



REDEVELOPMENT AGENCY BOARD

MINUTES

SEPTEMBER 14, 2010

**PETE CONSTANT
ASH KALRA
SAM T. LICCARDO
KANSEN CHU
NORA CAMPOS**

**DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5**

CHUCK REED – CHAIR

**PIERLUIGI OLIVERIO
MADISON P. NGUYEN
ROSE HERRERA
JUDY CHIRCO
NANCY PYLE**

**DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10**

Call to Order and Roll Call

5:11 p.m. - Regular Session, Council Chambers, City Hall

Absent: Constant.

- Open Forum
- Closed Session Report
- Orders of the Day

The Orders of the Day were approved. (8-0-3) Absent: Constant, Campos, Chu.

1 CEREMONIAL ITEMS

None

2 CONSENT CALENDAR

2.1 Approval of Minutes.

- (a) Approval of Redevelopment Agency Minutes for the Regular meeting of August 10, 2010.

Documents Filed: Regular minutes of August 10, 2010.

Action: The Redevelopment Agency minutes of August 10, 2010, were approved. (8-0-3) Absent: Constant, Campos, Chu.

2.2 Approval of Council/Board Committee Reports.

- (a) Report of the Public Safety, Finance and Strategic Support Committee – August 19, 2010. (Nguyen)
- (b) Report of the Rules and Open Government Committee – July 28, 2010. (Mayor)
- (c) Report of the Rules and Open Government Committee – August 4, 2010. (Mayor)
- (d) Report of the Rules and Open Government Committee – August 11, 2010. (Mayor)
- (e) Report of the Rules and Open Government Committee – August 18, 2010. (Mayor)
- (f) Report of the Rules and Open Government Committee – August 25, 2010. (Mayor)

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2 CONSENT CALENDAR

(Cont'd)

- 2.2 Documents Filed:** Report of the Public Safety, Finance and Strategic Support Committee of August 19, 2010, and reports of the Rules and Open Government Committee meetings of July 28, August 4, 11, 18, and 25, 2010.

Action: The report of the Public Safety, Finance and Strategic Support Committee of August 19, 2010, and reports of the Rules and Open Government Committee meetings for July 28, August 4, 11, 18, and 25, 2010, were approved. (8-0-3)
Absent: Constant, Campos, Chu.

3 GENERAL

- 3.1 Approval of the calendar for the FY 2010-11 Proposed Operating and Capital Budget.**

Recommendation: Approval of the Redevelopment Agency's FY 2010-11 Proposed Operating and Capital Budget processing calendar. CEQA: Not a project. [Rules and Open Government Committee referral, 8/18/10 – Item H(2)]
[MERGED]

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated September 1, 2010, recommending approval of the Agency's FY 2010-11 Proposed Operating and Capital Budget processing calendar.

Action: The Agency's FY 2010-11 Proposed Operating and Capital Budget processing calendar was approved. (10-0-1) **Absent:** Constant.

4 NEIGHBORHOOD IMPROVEMENT STRATEGIES

None

5 HOUSING

None

6 PUBLIC FACILITIES AND SPACES

6.1 Approval to increase the construction contingency for the Civic Auditorium project by reallocating funds from the Montgomery Theatre line.

Recommendation: It is recommended that the Redevelopment Agency Board adopt resolutions:

- (a) Approving an increase to the construction contingency amount for the construction contract with Garden City Construction, in the amount of \$400,000, for a total contingency amount of \$874,430, to enable the installation of new Heating Ventilation and Air Conditioning units on the Montgomery Theatre, with no overall budget increase.
- (b) Approving an adjustment to the Agency's Adopted FY 2010-11 Capital Budget to reallocate \$400,000 from the Montgomery Theatre line to the Civic Auditorium line in the Park Center Plaza Redevelopment Area.

CEQA: Categorically Exempt, File No. PP10-156. **[PARK CENTER PLAZA]**

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated September 2, 2010, recommending adoption of resolutions: (a) approving an increase to the construction contingency amount for the construction contract with Garden City Construction, and (b) approving an adjustment to the Agency's Adopted FY 2010-11 Capital Budget.

Action: Agency Resolutions No. 5983 and 5894 were adopted. (9-1-1) NOES: Campos. Absent: Constant.

