

# **REDEVELOPMENT AGENCY BOARD AGENDA**

**JUNE 24, 2003**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES CHAIR

KEN YEAGER  
TERRY GREGORY  
DAVID D. CORTESE  
JUDY CHIRCO  
PAT DANDO - VICE CHAIR

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

**To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.**

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

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session, Room 600, City Hall

See Separate Agenda

1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Orders of the Day**

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

- \* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

Item 7.1 is to be considered in a joint Redevelopment Agency Board/City Council session.

See Item 10.1 on the City Council Agenda for description of the City Council agenda item relating to the Redevelopment Agency.

## **1 CEREMONIAL ITEMS**

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## **2 CONSENT CALENDAR**

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the Agency Board and will be adopted by one motion. If a member of the 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 Board Meeting Minutes:**

**Recommendation:** Approval of Redevelopment Agency Minutes for:

- (a) Regular meeting of February 25, 2003.
- (b) Regular meeting of March 18, 2003.
- (c) Regular meeting of March 25, 2003.
- (d) Regular meeting of April 8, 2003.
- (e) Regular meeting of April 15, 2003.
- (f) Regular meeting of April 22, 2003.
- (g) Regular meeting of April 29, 2003.
- (h) Regular meeting of May 13, 2003.

**2.2 Report of the Rules Committee – May 28, 2003.**

**Vice Mayor Dando, Chair**

- (a) Review June 10, 2003 Draft Agenda.
- (b) Add new items to the June 3, 2003 Agenda: Meeting to be cancelled.
- (c) Staff reports outstanding for June 3, 2003 - NONE.

**2.3 Report of the Rules Committee – June 4, 2003.**

**Vice Mayor Dando, Chair**

- (a) Review June 17, 2003 Draft Agenda.
- (b) Add new items to the June 10, 2003 Agenda.
- (c) Staff reports outstanding for June 10, 2003 - NONE.

**2.4 Authorization to negotiate and execute amendments to legal services contracts.**

**Recommendation:** Adoption of resolutions authorizing the General Counsel to negotiate and execute:

- (a) The third amendment to the agreement with Paul, Hastings, Janofsky & Walker, LLP, reducing the scope and maximum compensation by \$100,000 for a total contract amount not to exceed \$520,000; and,
- (b) The fourth amendment to the agreement with Meyers, Nave, Riback, Silver & Wilson, reducing the scope and maximum compensation by \$82,000 for a total contract not to exceed \$518,000; and,
- (c) The second amendment to the agreement with McDonough, Holland & Allen, extending the term and increasing the compensation by \$100,000 for a total amount not to exceed \$300,000.

**2.5 Approval of an amendment to the agreement with Kornberg Associates, Inc., for architectural design services in connection with the Bioscience Incubator and Innovation Center.**

**Recommendation:** Approval of the first amendment to the agreement with

Kornberg Associates, Inc., in the amount of \$76,000, for a total amount not to exceed \$175,000, for architectural design services in connection with the Bioscience Incubator and Innovation Center, expanding the scope of services, and extending the term of the agreement through July 31, 2004. [EDENVALE]

**2.6 Approval of an amendment to the agreement with Consolidated Engineering Laboratories for ongoing construction testing and inspection services for the California Theatre project.**

**Recommendation:** Approval of the second amendment to the agreement with Consolidated Engineering Laboratories, in the amount of \$100,000, for a total contract amount not to exceed \$515,000, for ongoing construction testing and inspection services for the California Theatre Project. [MARKET GATEWAY]

**2.7 Approval of an agreement with the San Jose Downtown Association for promotional and marketing consulting services.**

**Recommendation:** Approval of an agreement with the San Jose Downtown Association, in an amount not to exceed \$360,000, for promotional and marketing consulting services for the period July 1, 2003 through June 30, 2004. [MERGED]

**2.8 Approval of an amendment to the agreement with the San Jose Downtown Association for a public space program in the downtown.**

**Recommendation:** Approval of the first amendment to the agreement with the San Jose Downtown Association, in the amount of \$179,000, for a total amount not to exceed \$658,150, for a public space program in the downtown as part of the Agency's Downtown Retail Strategy. CEQA: Exempt, PP02-06-150 [MERGED]

**2.9 Approval of an agreement with Keyser Marston Associates, Inc., for real estate and financial consulting services.**

**Recommendation:** Approval of an agreement with Keyser Marston Associates, Inc., for real estate and financial consulting services, in an amount not to exceed \$450,000, for the period July 1, 2003 through June 30, 2004. [MERGED]

**2.10 Delegation of approval authority for an agreement with the County of Santa Clara for the purchase and use of computer equipment and software.**

**Recommendation:** Adoption of a resolution authorizing the Executive Director to negotiate and execute an agreement between the Agency and the County of Santa Clara for the purchase and use of computer equipment and software by County Assessor's Office in the amount not to exceed \$103,967. [MERGED]

**2.11 Approval of an amendment to the Relocation and Development Agreement with Emergency Housing Consortium for the Our House Youth Shelter project.**

**Recommendation:** Approval of the first amendment to the Relocation and Development Agreement with the Emergency Housing Consortium, allowing EHC a right of access to the permanent site, located at 101 East William Street. CEQA: Exempt, PP03-06-197 [MERGED]

**2.12 Approval of an amendment to the agreement with Design, Community & Environment, for planning services in connection with the Gateway East and Mayfair neighborhood plans.**

