESDAY, MARCH 8, 2011**

**CHAMBERS**

**The San Jose Diridon Development Authority convened at 5:19 p.m.**

- 1. Swearing in of Directors (Oath of Office).**  
**City Clerk Dennis Hawkins administered the Oath of Office to members of the San Jose Diridon Development Authority.**
  
- 2. Public Comment.**  
**Members acknowledged letter from the Office of the County Counsel, County of Santa Clara.**
  
- 3. Action on Consent Calendar:**
  - a. Adoption of a resolution to adopt Fair Political Practices Model Conflict of Interest Code and submit such code to the Code Reviewing Body.
  - b. Adoption of a resolution to adopt Standard CEQA Guidelines.
  - c. Authorization for the Authority's Executive Director to execute all documents and pay all fees necessary to obtain a federal tax ID number; and comply with State law requirements for new public entities, including listing on the roster of public agencies.
  - d. Adoption of a resolution setting Regular Meeting location, date and time for annual meetings of the Authority.
  - e. Adoption of a resolution approving the Authority bylaws.

**Documents Filed: Memorandum from Debra Figone, Executive Director of Diridon Development Authority, dated March 4, 2011, recommending that the Diridon Development Authority Board approve the Consent Calendar: (a) Resolution to Adopt Fair Political Practices Model Conflict of Interest Code and submit such code to the Code Reviewing Body; (b) Resolution to Adopt Standard CEQA Guidelines;**

***(Item continued on the next page)***

**3. Action on Consent Calendar:**

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3. Documents Filed: (c) Authorization for the Authority's Executive Director to execute all documents and pay all fees necessary to (i) obtain a federal tax identification number, and (ii) comply with state law requirements for new public entities including listing on the roster of public agencies; (d) Resolution to Set Regular Meeting Location, Date and Time for annual meetings; and (e) Resolution to Adopt San Jose Diridon Development Authority bylaws.

Action: Diridon Development Authority Resolution No. 100.1, 101.1, 102.1 and 103.1 adopted.

4. Adoption of a resolution authorizing the Authority's Executive Director to execute such documents needed and take such other actions needed for the acceptance of property transferred to the San Jose Diridon Development Authority.

Documents Filed: Memorandum from Debra Figone, Executive Director of Diridon Development Authority, dated March 4, 2011, recommending that the Diridon Development Authority Board adopt a resolution authorizing the Authority's Executive Director to execute such documents needed and take such other actions needed for the acceptance of property transferred to the San Jose Diridon Development Authority. Letter from Miguel Márquez, Santa Clara County Counsel, dated March 8, 2011, stating the County's objection to the proposed action and the Board of Supervisors' authorization to file a lawsuit to seek injunctive relief.

Action: Diridon Development Authority Resolution No. 104.1 adopted.

5. **Adjournment.**

**The San Jose Diridon Development Authority and City Council adjourned at 5:23 p.m.**