

**MINUTES
OVERSIGHT BOARD – SUCCESSOR AGENCY TO THE
SAN JOSE REDEVELOPMENT AGENCY**

SAN JOSE, CALIFORNIA

THURSDAY, OCTOBER 10, 2013

The Oversight Board of the Successor Agency to the Redevelopment Agency of the City of San José convened at 9:00 a.m. in the Council Chambers at San Jose City Hall.

1. Call to Order and Roll Call

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

BOARD MEMBERS PRESENT

**Chuck Reed, City of San José
Abraham Andrade, City of San José
John Guthrie, County of Santa Clara
Tony Estremera, Santa Clara Valley Water District
David Barry, County of Santa Clara
Nimrat Johal, Santa Clara County Office of Education**

ABSENT

Ed Maduli, California Community Colleges

STAFF PRESENT

**Norberto Duenas, representing Successor Agency Executive Officer
Patricia Deignan, representing Successor Agency General Counsel
Richard Keit, Successor Agency Managing Director
Julia Cooper, Successor Agency Chief Financial Officer**

Access the video, the agenda and related reports for this meeting by visiting the City's website at <https://ca-sanjose.civicplus.com/index.aspx?NID=3566>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.

2. Adoption of Agenda

Approved.

3. Closed Session Report

None.

4. Approval of Minutes

Documents Filed: Oversight Board Minutes dated September 26 and September 30, 2013.

Board Member Guthrie indicated changes to be made to the minutes, including highlighting modifications made to the ROPS resolution.

Action: Upon motion by Board Member Guthrie, seconded by Board Member Estremera, the minutes of September 26 and September 30, 2013 were approved as amended. (5-0-1-2. Absent: Maduli; Abstain: Barry, Johal.)

5. Consent Calendar

None.

6. Items Scheduled for Action/Discussion

6.1 DDA's – North San Pedro

Documents Filed: Memorandum from Executive Officer Debra Figone, dated October 4, 2013, recommending approval of Amended and Restated Disposition and Development Agreements for Development of the North San Pedro Housing Project.

Successor Agency Managing Director Richard A. Keit provided a presentation and responded to questions from the Board.

Action: Upon motion by Board Member Estremera, seconded by Board Member Guthrie and carried unanimously, [Oversight Board Resolution No. 2013-10-1055](#), entitled “A Resolution of the Oversight Board of the Successor Agency to the Redevelopment Agency of the City of San Jose approving an Amended and Restated Disposition and Development Agreement with North San Pedro Townhomes LLC (“NSPT”) and finding that the Amended and Restated DDA between NSPT and the Successor Agency will increase revenues, decrease liabilities and is in the best interest of the taxing entities; and approving an Amended and Restated Disposition and

(Item Continued on the next page)

6.1 (Cont'd.)

Development Agreement with San Pedro Life I, LLC (“SPL”) and finding that the Amended and Restated DDA between SPL and the Successor Agency will increase revenues and decrease liabilities and is in the best interest of the taxing entities; and directing Successor Agency staff to include on the Long Range Property Management Plan the disposition and development of the properties included in the above referenced Amended and Restated Disposition and Development Agreements as more particularly described therein,” was adopted. (6-0-1. Absent: Maduli.)

6.2 Approval of Governmental Purpose Properties

Documents Filed: (1) Memorandum from Executive Officer Debra Figone, dated September 20, 2013 regarding transfer of Governmental Purpose Properties (Deferred Notes). (2) Supplemental memorandum from Executive Officer Debra Figone, dated October 9, 2013, addressing issues raised regarding Government Purpose Properties – Convention Center South Hall.

Successor Agency Managing Director Richard A. Keit provided an overview of the properties. Deputy County Executive Santa Clara County, James Williams clarified the County’s position that the Convention Center South Hall Site be removed from the list of Government Use Properties to be transferred to the City, citing the South Hall site does not meet the qualifications of a government-use facility.

Extensive Board discussion followed regarding the statutory interpretation issue regarding these properties, and Staff responded to questions regarding the need for conflicts counsel and the change and use procedures required.

Motion: Board Member Guthrie moved approval of the list of properties to be added to the list of Government Use Properties to be transferred to the City, with the three sites in question, as indicated below in “Action” to be removed for future discussion. Board Member Johal seconded the motion.

Action: On a call for the question, the motion carried, and [Oversight Board Resolution No. 2013-10-1056](#), entitled “A Resolution of the Oversight Board of the Successor Agency to the Redevelopment Agency of the City of San José approving the Transfer of Certain Governmental Purpose Properties from the Successor Agency to the City of San Jose in Accordance with Health and Safety Code Section 34181(a)”, was adopted, with the exclusion of the following properties from the list of Governmental Purpose Properties to be transferred to the City, and inclusion of such properties in the Long Range Property Management Plan: Circle of Palms Public Plaza, Single Family House (456 Autumn Court), and the Convention Center South Hall (425 S. Market Street). (4-2-1. Noes: Andrade, Reed; Absent: Maduli.)

6.3 Review and Discussion of Properties to be included in the Long-Range Property Management Plan

Documents Filed: Letter from Paul C. Levin, Pillsbury Winthrop Shaw Pittman LLP, dated October 9, 2013, submitted on behalf of Petitioners in response to the presentation of the proposed Long-Range Property Management Plan.

Successor Agency Managing Director Richard A. Keit clarified that the Proposed Long-Range Property Management Plan presented was only meant as an overview, and staff will be returning with a more complete analysis.

Motion: Board Member Snow moved that members of the Oversight Board conduct a survey of select properties in question on October 24, in lieu of the regular meeting scheduled for Council Chambers. Board Member Guthrie agreed with Board Member Snow's suggestion.

Action: On a call for the question, the motion was unanimously carried, with the Board to meet in Council Chambers on October 24, and then resume the meeting off-site to survey those properties in question: Convention Center South Hall, Bill DeFrank Community Center parking lot, Autumn Street Extension and House at 456 Autumn Ct., and all properties related to the ballpark. (6-0-1. Absent: Maduli.)

A discussion on the strategy for selling properties followed, with staff responding to questions from the Board. The Board stated they would like to have a presentation on the solicitation plan. Staff agreed to a future presentation.

7. Reports and Correspondence

None.

8. Future Agenda Items

Board Member Guthrie expressed interest in further discussion regarding the ROPS administrative budget.

9. Open Forum

None.

10. Adjournment

The Oversight Board of the Successor Agency to the Redevelopment Agency was adjourned at 10:13 a.m. to 9:00 a.m. Thursday, October 24, 2013 at San José City Hall.

Minutes Recorded, Prepared and Respectfully Submitted by,

ATTEST:
OVERSIGHT BOARD – SUCCESSOR AGENCY TO THE
SAN JOSE REDEVELOPMENT AGENCY
TONI J. TABER, CLERK OF THE BOARD

Ruth Krantz, Deputy Clerk of the Board

rmk/10/10-13OSB_MIN