

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

**SAN JOSE, CALIFORNIA**

**THURSDAY, FEBRUARY 28, 2013**

The Oversight Board of the Successor Agency to the Redevelopment Agency of the City of San José convened at 9:01 a.m. in the Council Chambers at San Jose City Hall.

**1. Call to Order and Roll Call**

**9:03 a.m.- Call to Order in Council Chambers**

**BOARD MEMBERS PRESENT**

**Chuck Reed, City of San José**

**Abe Andrade, City of San José**

**Tony Estremera, Santa Clara Valley Water District**

**Rebecca Haggerty, County of Santa Clara**

**Emily Harrison, County of Santa Clara**

**Micaela Ochoa, Santa Clara County Office of Education**

**Ed Maduli, California Community Colleges**

**STAFF PRESENT**

**Noberto Duenas, representing Successor Agency Executive Officer**

**Chief Deputy General Counsel Patricia Deignan**

**Richard Keit, Successor Agency Managing Director**

**2. Adoption of Agenda**

Approved.

**3. Closed Session Report**

None.

## 4. Approval of Minutes

Documents Filed: Oversight Board Minutes dated February 14, 2013.

Action: Upon motion by Board Member Andrade, seconded by Board Member Haggerty, and carried, the minutes of February 14, 2013 were approved, with changes as recommended by Board Member Haggerty. (5-0-0-1. Abstain: Estremera.)

## 5. Consent Calendar

1. Monthly Financial Statements (First Meeting of the Month) – None.
2. Audit Status – None.

## 6. Items Scheduled for Action/Discussion

### 6.1 Approval of ROPS 13-14A and Administrative Budget (July – December 2013)

Documents Filed: (1) Memorandum from Executive Officer Debra Figone, dated February 25, 2013, regarding Oversight Approval of the Successor Agency's Proposed July – December 2013 Administrative Budget and Recognized Obligation Payment Schedule 13-14A. (2) "Notice of Objection to ROPS", from the County of Santa Clara Director of Finance, Vinod K. Sharma, dated February 27, 2013.

Successor Agency Managing Director Richard Keit provided an overview, and Chief Deputy General Counsel Patricia Deignan provided further clarification. Deputy County Executive Santa Clara County, James Williams, spoke on the collaborative process. Staff responded to questions from the Board, and discussion followed.

At the Board's recommendation, resolution language regarding ROPS 4 was modified to include a 'Whereas Clause', stating that the Oversight Board has received and reviewed a "Notice of Objection to ROPS" from the County's Director of Finance, dated February 27, 2013.

Action: Upon motion by Board Member Andrade, seconded by Board Member Maduli and carried unanimously, [Resolution No. 2013-02-1036](#), entitled "A Resolution of the Oversight Board of the Successor Agency to the Redevelopment Agency of the City of San José Approving the Successor Agency Administrative Budget for July 1 – December 31, 2013"; and [Resolution No. 2013-02-1037](#), entitled "A Resolution of the Oversight Board of the Successor Agency to the Redevelopment Agency of the City of San José Approving the Recognized Obligation Payment Schedule 13-14A (ROPS 4) and authorizing payment of expenditures for items on ROPS 13-14A, which details the obligations of the Successor Agency for the period of July 1, 2013 through December 31, 2013", including the 'Whereas Clause' and incorporating the 'Notice of Objection to ROPS' as received from the County's Director of Finance, were adopted. (7-0.)

**6.2 Approval of Amended and Restated Lease with the Comedy Club of San Jose, LLC for the Jose Theater**

Documents Filed: Memorandum from Executive Officer Debra Figone, dated February 20, 2013, recommending adoption of a resolution approving and amended and restated Lease with the Comedy Club of San Jose, LLC.

Successor Agency Managing Director Richard Keit outlined modifications to the lease.

Action: Upon motion by Board Member Maduli, seconded by Board Member Andrade and carried unanimously, [Resolution No. 2013-02-1038](#), entitled “A Resolution of the Oversight Board of the Successor Agency to the Redevelopment Agency of the City of San José Approving an Amended and Restated Lease with the Comedy Club of San Jose, LLC for the Use of the Jose Theater Located at 62 South Second Street, and Finding that the Amended and Restated Lease is in the Best Interest of the Taxing Entities”, was adopted. (7-0.)

**6.3 Approval of Gallo Lease Termination Agreement**

Documents Filed: Memorandum from Executive Officer Debra Figone, dated February 20, 2013, recommending adoption of a resolution approving a Termination Agreement with Gallo Family Real Estate Partnership.

Successor Agency Managing Director Richard Keit provided an overview.

Action: Upon motion by Board Member Maduli, seconded by Board Member Andrade and carried unanimously, [Resolution No. 2013-02-1039](#), entitled “A Resolution of the Oversight Board of the Successor Agency to the Redevelopment Agency of the City of San Jose Approving a Termination Agreement with the Gallo Family Real Estate Partnership to Terminate that Certain Parking Lease Agreement dated August 5, 2009, of the Surface Parking Located at 173 North Morrison Avenue for a Final Payment by the Successor Agency of \$29,900, and finding that the Termination Agreement is in the best interest of the taxing entities”, was approved. (7-0.)

## **7. Reports and Correspondence**

**7.1 Report on Correspondence**

Documents Filed: (1) Memorandum from Executive Officer Debra Figone, dated January 18, 2013, regarding Response to Questions Regarding the Successor Agency’s FY 2011-12 Financial Audit. (2) Letter from Steve Szalay, Local Government Consultant, Department of Finance to the Successor Agency, dated February 21, 2013, regarding approval of Oversight Board actions. .

Action: No action required.

## **8. Future Agenda Items**

Successor Agency Managing Director Richard Keit recommended that the March 14, 2013 Oversight Board Meeting be cancelled and a meeting for March 21, 2013 be considered. The Board was receptive to this schedule.

## **9. Open Forum**

None.

## **10. Adjournment**

The Oversight Board of the Successor Agency to the Redevelopment Agency was adjourned at 9:39 a.m. to 9:00 a.m. Thursday, March 21, 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

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