

REDEVELOPMENT AGENCY AMENDED AGENDA

JANUARY 25, 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

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 but that is within the subject matter jurisdiction of the Redevelopment Agency Board., 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.”

This Agenda 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

Items listed in Section 8 require approval of both the Redevelopment Agency Board and the City Council. **You may provide input on any agenda item 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, which is located to the left of the City Clerk’s table.
- 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.htm>. 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**
9:30 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
- **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.
- **Orders of the Day**
See Item 9 on the City Council Agenda for description of any City Council agendized items relating to the Redevelopment Agency.
THE REDEVELOPMENT AGENCY AGENDA WILL BE HEARD IMMEDIATELY FOLLOWING COMPLETION OF THE CONSENT CALENDAR ITEMS ON THE CITY COUNCIL'S AGENDA.
- **Closed Session Report**

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 may be removed from the Consent Calendar and considered separately.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

- (a) Approval of Redevelopment Agency Minutes for the Regular meeting of December 7, 2010.
- (b) Approval of Redevelopment Agency Minutes for the Regular meeting of December 14, 2010.

2.2 Approval of Council/Board Committee Reports.

- (a) Report of the Rules and Open Government Committee – December 1, 2010. (Mayor)
- (b) Report of the Rules and Open Government Committee – December 8, 2010. (Mayor)
- (c) Report of the Rules and Open Government Committee – December 15, 2010. (Mayor)
- (d) Report of the Public Safety, Finance and Strategic Support Committee – December 16, 2010. (Nguyen)

3 GENERAL

3.1 Report of the Executive Director, Harry S. Mavrogenes (Verbal Report)

3.2 Approval of the Redevelopment Agency's revised Conflict of Interest Code

Recommendation: Adoption of a resolution amending the Conflict of Interest Code for the Redevelopment Agency of the City of San Jose. CEQA: Not a project. [MERGED]

3.3 Approval of an agreement with Keyser Marston Associates, Inc., for financial consulting services.

Recommendations Approval of an agreement with Keyser Marston Associates, Inc., in an amount not to exceed \$120,000, for real estate and financial consulting services. CEQA: Not a project. [MERGED]

4 NEIGHBORHOOD IMPROVEMENT STRATEGIES

5 HOUSING

6 PUBLIC FACILITIES AND SPACES

7 PRIVATE DEVELOPMENT

7.1 [Approval of an amendment to the agreement with AECOM for environmental monitoring services.](#)

- * **Recommendations:** Approval of the [ninth amendment to the agreement with AECOM](#) (formerly Earth Tech, Inc.), in the amount of \$56,036 for a total agreement amount not to exceed \$502,489, for ongoing environmental monitoring and reporting services for the Adobe Systems Phase II sites at 345 Park Avenue and 151 Almaden Boulevard, and extending the term of the agreement by one year to February 28, 2012. CEQA: Downtown Strategy EIR, Resolution No. 72767. **[PARK CENTER PLAZA]**

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

See items 9.1 – 9.3 on the City Council's Agenda related to “Confirmation of Vice Mayor and Vice Chair”, “Good Neighbor Committee Recommendations”, and the “Diridon Station Area Master Plan”, 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 ITEMS 8.1 – 8.4 IN A JOINT SESSION

8.1 **Discussion of proposed State budget actions and impacts to Redevelopment Agency budgeting.**

Recommendation:

- (a) [Acceptance of the Agency’s Financial Progress Report;](#)
 - (b) Discussion of proposed State budget actions and impacts to Redevelopment Agency and City of San Jose budgets; and,
 - (c) Direction to Agency and City Administrations.
- CEQA: Not a project. **[MERGED]**

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

8.2 Approval of a Capital Equipment and Assistance Agreement and a Participation Agreement with Maxim.

*** Recommendations:**

- (a) Adoption of a resolution by the Redevelopment Agency Board authorizing the Executive Director to negotiate and execute a Capital Equipment and Assistance Agreement with Maxim Integrated Products, Inc., and the City of San Jose, in which the Redevelopment Agency will provide an amount not to exceed \$500,000 for the acquisition of industrial and manufacturing equipment to be installed at Maxim's new global headquarters and existing fabrication facility in the Rincon de Los Esteros Redevelopment Project Area; and making certain findings as required by California redevelopment law.
- (b) Adoption of a resolution by the City Council authorizing the City Manager to:
 - (1) Negotiate and execute a Capital Equipment and Assistance Agreement with Maxim and the Redevelopment Agency, in which the City will provide an amount not to exceed \$500,000 for the acquisition of equipment to be installed at Maxim's new headquarters and existing fabrication facility in San Jose, and for payment of fees and taxes associated with Maxim's relocation and expansion; and,
 - (2) Negotiate and execute a Participation Agreement with Maxim that will provide funding in an amount equal to 50% of the City's 5% of net new utilities taxes generated by Maxim's new headquarters facility for five consecutive years.

