

DRAFT MINUTES*
CITY OF SUNNYVALE
OF THE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD

THURSDAY, APRIL 26, 2012, 3 P.M.
WEST CONFERENCE ROOM
CITY HALL - 456 W. OLIVE AVENUE
SUNNYVALE, CALIFORNIA

CALL TO ORDER

Chair Picard called the meeting to order at 3:02 p.m.

ROLL CALL

Board Members Present:

Chair Dr. Ben Picard, Superintendent of Schools, Sunnyvale School District
Vice Chair Mary Bradley, Former Director of Finance, City of Sunnyvale
Grace Leung, Director of Finance, City of Sunnyvale
Jai Singh, Alternate, County of Santa Clara
David Snow, Deputy Director, Facilities and Fleet Department, County of Santa Clara
Kevin McElroy, Vice Chancellor of Business Services, Foothill-De Anza Community College
Linda LeZotte, Director, District 4, Santa Clara Valley Water District

Board Members Absent: Vinod Sharma, Finance Director, County of Santa Clara

Staff Present:

David Kahn, Agency Counsel
Kathryn Berry, Assistant Agency Counsel
Kathleen Franco Simmons, Agency Clerk
Brice McQueen, Agency Manager

Others Present:

Steve Mitra, Deputy County Counsel, County of Santa Clara representing County Auditor
Controller
John Guthrie, ABX1-26 Project Manager, Santa Clara County

PUBLIC COMMENTS

None.

**Pending Board Approval*

CONSENT CALENDAR

1. Approve Draft Minutes of April 9, 2012 Redevelopment Successor Agency Oversight Board meeting.

MOTION: Boardmember Leung moved and Boardmember LeZotte seconded the motion to approve the RSA Oversight Board Meeting Minutes of April 9, 2012.

VOTE: 7 – 0

PUBLIC HEARINGS/GENERAL BUSINESS

2. Approve Designation of Contact Official for the Sunnyvale Successor Agency Oversight Board.

MOTION: Boardmember Snow moved to nominate Chairperson Picard as the Contact Official.

Agency Manager Brice McQueen provided a report.

MOTION: Boardmember Snow amended the motion and Boardmember LeZotte seconded the motion to designate Agency Manager Brice McQueen as the Contact Official.

VOTE: 7 - 0

Chair Picard requested as a standing item on the agenda a report of communications or requests for information.

3. Approve Redevelopment Successor Agency Administrative Budget for the First Recognized Obligation Payment Schedule, January 1, 2012 through June 30, 2012.

Agency Manager Brice McQueen provided a report.

MOTION: Board Alternate Singh moved and Boardmember Snow seconded the motion to approve the minimum amount of \$125,000 for the Administrative Budget for the first ROPS period, January through June, 2012, with the contingency that if the other amounts are added back to the ROPS, and it meets the criteria of 5% for January 1 to June 30, 2012, then that amount would be approved.

AMENDMENT: Board Alternate Singh amended the motion to approve \$ 274,443 for the January to June, 2012, subject to certification and the 5% cap. Boardmember Snow accepted the amendment.

VOTE: 7 - 0

4. Approve Redevelopment Successor Agency Administrative Budget for the Second Recognized Obligation Payment Schedule, July 1, 2012 through December 31, 2012.

Agency Manager Brice McQueen provided a report.

MOTION: Boardmember LeZotte moved and Boardmember McElroy seconded the motion to approve the Administrative Budget for the Second Recognized Obligation Payment Schedule, July 1, 2012 through December 31, 2012 as recommended, in the amount of \$125,000.

VOTE: 7 - 0

5. Approve Payment Plan for the Accrued Liability for the 2010 Amended Disposition Development and Owner Participation Agreement for the Town Center Development.

Agency Manager Brice McQueen provided a report.

MOTION: Boardmember Singh moved and Boardmember Snow seconded the motion to postpone until the next ROPS is approved.

FRIENDLY AMENDMENT: Vice Chair Bradley offered a friendly amendment to defer consideration of this item to the asset and liability audit due by July 1, and if it appears that it needs to be done, amend the second ROPS.
Amendment was not accepted by the maker of the motion, nor seconded.

VOTE: 6 - 1 (Boardmember Bradley dissented)

6. Approve the Second Recognized Obligation Payment Schedule, July 1, 2012 through December 31, 2012.

Agency Manager Brice McQueen provided a report.

MOTION: Boardmember Bradley moved and Boardmember Singh seconded the motion to table this item.

VOTE: 7 - 0

7. Approve an Easement Agreement between the City of Sunnyvale and CP III T&C Sunnyvale, LLC, a Delaware limited liability company ("Carmel") to provide fire access and building access and approve a License Agreement between the City of Sunnyvale and CP III T&C Sunnyvale, LLC, a Delaware limited liability company ("Carmel") to permit outdoor dining and retail activities.

City Attorney/Agency Counsel Kahn provided a report.

MOTION: Boardmember LeZotte moved and Boardmember Bradley seconded the motion to approve the recommendation to approve the easement on Plaza del Sol between Successor Agency and Carmel Partners for emergency fire services, building access, and pedestrian access on over and across easement area, subject to approval by Successor Agency counsel, and approve irrevocable license agreement on Plaza del Sol between Successor Agency and Carmel Partners for outdoor dining and uses compatible with retail uses, subject to approval by Successor Agency counsel.

AMENDMENT: Boardmember LeZotte amended motion to include a finding that this particular use, given the circumstances of public use of the plaza, would maximize an economic use.

VOTE: 7 - 0

8. Schedule for future Oversight Board meetings.

Agency Manager McQueen reported meetings have been tentatively scheduled for the remainder of the calendar year the third Thursday each month from July through December, 2012 at 3 p.m. in the West Conference Room.

The Board scheduled a special meeting for May 14, 2012 at 3 p.m.

City Attorney/Agency Counsel David Kahn announced this is his last meeting with the Oversight Board and introduced Michael Martello who will be serving as Interim City Attorney.

ADJOURNMENT

Chair Picard adjourned the meeting at 4:38 p.m.