



# REDEVELOPMENT AGENCY BOARD

## MINUTES

**DECEMBER 16, 2008**

PETE CONSTANT  
FORREST WILLIAMS  
SAM T. LICCARDO  
KANSEN CHU  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3    CHUCK REED – CHAIR  
DISTRICT 4  
DISTRICT 5

PIERLUIGI OLIVERIO    DISTRICT 6  
MADISON P. NGUYEN    DISTRICT 7  
DAVID D. CORTESE    DISTRICT 8  
JUDY CHIRCO    DISTRICT 9  
NANCY PYLE    DISTRICT 10



## Call to Order and Roll Call

10:46 a.m. - Regular Session, Council Chambers, City Hall

Absent: None.

- Open Forum
- Closed Session Report

None.

- Orders of the Day

The Orders of the Day were approved. Item 8.1 to be heard following the Consent Calendar. (10-0-1) Absent: Liccardo.

## 1 CEREMONIAL ITEMS

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None

## 2 CONSENT CALENDAR

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### 2.1 Approval of Board Meeting Minutes.

**Recommendation:** Approval of Redevelopment Agency Minutes for the Regular meeting of November 18, 2008.

Documents Filed: Regular minutes of November 18, 2008.

Action: The Redevelopment Agency minutes were approved. (10-0-1) Absent: Liccardo.

### 2.2 Approval of contract amendments with two firms for Facade Improvement Program services.

**Recommendations:**

- (a) Approval of the first amendment to the Amended and Restated Agreement with Studio "S Squared" Architects, for architectural services and construction administration service for the Facade Improvement Program, reducing the overall compensation from \$770,000 to \$650,000 and extending the term of the agreement through June 30, 2010.

*(Item continued on the next page)*

## 2 CONSENT CALENDAR

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(Cont'd)

- 2.2 (b) Approval of the first amendment to the Amended and Restated Agreement with Edwin Bruce Associates Architects for architectural services and construction administration service for the Facade Improvement Program, extending the term through June 30, 2010, with no additional funding.  
CEQA: Not a project. [MERGED]

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated December 4, 2008, recommending: (a) approval of the first amendment to the Amended and Restated Agreement with Studio "S Squared" Architects; and, (b) approval of the first amendment to the Amended and Restated Agreement with Edwin Bruce Associates Architects.

Action: The Redevelopment Agency Board approved the first amendment to the Amended and Restated Agreement with Studio "S Squared" Architects and the first amendment to the Amended and Restated Agreement with Edwin Bruce Associates Architects. (10-0-1) Absent: Liccardo.

- 2.3 **Approval of the fourth amendment to the agreement with Alliance Engineering Consultants, Inc., for the Transit Mall Pedestrian Lighting project**

**Recommendations:** Approval of the fourth amendment to the agreement with Alliance Engineering Consultants, Inc., for design, bidding and construction administration services for the Transit Mall Pedestrian Lighting project, extending the term of the agreement by one year through December 31, 2009, at no additional cost. CEQA: Resolution No. 72767, File No. PP08-274. [MERGED]

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated December 4, 2008, recommending approval of the fourth amendment to the agreement with Alliance Engineering Consultants, Inc.

Action: Deferred to January 13, 2009. (11-0)

## 2 CONSENT CALENDAR

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### 2.4 Approval of a Facade Improvement Program Grant Agreement with Empire California Investment, LLC, for the building located at 499 N. 11<sup>th</sup> Street.

**Recommendation:** Approval of a Facade Improvement Program Grant Agreement with Empire California Investment, LLC, in the amount of \$132,000, including a construction contingency in the amount of \$12,000, for non-structural facade improvements to the building located at 499 North 11<sup>th</sup> Street. CEQA: Exempt, File No. CP08-024 [MERGED]

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated December 4, 2008, recommending approval of a Facade Improvement Program Grant Agreement with Empire California Investment, LLC, for non-structural facade improvements to the building located at 499 North 11<sup>th</sup> Street.

Action: The Redevelopment Agency Board approved the Facade Improvement Program Grant Agreement with Empire California Investment, LLC. (10-0-1)  
Absent: Liccardo.

