

REDEVELOPMENT AGENCY AGENDA

OCTOBER 28, 2008

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED – CHAIR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
DAVID D. CORTESE
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
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, 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."

The Agenda following this page 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

You may provide input on agenda items 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.
- 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>. 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**

9:00 a.m. - Closed Session, Call to Order in Council Chambers

Adjourn to Closed Session in Council Chambers Conference Room W133

See Separate Agenda

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

The Agency Board agenda will normally be considered following conclusion of the Open Forum on the City Council's agenda.

- **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.

- **Closed Session Report**

- **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.

See Item 9 on the City Council Agenda for description of any City Council agendized items relating to the Redevelopment Agency.

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 CONSENT CALENDAR

2.1 Report of the Public Safety, Finance and Strategic Support Committee – September 18, 2008.

Boardmember Nguyen, Chairperson

“b.i-iii. Redevelopment Agency Monthly Financial Reports for July 2008.”

2.2 Approval of Board Meeting Minutes.

Recommendation: Approval of Redevelopment Agency Minutes for:

- (a) Regular meeting of September 23, 2008.

2.3 Report of the Rules and Open Government Committee – September 24, 2008. Chair Reed, Chairperson

- (a) Addition of new items to the September 30, 2008: Meeting cancelled.
- (b) Review October 7, 2008 Draft Agenda.
- (c) Rules Committee Reviews, Recommendations and Approvals: Property Disclosures within the SNI by Joseph Horwedel, Director of Planning and Debra Figone, City Manager.

2.4 Report of the Rules and Open Government Committee – October 1, 2008. Chair Reed, Chairperson

- (a) Review October 7, 2008 Draft Agenda.
- (b) Addition of new items to the October 14, 2008: Meeting cancelled.
- (c) Assign “Time Certain” for convening Redevelopment Agency Agenda.

2.5 Approval of amendments to two Master Agreements and related budget actions.

Recommendations:

- (a) Approval of the second amendment to the Master Agreement with HMH Engineers, Inc., in the amount of \$50,000 for a contract total not to exceed \$150,000, for construction management services with no change to the term of the agreement; and,
- (b) Approval of the second amendment to the Master Agreement with TRC Engineers, Inc., in the amount of \$100,000 for a total contract amount not to exceed \$200,000, for geotechnical and environmental services with no change to the term of the agreement; and,

2 CONSENT CALENDAR

- 2.5 (c) Adoption of a resolution adjusting the Agency's FY 2008-09 Adopted Capital Budget, adding \$150,000 to the Project Support Studies project line in the Merged Redevelopment Area and amending the FY 2008-2009 Agency appropriations resolution.
CEQA: Not a project. [MERGED]

2.6 Approval the Agency's Identity Theft Prevention Program.

Recommendation: Adoption of a resolution approving the Agency's Identity Theft Prevention Program to comply with regulations issued by the Federal Trade Commission pursuant to the Fair and Accurate Credit Transactions Act of 2003 and designation of the Executive Directors Office to provide oversight of the Identity Theft Prevention Program.

2.7 Approval of a revision to the Agency's Conflict of Interest Code

Recommendation: Adoption of a resolution approving the Agency's revised Conflict of Interest Code.

3 GENERAL

3.1 Presentation of the Quarterly Projects Status Report.

Recommendation: Acceptance of the Redevelopment Agency's Quarterly Projects Status Report for the First Quarter, FY 2008-09.

3.2 Acceptance of the final report of The Alameda NBD Parking Study.

Recommendation: Acceptance of the final report of The Alameda Neighborhood Business District Parking Study prepared by Fehr & Peers Transportation Consultants. [THE ALAMEDA NBD]

4 NEIGHBORHOOD IMPROVEMENT STRATEGIES

5 HOUSING

6 PUBLIC FACILITIES AND SPACES

- 6.1 [Approval of a Parking Lot Maintenance Agreement for Agency owned property at 938 The Alameda with the Billy DeFrank Community Center.](#)

Supplement Memo

Recommendation: Approval of a Parking Lot Maintenance Agreement for Agency owned property at 938 The Alameda with the Billy DeFrank Community Center, providing the Center with exclusive use of six parking spaces in the lot at Cleaves Avenue and The Alameda with the Center responsible for regular and routine upkeep of the entire parking lot and the payment of utilities associated with parking lot lighting for an agreement period of ten years. CEQA: Exempt. File No. PPP08-239. [THE ALAMEDA]

