

# OVERSIGHT BOARD - SUCCESSOR AGENCY TO THE SAN JOSE REDEVELOPMENT AGENCY

## AGENDA

### SPECIAL BOARD MEETING

THURSDAY, AUGUST 22, 2013 – 9:00 A.M.

SAN JOSE CITY HALL – COUNCIL CHAMBERS

200 E. SANTA CLARA STREET, SAN JOSE, CA 95113

#### MEMBERS:

Chuck Reed, Chair, City of San Jose  
Abraham Andrade, City of San Jose  
John Guthrie, County of Santa Clara  
Emily Harrison, County of Santa Clara  
Ed Maduli, California Community Colleges  
Micaela Ochoa, Santa Clara County Office of  
Education  
Tony Estremera, Santa Clara Valley Water District

#### ALTERNATE MEMBERS:

David Barry, County of Santa Clara  
Kelly Hyland, City of San Jose  
Nimrat Johal, Santa Clara County  
Office of Education  
Pierluigi Oliverio, City of San Jose  
David Snow, County of Santa Clara

#### STAFF:

Debra Figone, Successor Agency Executive Officer  
Richard Doyle, Successor Agency General Counsel  
Richard Keit, Successor Agency Managing Director  
Julia Cooper, Successor Agency Chief Financial Officer

#### ORDER OF BUSINESS

##### 1. CALL TO ORDER

##### 2. CLOSED SESSION – None

##### 3. ADOPTION OF AGENDA

##### 4. APPROVAL OF MINUTES - [From June 27, 2013 Meeting](#)

##### 5. CONSENT CALENDAR – None

##### 6. ITEMS SCHEDULED FOR ACTION/DISCUSSION

###### 6.1 [Termination Agreement](#)

###### Adopt a [resolution](#):

- a) Approving Termination Agreements terminating certain agreements between the former Redevelopment Agency and Intermolecular Inc. and Brocade Communication Systems Inc. for the provision of financial assistance for the purchase of capital equipment, without cost of the Successor Agency; and
- b) Authorizing the Successor Agency to enter into termination agreements with private parties to terminate existing enforceable obligations, provided that any such termination is without cost to the Successor Agency.

###### 6.2 [Edenvale Community Center – Larsen & Son Settlement](#)

###### Adopt a [resolution](#):

- a) Approving the Settlement Agreement and Release (“Settlement Agreement”) between Ralph Larsen & Son, Inc. (“Larsen”), Graniterock Company doing business as Pavex Construction Division (“Graniterock”), Travelers Casualty & Surety Company (“Travelers”), Farmington Casualty Company (“Farmington”) and the Successor Agency to the Redevelopment Agency of the City of San José (“Successor Agency”) for the purpose of establishing an enforceable obligation to settle a lawsuit against the Successor Agency for the sum of \$4,500, and

- b) Directing Successor Agency staff to include the Settlement Agreement and Release as an enforceable obligation on the Recognized Obligation Payment Schedule 13-14B (for the period Jan 1-June 30, 2014).

**6.3 Wells Fargo Private Placement Renewal**

**Adopt a resolution:**

- a) Finding that the actions described in Paragraphs (b) through (d) below are in the best interests of the taxing entities;
- b) Authorizing, subject to State Department of Finance (“DOF”) review, the execution and delivery, in substantially final form, of a First Supplement to Fiscal Agent Agreement between the Successor Agency and Wells Fargo Bank, National Association, as Fiscal Agent (the “Fiscal Agent”) relating to the Redevelopment Agency of the City of San José Merged Area Redevelopment Project Taxable Subordinate Housing Set-Aside Tax Allocation Variable Rate Bonds, Series 2010C (the “2010C Bonds”);
- c) Authorizing, subject to DOF review, the execution and delivery, in substantially final form, of an Amended and Restated Continuing Covenant Agreement with Wells Fargo Bank, National Association (“Wells Fargo” or “Bank Bondholder”), as initial bondholder of the 2010C Bonds;
- d) Authorizing the incurrence of transaction costs to implement the actions described in paragraphs (b) and (c) above.

**7. REPORTS and CORRESPONDENCE**

- 7.1 Memorandum regarding Department of Finance, August 9, 2013, letter to Managing Director pertaining to Oversight Board Determinations
- 7.2 Fitch Correspondence regarding Fitch Ratings and Removal of Negative Watch
- 7.3 Letter from Pillsbury Winthrop Shaw Pittman LLP to Successor Agency regarding Transfer of Assets to the Successor Agency
- 7.4 Information Memo: North San Pedro Housing Project – Benefits to Taxing Entities Matrix

**8. FUTURE AGENDA ITEMS**

**9. OPEN FORUM**

*Members of the Public are invited to speak on any item that does not appear on this Agenda and that is within the subject matter jurisdiction of the Oversight Board. Speakers may be limited to no more than two (2) minutes at the discretion of the Chair.*

**10. ADJOURNMENT**

The next Regular Oversight Board meeting will be held on Sept. 12, 2013 at 9:00 a.m.

Oversight Board meetings will be held at San Jose City Hall located at 200 E. Santa Clara Street, San José, CA 95113.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the Oversight Board will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street Wing, San José, CA 95113 at the same time that the public records are distributed or made available to the Oversight Board.

To request an accommodation or alternative format for an Oversight Board meeting or printed materials, please call 408-535-1252 or (408) 294-9337 (TTY) as soon as possible, but at least three business days before the meeting.