## 8 JOINT REDEVELOPMENT AGENCY/COUNCIL

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*Items 9.2 – 9.4 on the City Council's Agenda relating to "North San Jose Area Development Policy," "City Council and Redevelopment Agency Committee appointment," and the "appointment of Councilmember-elect Rose Herrera," were heard during the Council meeting that began at 10:30 a.m. today and Item 9.1 was deferred.*

**The City Council convened at 10:52 a.m. to consider Item 8.1 in a Joint Session.**

### 8.1 Adoption of resolutions pertaining to the Agency's FY 2008-2009 Capital Budget and Two-Year Spending Plan.

**Recommendations:** Adoption of resolutions by the City Council and Agency Board pertaining to the Agency's annual budgets and public improvements as follows:

*(Item continued on the next page)*

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

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*(Cont'd)*

- 8.1 (a) Adoption of resolutions by the Redevelopment Agency Board:
- (1) Amending the FY 2008-2009 Appropriations Resolution and Revenue Resolution to reflect various modifications to the FY 2008-2009 Revenue, Capital Budget; and,
  - (2) Adopting a Two-Year Spending Plan ending FY 2009-2010.
- (b) Adoption of a resolution by the City Council making certain determinations regarding the expenditure of Agency funds on public improvements in the FY 2008-09 Capital Budget.

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes dated December 11, 2008, recommending: a) adoption of resolutions by the Redevelopment Agency Board, (1) amending the FY 2008-2009 Appropriations Resolution and Revenue Resolution to reflect various modifications to the FY 2008-2009 Revenue, Capital Budget; and (2) adopting a Two-Year Spending Plan ending FY 2009-2010; and (b) adoption of a resolution by the City Council making certain determinations regarding the expenditure of Agency funds on public improvements in the FY 2008-09 Capital Budget.

Actions: Agency Resolutions 5878 and 5879 adopted. Council Resolution 74714 adopted. (11-0).

## **3 GENERAL**

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## **4 NEIGHBORHOOD IMPROVEMENT STRATEGIES**

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## **5 HOUSING**

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## 6 PUBLIC FACILITIES AND SPACES

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### 6.1 Approval of an amendment with LMN Architects for the Convention Center.

**Recommendation:** Approval of an Amended and Restated Agreement with LMN Architects, adding \$5,128,000, for a total contract amount of \$10,678,000, to complete the design development of a proposed expansion of the San Jose Convention Center, update the cost estimate based on design development, produce the necessary design documents and provide bid support and contract administration support for the proposed demolition of the former Martin Luther King Jr. Library building and for the proposed replacement of the roofing for the existing Convention Center, produce the necessary design documents for the proposed site utilities, earthwork, piles and associated foundation work, and extending the term of the agreement by one year through December 31, 2010. CEQA: Resolution No. 72767. [MERGED]

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated December 2, 2008, recommending approval of an Amended and Restated Agreement with LMN Architects, adding \$5,128,000, for a total contract amount of \$10,678,000, to complete the design development of a proposed expansion of the San Jose Convention Center. Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated December 15, 2008, recommending approval of an Amended and Restated Agreement with LMN Architects, adding \$1,000,000 for a total contract amount of \$6,550,000, and directing staff to limit design services expenditures to this amount until staff receives further direction from the Agency Board, to be set on a future agenda after the January 13, 2009, meeting.

Action: Agency Resolution 5880 was adopted, authorizing the Executive Director to negotiate and execute an Amended and Restated Agreement with LMN Architects, adding \$1,000,000, for a total contract amount of \$6,550,000, and directing staff to limit design services expenditures to this amount until staff receives further direction from the Agency Board. (11-0).

## 6 PUBLIC FACILITIES AND SPACES

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### 6.2 Approval of the first amendment to the agreement with ELS Architecture and Urban Design for the Civic Auditorium and Montgomery Theatre.

**Recommendations:** Approval of the first amendment to the agreement with ELS Architecture and Urban Design, in the amount of \$503,900, for a total contract amount not to exceed \$900,000, for continued architectural design services for the Civic Auditorium and Montgomery Theatre Rehabilitation Project. CEQA: Not a project. [PARK CENTER]

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated December 4, 2008, recommending approval of the first amendment to the agreement with ELS Architecture and Urban Design.

Action: The Redevelopment Agency Board approved the first amendment to the agreement with ELS Architecture and Urban Design. (11-0).

## 7 PRIVATE DEVELOPMENT

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### 7.1 Amendment of the Signage Grant Program.

**Recommendation:** Adoption of a resolution amending the Signage Grant Program to include an additional covenant for businesses located in buildings that have received Facade Improvement Program (FIP) grants and are now eligible for a Signage Grant. CEQA: Not a project. [MERGED]

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated December 4, 2008, recommending adoption of a resolution modifying the covenants and eligibility requirements to permit buildings that have received a FIP grant within the last seven years to be eligible to receive a Signage Grant. Supplemental memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated December 12, 2008, recommending adoption of a resolution amending the Signage Grant Program to include an additional covenant for businesses located in buildings that have received FIP grants and are now eligible for a Signage Grant.

Action: Agency Resolution 5881 adopted. (11-0).

