

MINUTES OF THE CITY OF SAN JOSÉ/REDEVELOPMENT AGENCY BOARD

SAN JOSE, CALIFORNIA

TUESDAY, JUNE 8, 2004

The Council of the City of San José convened in Joint Session with the Redevelopment Agency Board at 2:48 p.m. in City Council Chambers at City Hall.

Present: Council Members: Campos, Chavez, Chirco, Cortese, Dando, Gregory, LeZotte, Reed, Williams, Yeager; Gonzales.

Absent: Council Members: None.

- 7.1 (a) Adoption of a resolution by the City Council:**
- (1) Making certain determinations required by the Redevelopment Law related to Agency funding of a public improvement, specifically the Temporary Convention Center Expansion Project; and,**
 - (2) Authorizing the City Manager to negotiate and execute an agreement with the Redevelopment Agency to transfer the structure upon project completion.**
- (b) Adoption of resolutions by the Agency Board:**
- (1) Approving the addition of a Temporary Convention Center Expansion Project line to the Adopted FY 2003-2004 Capital Budget in the amount of \$6,600,000 in the Merged Redevelopment Area, and amending the FY 2003-2004 Agency appropriations resolution.**
 - (2) Awarding a construction contract for construction of the Expansion Project to Garden City Construction, the low bidder, in the amount of \$4,660,478, and establishing a construction contingency in the amount of \$233,024 for a total construction cost not to exceed \$4,893,502, for the San José McEnery Convention Center Temporary Expansion Project.**
 - (3) Authorizing the Executive Director to determine the lowest responsive and responsible bidder and award of contract for the construction of site preparation and improvements for the San José McEnery Convention Center Temporary Expansion Project, and to establish a contract contingency for up to 15%, as long as the construction contract and contingency do not exceed \$1,217,000; and,**
 - (4) Authorizing the Executive Director to negotiate and execute ancillary agreements with public utility companies, in an aggregate amount not to exceed \$180,000, for services required for the project; and,**
 - (5) Authorizing the Executive Director to negotiate and execute an agreement with the City for the transfer of ownership and operation of the temporary structure upon project completion.**

- 7.1 (c) **Approval by the Agency Board of agreements with:**
- (1) **Ellerbe Becket, Inc., in an amount not to exceed \$70,000, for professional architectural design and engineering services.**
 - (2) **Bellecci and Associates, Inc., in an amount not to exceed \$45,000, for professional civil engineering services.**
 - (3) **Alliance Engineering Consultants, Inc., in an amount not to exceed \$71,000, for professional electrical design services.**
 - (4) **Zahn Group, Inc., in an amount not to exceed \$65,000, for professional construction management services.**

CEQA: Mitigated Negative Declaration File Number CP04-028. [MONTEREY CORRIDOR]

Documents Filed: None.

Action: This item was deferred to June 15, 2004.

7.2 **Adoption of resolutions:**

- (a) **By the City Council and Agency Board accepting the summary of costs and findings of the enclosed Amended Summary 33433 Report, pursuant to the California Health and Safety Code Section 33433, for the planned 38 to 42 unit for-sale residential project, and that the consideration for the site is not less than the fair reuse value, and,**
- (b) **By the Agency Board approving the First Amendment to the Disposition and Development Agreement and authorizing the Executive Director to execute ancillary documents as contemplated by the First Amendment DDA, and to negotiate and execute additional amendments to this amended DDA substantially in conformance with the intent of the First Amendment DDA as reasonably necessary to comply with lender restrictions.**

CEQA: Resolution No. 68839 PDC02-077 [SNI: 13th Street]

Documents Filed: None.

Public Comments: Mark Roy spoke in opposition

Action: This item was deferred to 6/29/04. Disqualified: Gonzales, due to conflict of interest.

7.3 **Award of a construction contract for the Meadowfair Park Project.**

Recommendation:

- (1) **Adoption of a resolution by the City Council making certain determinations required by Redevelopment Law for Redevelopment Agency funding of Public Improvements; and,**
- (2) **Approval by the City Council of a Cooperation Agreement with the Redevelopment Agency providing for the City's contribution of \$450,000 towards the Agency's construction of the Meadowfair Park Project; and,**

7.3 Award of a construction contract for the Meadowfair Park Project. (Cont'd.)

Recommendation:

- (3) Adoption by the City Council of the following appropriation Ordinance amendments in Council District 8 Construction and Conveyance Tax Fund:
 - (a) Establishing a transfer to the Redevelopment Agency in the amount of \$123,000 for the Meadowfair Park project; and,**
 - (b) Decreasing the Ending Funding Balance by \$123,000.****
- (4) Adoption by the City Council of the following Appropriation Ordinance amendments in the Park Trust Fund:
 - (a) Establishing a transfer to the Redevelopment Agency in the amount of \$327,000 for the Meadowfair Park project; and**
 - (b) Decreasing the Reserve for Future PDO/PIO Projects by \$327,000.****
- (5) Adoption of a resolution by the Agency Board delegating authority to the Executive Director to award a construction contract to the lowest responsive bidder within 180 days from the bid opening and authorizing a construction contingency in the amount of 10% of the contract price for construction of improvements to Meadowfair Park, for a total construction cost not the exceed \$840,000 including the contingency, or to reject all bids if an award cannot be made; and,**
- (6) Approval by the Agency Board of a Cooperation Agreement with the City of San José providing for the City's contribution of \$450,000 towards the Agency's construction of the Meadowfair Park Project; and,**
- (7) Adoption of a resolution by the Redevelopment Agency Board approving the addition of \$450,000 to the Other Revenue line item, reflecting the transfer of funds from the City in the FY 2003-2004 Adopted Budget, approving the add of \$450,000 to fund the construction contract in the Meadowfair Park project line in the SNI – West Evergreen Redevelopment area to the FY 2003-2004 Adopted Budget, and amending the Agency's FY 2003-2004 Appropriation Resolution.**

CEQA: ND, File No. PP04-01-025 [SNI: West Evergreen]

Documents Filed: Memorandum from Executive Director of Redevelopment Agency, Harry Mavrogenes, dated June 8, 2004, recommending said award of contract and approval of said resolutions and appropriation ordinances.

Action: Upon motion by Council Member Cortese, seconded by Council Member Chavez, and unanimously carried, Resolution No. 72136, entitled: "A Resolution of the Council of the City of San José Making Certain Determinations Required by Redevelopment Law Regarding the Expenditures of Redevelopment Agency Funds on Certain Public Improvements in Connection with the Meadowfair Park Project", Ordinance No. 27177, entitled: "An Ordinance of the City of San José Amending Ordinance No. 26916 to Appropriate Moneys in the Council District 8 Construction and Conveyance Tax Fund

7.3 (Cont'd)

for the Meadowfair Park Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption“, Ordinance No. 27178, entitled: “An Ordinance of the City of San José Amending Ordinance No. 26916 to Appropriate Moneys in the Subdivision Park Trust Fund for the Meadowfair Park Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption“, Agency Resolution No. 5507 and Agency Resolution No. 5508 were adopted with direction to staff to utilize the Countywide Habitat Conservation Plan in future City development projects. (11-0).

ADJOURNMENT

The Joint Redevelopment Agency and Council of the City of San José was adjourned at 2:27 P.M.

RON GONZALES, MAYOR

ATTEST:

LEE PRICE, C.M.C, CITY CLERK

EW/6/8/04