

# MILPITAS OVERSIGHT BOARD

## TO THE CITY OF MILPITAS ACTING AS THE RDA SUCCESSOR AGENCY

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455 EAST CALAVERAS BOULEVARD, MILPITAS, CA 95035-5479  
GENERAL INFORMATION: 408-586-3000 [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov)

### MILPITAS OVERSIGHT BOARD MEETING

Milpitas City Hall, Committee Room  
455 E. Calaveras Blvd., Milpitas, CA

#### MEMBERS:

*Maribel Medina, Chair*  
*Michael Mendizabal*  
*Althea Polanski*  
*Emma Karlen*  
*Bruce Knopf*  
*Mike McInerney*  
*Glen Williams*

#### ALTERNATES:

*Steven McHarris*  
*Jane Corpus Takahashi*  
*Rudy Nasal*  
*Michael Murdter*  
*Alan Minato*

### Minutes of the February 10, 2015 Meeting

#### **I. CALL TO ORDER, ROLL CALL AND PLEDGE OF ALLEGIANCE**

Chair Medina called the meeting to order at 4:00 p.m.

#### **ROLL CALL**

**MEMBERS PRESENT:** Maribel Medina, Emma Karlen, Mike McInerney, Mike Murdter, Mike Mendizabal, Althea Polanski and Glen Williams

**MEMBERS ABSENT:** Bruce Knopf

#### **II. PUBLIC FORUM** None

#### **III. APPROVAL OF AGENDA**

Moved by Mr. McInerney and seconded by Ms. Polanski, to approve the agenda. The motion passed unanimously.

#### **IV. APPROVAL OF MINUTES FOR December 2, 2014 meeting.**

Mr. McInerney asked that the final vote for Item V. A be verified. The draft minutes show that the final vote as **AYES:** Medina, McInerney, Mendizabal, Knopf and Williams; **NOES:** Karlen and Reliford; Clerk Crump verified that the vote passed unanimously.

Moved by Mr. McNerney and seconded by Mr. Murdter, to approve the minutes as amended. The motion passed with the following vote: **AYES:** Medina, McNerney, Mendizabal, Karlen, Murdter and Williams; **NOES:** 0 **ABSTAIN:** Polanski

## **V. OLD BUSINESS**

### **A. Contract with New Oversight Board Counsel**

After a brief discussion it was moved by Mr. McNerney and seconded by Mr. Williams to approve the contract with Montoy Law Corporation. The motion passed unanimously.

#### **1. Approve Resolution Ratifying and Approving Agreement with Montoy Law Corporation for Legal Services to the Oversight Board**

After a brief discussion it was moved by Mr. McNerney and seconded by Mr. Williams to adopt a resolution approving and ratifying the agreement with Montoy Law Corporation for legal services to the Oversight Board. The motion passed unanimously.

Discussion: Mr. Ogaz asked for the record, that the contract is not to exceed \$80,000 and that it is clear that the expenditure has not yet been approved. Ms. Karlen said that the upcoming (15-16) 6 months, \$20K was allocated adding that she checked with Ms. Montoy and she thought it would be sufficient for the six (6) month period.

### **B. Long Range Property Management Plan (LRPMP)**

#### **1. Receive Report Regarding Department of Finance Review**

Ms. Montoy presented the staff report indicating that DOF requested the LRPMP be amended by adding the following:

1. Items Nos 1 through 5 – please provide the Estimated Current Value and Estimated Current Parcel Value (“acceptable value” are book value, appraise value, agency estimates, and current market estimate.) Specify which “acceptable value” was used for the Agency’s determined.
2. Item No. 5 – Annual estimated income/revenue and if the income/revenues are restricted by a contract.

#### **2. Adopt Resolution Approving Amended LRPMP**

Moved by Mr. McNerney and seconded by Mr. Murdter to approve a resolution amending the Long Range Property Management Plan for submission to the Department of Finance. The motion passed with the following vote: **AYES:** Medina, McNerney, Mendizabal, Murdter and Williams; **NOES:** Karlen and Polanski

### **C. Receive Update on Appraisal Process and Discuss Alternative for Completion of Appraisal Process**

Ms. Montoy presented the staff report recommending to receive a report on the status of appraisal process and discuss alternatives for completion of appraisal process for consideration.