7 PRIVATE DEVELOPMENT

- 7.1 [Approval for the substitution of Khanna Enterprises as the hotel and restaurant operator at the Hotel Montgomery.](#)

Recommendation: Adoption of a resolution approving the substitution of Khanna Enterprises as the Hotel and Restaurant Operator at the Hotel Montgomery located at 211 South First Street, and authorizing the Executive Director to negotiate and execute any documents reasonably necessary to implement the substitution. [MERGED]

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

See item 9.1 on the City Council's Agenda, related to and "acquisition and rehabilitation of a multi-service community resource center," which will be heard and action taken only during the Council meeting that begins at 1:30 p.m. today.

CONVENE CITY COUNCIL TO CONSIDER ITEM 8.1 IN A JOINT SESSION

- 8.1 [Approval of an agreement with the San Jose Conservation Corps & Charter School for the creation of a Smart Start Center at 1560 Berger Drive.](#)

Recommendations:

- (a) Adoption of a resolution by the Redevelopment Agency Board finding that creation of a Smart Start Center at 1560 Berger Drive will be of Primary Benefit to the Rincon de Los Esteros Redevelopment Project Area.

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

- 8.1** (b) Redevelopment Agency and City Council approval of an agreement with the San Jose Conservation Corps & Charter School, a California Non-Profit Corporation, in the amount of \$600,000, for improvements to the property located at 1560 Berger Drive for the creation of a Smart Start Center providing 82 childcare spaces to be operated under Smart Start San Jose standards.

CEQA: Mitigated Negative Declaration, File No. CP06-004. **[RINCON DE LOS ESTEROS]** (Deferred from 10/21/08, City Council Agenda, Item 9.1)

8.2 Approval of actions related to the development of market rate housing on the North San Pedro Housing Project site.
SUPPLEMENTAL MEMO

Recommendation:

- (a) Redevelopment Agency Board approval of an assignment of the Disposition And Development Agreement (DDA) from the Olson Company to Intracorp San Francisco (name changed to North San Pedro Townhomes, LLC); and,
- (b) Adoption of a resolution by the City Council approving the sale of certain sites located on Agency-owned property generally located in the blocks bounded by Highway 87 to the west, West Saint James Street to the south, North Market Street to the east and a Union Pacific Railroad right of way to the north to Intracorp, accepting the 33433 Summary Report and Re-Use Valuation, and finding that the sale of the property will assist in the elimination of blight, is consistent with the Implementation Plan for the Julian Stockton Redevelopment Project Area, and that the consideration for the property is not less than the fair reuse value for the proposed use, with the covenants and conditions and development costs authorized by the DDA; and,
- (c) Redevelopment Agency Board approval of an Amended and Restated Disposition and Development with Intracorp San Francisco (name changed to North San Pedro Townhomes, LLC) and authorizing the Executive Director to execute ancillary documents contemplated by the DDA, to close escrow subject to compliance with the terms of the DDA, and to negotiate and execute amendments to the DDA substantially in conformance with the intent of the DDA and as reasonably necessary to conform to lender requirements; and,

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

- 8.2 (d) Adoption of a resolution by the City Council approving the sale of certain sites located on Agency-owned property generally located in the blocks bounded by Highway 87 to the west, West Saint James Street to the south, North Market Street to the east and a Union Pacific Railroad right of way to the north, to Barry Swenson Builder (Swenson), accepting the 33433 Summary Report and Re-Use Valuation and finding that the sale of the property will assist in the elimination of blight, is consistent with the Implementation Plan for the Julian-Stockton Redevelopment Project Area and that the consideration for the property is not less than the fair reuse value for the proposed use, with the covenants and conditions and development costs authorized by the Disposition and Development Agreement; and,
- (e) Redevelopment Agency Board approval of an Amended and Restated Disposition and Development Agreement with Swenson and authorizing the Executive Director to execute ancillary documents contemplated by the DDA, to close escrow subject to compliance with the terms of the DDA, and to negotiate and execute amendments to the DDA substantially in conformance with the intent of the DDA and as reasonably necessary to conform to lender requirements.

CEQA: Resolution No: 72170, File no GPT03-03-01a and GP03-03-01b
Brandenburg Mixed Use Project/ North San Pedro Housing Sites. [JULIAN-STOCKTON]

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.