6.2 Public Hearings and approval of lease agreements for the Block 6 Garage.

Recommendation: Redevelopment Agency Board Public Hearings on approval of a ten-year lease agreement with Camera 3 (288 S. Second Street) and a one-year lease amendment with FedEx Office (93 E. San Carlos Street), collectively the Block 6 retail space, and following the hearings:

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6 PUBLIC FACILITIES AND SPACES

(Cont'd)

- 6.2 (a) Approval of a ten-year lease agreement with Camera 3 for Agency-controlled retail space located at 288 S. Second Street, with quarterly rent of 5% of gross revenues and 10% of gross lease income from landlord-approved subtenants for years 1-2 and 15% for years 8-10.
- (b) Approval of a one-year lease amendment at a monthly base rent of \$8,620, with FedEx Office for Agency-controlled retail space located at 93 E. San Carlos Street.

CEQA: Exempt. File No. PP07-082. [SAN ANTONIO PLAZA]

Documents Filed: Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes, dated September 2, 2010, recommending: (a) approval of a ten-year lease agreement with Camera 3 for Agency-controlled retail space located at 288 S. Second Street, and (b) approval of a one-year lease amendment at a monthly base rent of \$8,620, with FedEx Office for Agency-controlled retail space located at 93 E. San Carlos Street.

Action: Public Hearings were conducted on the proposed approval of a ten-year lease agreement with Camera 3 and a one-year lease amendment with FedEx Office. A ten-year lease agreement with Camera 3 for Agency-controlled retail space located at 288 S. Second Street and a one-year lease amendment with FedEx Office for Agency-controlled retail space located at 93 E. San Carlos Street were approved. (10-0-1) Absent: Constant.

7 PRIVATE DEVELOPMENT

None

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

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

8.1 Approving the award of a construction contract the San Jose Municipal Stadium Transformer Replacement Project and related budget actions.

Recommendations:

- (a) Adoption of resolutions by the Agency Board:
 - (i) Awarding a construction contract to Devcon Construction Inc., the low bidder, in the amount of \$308,708, for construction of the San Jose Municipal Stadium Transformer Replacement Project, and authorizing a construction contingency in the amount of \$30,000, approximately 10% of the contract amount, for a total funding authorization of \$338,708; and,
 - (ii) Approving an adjustment to the FY 2010-11 Adopted Capital Budget, adding \$75,000 to the Municipal Stadium Project line in the Merged Area and amending the FY 2010-11 Agency appropriations resolution.

- (b) Adoption by the City Council of the following 2010-2011 Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund:
 - (i) Increase the Beginning Fund Balance in the amount of \$54,843; and
 - (ii) Establish a Transfer to the Redevelopment Agency for San Jose Municipal Stadium Transformer Replacement Project in the amount of \$54,843.

- (c) Adoption by the City Council of the following 2010-2011 Appropriation Ordinance amendments in the General Fund:
 - (i) Decrease the Capital Improvements General Services Department Unanticipated/Emergency Maintenance appropriation in the amount of \$20,157; and,
 - (ii) Establish a Transfer to the Redevelopment Agency for San Jose Municipal Stadium Transformer Replacement Project in the amount of \$20,157.

CEQA: Exempt, File No. PP10-098. [SNI]

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8 JOINT REDEVELOPMENT AGENCY/COUNCIL

(Cont'd)

- 8.1 Documents Filed:** Memorandum from Executive Director of Redevelopment Agency Harry S. Mavrogenes and City Manager Debra Figone, dated September 2, 2010, recommending: (a) adoption of resolutions by the Agency Board awarding a construction contract to Devcon Construction Inc., for construction of the San Jose Municipal Stadium Transformer Replacement Project, and approving an adjustment to the FY 2010-11 Adopted Capital Budget; (b) adoption by the City Council of the following 2010-2011 Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund: (i) increase the Beginning Fund Balance in the amount of \$54,843; and (ii) establish a Transfer to the Redevelopment Agency for San Jose Municipal Stadium Transformer Replacement Project in the amount of \$54,843; and (c) adoption by the City Council of the following 2010-2011 Appropriation Ordinance amendments in the General Fund: (i) decrease the Capital Improvements General Services Department Unanticipated/Emergency Maintenance appropriation in the amount of \$20,157; and, (ii) establish a Transfer to the Redevelopment Agency for San Jose Municipal Stadium Transformer Replacement Project in the amount of \$20,157.

Action: Agency Resolutions No. 5983 and 5894 were adopted. Ordinance No. 28812 and No. 28813 were adopted. Council Resolution No. 75559 was adopted. (9-1-1) NOES: Liccardo. Absent: Constant.

The City Council portion of the meeting adjourned at 5:16 p.m.

- **Adjournment**

The Redevelopment Agency Board adjourned at 5:16 p.m.

ATTEST:



HARRY S. MAVROGENES, SECRETARY