**Recommendation:** Approval of a Continuation Agreement and Second Amendment with Design, Community & Environment, correcting the total compensation amount to \$132,500, for planning services in connection with Gateway East and Mayfair SNI plans. [SNI]

**\*2.13 Approval of the first amendment to the Operations and Maintenance Agreement with Legacy Partners PERPAP Limited Partnership for the Village at Museum Square Project.**

**Recommendation:** Adoption of a resolution approving the first amendment to the Operations and Maintenance Agreement with Legacy Partners PERPAP Limited Partnership and authorizing the Executive Director to negotiate and execute any ancillary documents contemplated by the amendment. CEQA: Resolution No. 68839 [SNI]

### **3 NEIGHBORHOOD IMPROVEMENT STRATEGIES**

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### **4 HOUSING**

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### **5 PUBLIC FACILITIES AND SPACES**

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**5.1 Delegation of award authority for a contract for the Artist and Craftsman Supply, Inc., retail shell improvements to the lowest responsive bidder.**

**Recommendation:** Adoption of a resolution by the Agency Board authorizing the Executive Director to award a contract for the Artist and Craftsman Supply, Inc., retail shell improvements, to the lowest responsive bidder, and establish a project contingency, for a total project funding not to exceed \$409,300. CEQA: Resolution No. 68839, PP03-01-009 [MERGED]

**5.2 Presentation of the proposed leasing criteria for the Fourth Street Garage and the proposed leasing plan.**

\* **Recommendation:** Presentation and discussion of the proposed leasing criteria for the Fourth Street Garage and authorization for the Executive Director to negotiate leases with Flames Coffee Shop, DeLaVe Corporation (Taqueria Fresca), and Lee's Sandwiches for Board approval. CEQA: Resolution No. 68839, PP03-01-009 [MERGED]

**\*5.3 Authorization to negotiate and execute an agreement with Bellecci Associates for preparation of construction documents for streetscape improvements along North and South Fifth Street and part of San Fernando Street.**

**Recommendation:** Adoption of a resolution authorizing the Executive Director to negotiate and execute an agreement with Bellecci Associates, in the amount of \$416,548, for preparation of engineered construction documents for proposed streetscape improvements along North and South Fifth Street and part of San Fernando Street, and to provide engineering and inspection services during the bidding and construction phases of project. [CIVIC PLAZA] (DROP)

**\*5.4 Approval of initial lease terms and authorization for the Executive Director to negotiate and execute a lease with MACLA for facilities located at 500 and 510 South First Street.**

**Recommendation:** Adoption of a resolution:

(a) Approving the initial lease terms for a lease between the Agency and Movimiento de Arte y Cultura Latino Americana (MACLA) for 500 and 510 South First Street; and,

(b) Authorizing the Executive Director to negotiate the final lease terms; and

(c) Authorizing the Executive Director to hold a public hearing as required pursuant to Health and Safety Code Section 33431 and, after taking into consideration any public comments, to execute the lease.

[MARKET GATEWAY]

## 6 PRIVATE DEVELOPMENT

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### 6.1 **Authorization to negotiate and execute the first amendment to the Owner Participation and Loan Agreement with the Letitia Building Limited Partnership for Agency loan assistance, for the restoration of the historic Letitia Building at 66-72 South First Street.**

**Recommendation:** Adoption of a resolution authorizing the Executive Director to negotiate and execute the first amendment to the Owner Participation and Loan Agreement with the Letitia Building Limited Partnership, to enable a restructuring of the loan, for the restoration of the historic Letitia Building at 66-72 South First Street. [CENTURY CENTER]

### 6.2 **Approval of a Master Agreement with Overland, Pacific & Cutler, Inc., for real estate and relocation coordination services.**

**Recommendation:** Approval of a Master Agreement with Overland, Pacific & Cutler, Inc., in an amount not to exceed \$700,000, for real estate and relocation coordination services, with an initial term through December 31, 2003, and options to extend through June 30, 2006. [MERGED]

### 6.3 **Approval of the first amendment to the DDA with BHV San Jose LLC, for redevelopment of the commercial site located at the southeast and southwest corners of Story and King Roads.**

**Recommendation:** Approval of the first amendment to the Disposition and Development Agreement (DDA) with BHV San Jose, LLC, which extends the Agency's right to terminate the Agreement until BHV provides an executed agreement with its equity partner, extends the time when the Developer shall enter into anchor leases to October 30, 2003, and provides the Agency with an option to amend the Project Site to exclude certain properties until October 30, 2003, and makes other technical changes. CEQA: Mitigated Negative Declaration [STORY ROAD]

## 7 JOINT REDEVELOPMENT AGENCY/COUNCIL

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### 7.1 **Approval of a Cooperation Agreement between the City and the Agency transferring the rights, title and interest in the Fallon House Gift Shop and parking area, and the Confluence East Tennis Courts.**

**Recommendation:** Adoption of resolutions by the City Council and Agency Board approving a Cooperation Agreement transferring the Agency's rights, title and interest in the Fallon House Gift Shop and parking area, and the Confluence East Tennis Courts to the City of San Jose, and authorizing the City Manager and Executive Director to execute all necessary documents. **[MERGED]**

- **Closed Session Report**
- **Open Forum - To be heard jointly with City Council Public Discussion.**
- **Adjournment**