Mr. Tom Williams asked for the record to include the City’s objection to the following instructions: The special instructions on Exhibit A of the Scope of Services to the contract specifically “to adhere to the following specific appraisal instructions:

1. For all four parcels the appraisals should determine current fair-market value based upon highest and best use irrespective of current zoning, general plan designation, current use or any other limitation over which the City of Milpitas has discretion.
2. For parcel #2 in addition to the fair-market value as a stand-alone parcel the appraiser has asked to determine whether and by how much the appraised evaluation for the subject parcel per square foot would be different if the subject parcel would be combined with the adjoining similar-sized parcel owned by VTA.

There was considerable discussion on the matter with Board Member Williams giving an explanation of the appraisal language. Chair Medina recommended that Ms. Montoy contact the appraiser and work with Mr. Williams and Mr. Ogaz to

explore potential options for resolution on the issue. Chair Medina also offered to have the ad hoc committee that had previously been approved by the Board available if necessary.

## **VI. NEW BUSINESS**

### **A. Approve Resolution Appointing Legal Counsel as Oversight Board Contact Person for the Department of Finance**

Ms. Montoy presented the staff report to approve a resolution to appoint Hilda Cantu Montoy as Oversight Board Counsel.

Moved by Mr. McInerney and seconded by Mr. Murdter to approve the resolution to appoint legal counsel as Oversight Board contact with request that the last sentence of the Be It Resolved clause to substitute Ms. Montoy's name for Ms. Gore's name so that it's clear who they should be contacting. The motion passed with the following vote: **AYES:** Medina, McInerney, Mendizabal, Murdter and Williams; **NOES:** Karlen and Polanski

Discussion: Ms. Karlen and Mr. Ogaz requested that Successor Agency staff be copied on all communications between Ms. Montoy as the official contact with DOF. The Board agreed Successor Agency staff would be copied on all official communication with DOF. Successor Agency staff agreed to also copy Ms. Montoy on all official communication they have with DOF.

### **B. Approve Resolution Amending Successor Agency's Administrative Budget for January to June 2015 to Replace Miller and Owen" with "Montoy Law Corporation" as the Designated payee for the Oversight Board Legal Costs.**

After a lengthy discussion it was moved by Mr. Mendizabal and seconded by Mr. Williams to approve a resolution amending the Successor Agency's administrative budget for January 1, to June 30, 2015 to add Montoy Law Corporation with Miller and Owen as the designated Payees for Oversight Board Legal Costs. The motion passed unanimously.

### **C. Approve Resolution Approving successor Agency's Administrative Budget for July to December 2015 (FY 15-16)**

Moved by Mr. Williams and seconded by Mr. McInerney to approve the Administrative Budget for the ROPS with the caveat that the amount designated for staff is subject to adjustment by this Board, if the ministerial functions that this Board has by its action, assigned to staff are not completed by June 30, 2015. The motion passed with the following vote: **AYES:** Medina, McInerney, Murdter & Williams; **NOES:** Karlen, Mendizabal and Polanski

### **D. Approve Resolution approving Recognized Obligation Payment Schedule (ROPS 15-16A) for the July 1 to December 31, 2015 Period.**

Ms. Karlen presented the staff report indicating that a letter of Notice of No Objection to the ROPS was received from the County.

Moved by Mr. Williams and seconded by Ms. Polanski to approve the ROPS 15-16A. The motion passed unanimously.

## **VII. SET NEXT MEETING DATE**

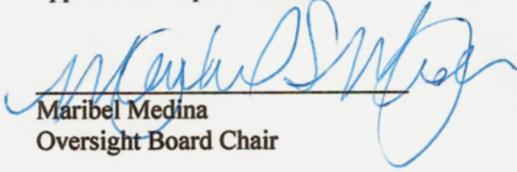
It was agreed that the next meeting will be held Tuesday, April 8, 2015, at 4:00 p.m.

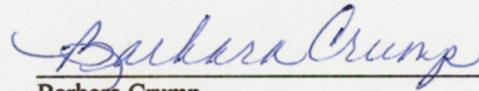
## **VIII. MEETING ADJOURNMENT**

Moved by Mr. Mendizabal and seconded by Ms. Polanski, Chair Medina adjourned the meeting at 5:34 p.m.

*Meeting minutes drafted and submitted by  
Barbara Crump, Board Secretary*

*Approved on April 8, 2015:*

  
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Maribel Medina  
Oversight Board Chair

  
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Barbara Crump  
Oversight Board Secretary