## **8 JOINT REDEVELOPMENT AGENCY/COUNCIL (Cont'd)**

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### **8.2 Acceptance of the Annual Report of Financial Transactions of Community Redevelopment Agencies.**

**Recommendation:** Acceptance by the City Council and Agency Board of the Annual Report of Financial Transactions of community redevelopment agencies for FY 2007-08 for the purpose of forwarding the annual report to the State Controller, in accordance with Community Redevelopment Law, Section 33080.1.

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated December 4, 2008, recommending acceptance by the City Council and Agency Board of the Annual Report of Financial Transactions of community redevelopment agencies for FY 2007-08 for the purpose of forwarding the annual report to the State Controller, in accordance with Community Redevelopment Law, Section 33080.1.

Action: The City Council and Agency Board accepted the Annual Report of Financial Transactions of community redevelopment agencies for FY 2007-08. (11-0).

### **8.3 Approval of amendments to Cooperation Agreements for the loan of Agency employees to the City.**

**Recommendation:** City Council and Redevelopment Agency Board approval of:

- (a) The second amendment to the Cooperation Agreement between the Redevelopment Agency and the City of San Jose, extending the term for the loan and employment of an Agency employee to the Office of the Mayor to serve as Senior Policy Advisor, Economic Development and Land Use by one year; and,
- (b) The second amendment to the Cooperation Agreement between the Redevelopment Agency and the City of San Jose, extending the term for the loan and employment of an Agency employee to the Office of the Mayor to serve as Schedule Coordinator by one year.

CEQA: Not a project.

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## 8 JOINT REDEVELOPMENT AGENCY/COUNCIL

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*(Cont'd)*

- 8.3 Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated December 4, 2008, recommending Redevelopment Agency and City Council approval of (a) the second amendment to the Cooperation Agreement between the Redevelopment Agency and the City of San Jose, extending the term for the loan and employment of an Agency employee to the Office of the Mayor to serve as Senior Policy Advisor, Economic Development and Land Use by one year; and, (b) the second amendment to the Cooperation Agreement between the Redevelopment Agency and the City of San Jose, extending the term for the loan and employment of an Agency employee to the Office of the Mayor to serve as Schedule Coordinator by one year.

Action: The City Council and Agency Board approved (a) the second amendment to the Cooperation Agreement between the Redevelopment Agency and the City of San Jose, extending the term for the loan and employment of an Agency employee to the Office of the Mayor to serve as Senior Policy Advisor, Economic Development and Land Use by one year; and, (b) the second amendment to the Cooperation Agreement between the Redevelopment Agency and the City of San Jose, extending the term for the loan and employment of an Agency employee to the Office of the Mayor to serve as Schedule Coordinator by one year. (11-0).

- 8.4 **Actions related to a Cooperation Agreement between the City and the Redevelopment Agency leading to expansion of the current Enterprise Zone.**

**Recommendations:** It is recommended that,

- (a) The City Council adopt a resolution authorizing the City Manager to negotiate and execute a Cooperation Agreement with the Redevelopment Agency, allowing the Executive Director of the Agency to complete and submit an application to the State Housing and Community Development Department to expand the current Enterprise Zone and authorizing the Redevelopment Agency to administer the Enterprise Zone on behalf of the City.

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## 8 JOINT REDEVELOPMENT AGENCY/COUNCIL

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(Cont'd)

- 8.4 (b) The Redevelopment Agency Board adopt a resolution authorizing the Executive Director to negotiate and execute a Cooperation Agreement with the City of San Jose, allowing the Redevelopment Agency to complete and submit an application to the State Housing and Community Development Department and to administer the Enterprise Zone on behalf of the City, and making certain findings required by redevelopment law.

CEQA: [MERGED]

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes and City Manager Debra Figone , dated December 11, 2008, recommending that (a) the City Council adopt a resolution authorizing the City Manager to negotiate and execute a Cooperation Agreement with the Redevelopment Agency, allowing the Executive Director of the Agency to complete and submit an application to the State Housing and Community Development Department to expand the current Enterprise Zone and authorizing the Redevelopment Agency to administer the Enterprise Zone on behalf of the City; and, (b) the Redevelopment Agency Board adopt a resolution authorizing the Executive Director to negotiate and execute a Cooperation Agreement with the City of San Jose, allowing the Redevelopment Agency to complete and submit an application to the State Housing and Community Development Department and to administer the Enterprise Zone on behalf of the City, and making certain findings required by redevelopment law.

Action: Council Resolution 74715 adopted. Agency Resolution 5882 adopted. (11-0).

**The City Council portion of the meeting adjourned at 10:56 a.m.**

- **Adjournment**  
**The Redevelopment Agency Board adjourned at 10:56 a.m.**

ATTEST:

  
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**HARRY S. MAVROGENES, SECRETARY**