CEQA: Not a Project, File No. PP10-066(a). **[RINCON DE LOS ESTEROS]**

8.3 Approval of a Capital Equipment and Assistance Agreement with SunPower.

*** Recommendations:**

- (a) Adoption of a resolution by the Redevelopment Agency Board authorizing the Executive Director to negotiate and execute a Capital Equipment and Assistance Agreement with SunPower Corporation and the City of San Jose, in which the Agency will provide an amount not to exceed \$500,000 for the acquisition of industrial and manufacturing equipment to be installed at SunPower's new global headquarters in the Rincon de Los Esteros Redevelopment Project Area; and making certain findings as required by California redevelopment law.

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

- 8.3** (b) Adoption of a resolution by the City Council authorizing the City Manager to:
- (1) Negotiate and execute a Capital Equipment and Assistance Agreement with SunPower and the Redevelopment Agency, in which the City will provide an amount not to exceed \$500,000 for the acquisition of equipment to be installed at SunPower's new headquarters in San Jose
 - (2) Negotiate and execute a Participation Agreement with SunPower that will provide funding in an amount equal to 50% of the City's 5% of net new utilities taxes received from SunPower for five consecutive years, and 50% of the City's 1% of net new sales taxes received from SunPower for five consecutive years.

CEQA: Not a Project, File No. PP10-066(a). **[RINCON DE LOS ESTEROS]**

CONVENE CITY FINANCING AUTHORITY TO CONSIDER ITEM 8.4 IN A JOINT SESSION

- 8.4** **In response to the Governor's proposed State budget package and proposals for FY 2011-12, which include recommending the elimination of redevelopment agencies "to realign the delivery of state services to counties and local governments" and eliminate a projected State deficit of \$25.4 billion, the City Manager and Agency Executive Director recommend the following actions intended to provide flexibility to fund the Agency's existing debt obligations and to reaffirm the Agency's obligations and appropriation of funding for its previously approved FY 2010-11 Operating Budget, its Three-Year Capital Improvement Plan and other contractual obligations.**

*** Recommendation:**

- (a) City Council and Agency Board by motion, makes a good faith, reasonable determination by a 2/3 vote of the body that an issue has arisen that must be resolved in less than 4 days.

[Action taken at Special Meeting on Jan 19, 2011.]

8 JOINT REDEVELOPMENT AGENCY/COUNCIL

- 8.4 (b) Adoption of resolutions by the Agency Board and City Council authorizing the Executive Director and City Manager to negotiate and execute a Cooperation Agreement between the City of San Jose and the San Jose Redevelopment Agency relating to funding certain Redevelopment Agency capital improvements, public improvements and obligations located within currently designated redevelopment project areas.

(Deferred from 1/19/11)

[DEFER TO FEBRUARY 1, 2011]

- (c) Adoption of resolutions by the Agency Board, the San Jose Financing Authority Board and the City Council authorizing the Agency Executive Director, the City Manager, the Executive Director of the Financing Authority and the Housing Department Director to negotiate and execute agreements necessary to protect and secure existing obligations and to acquire, construct, develop and implement projects specified in the Agency and City's approved capital improvement plan and City's five-year affordable housing plan as specified herein.

[Action taken at Special Meeting on Jan 19, 2011.]

- 8.4 (d) Adoption of a resolution by the City Council making certain findings and determinations as may be necessary.

[RECOMMENDED TO BE DROPPED]

- (e) Adoption of resolutions by the Agency Board and City Council authorizing the Director of Housing to negotiate and execute agreements in the amount of \$1.43 million of Low- and Moderate-Income Housing funds (20% funds) to Eden Housing or its affiliate for the Ford & Monterey Special Needs Housing Project (Project) in order to meet federal Stimulus (NSP2) timeframes; and make a finding that the use of 20% Low- and Moderate-Income Housing Funds outside a redevelopment project area for the affordable housing to be provided by the Project and its Phase II benefits the Agency's redevelopment project areas.

[Action taken at Special Meeting on Jan 19, 2011.]

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.