

Legislation Details (With Text)

File #:	19-1026	Version:	1
Type:	Community & Economic Development	Status:	Agenda Ready
File created:	10/28/2019	In control:	City Council
On agenda:	11/6/2019	Final action:	
Title:	Actions Related to the Purchase and Sale of the Brandenburg and Sobrato North Coyote Properties.		
Sponsors:			
Indexes:			
Code sections:			

Attachments: 1. Memorandum, 2. Presentation, 3. (a) Brandenburg Purchase Agreement, 4. (b) Sobrato North Purchase Agreement, 5. (c) Conservation Easement Baseline Documentation, 6. (c) Conservation Easement Interim Maintenance and Operation Plan, 7. (c) Master Transfer and Conservation Agreement, 8. (d) Resolution, 9. (e) Resolution, 10. (f) Resolution, 11. (g) Ordinance, 12. (h) Ordinance, 13. (i) Ordinance, 14. Memorandum from Liccardo, Jones, Jimenez, Peralez, Foley, 11/1/19, 15. Letter from LWV, 11/4/19, 16. Letter from Assemblymember, 27th District, Ash Kalra, 11/5/19, 17. Letters from the Public

Date	Ver.	Action By	Action	Result
11/6/2019	1	City Council		

Actions Related to the Purchase and Sale of the Brandenburg and Sobrato North Coyote Properties.

(a) Approve a Purchase and Sale Agreement and Escrow Instructions between the Brandenburg entities as Seller, the City as Buyer, and the Peninsula Open Space Trust (“POST”) for the purchase of approximately 572 acres of real property located in the Coyote Valley (“Brandenburg Property”) for a purchase price of \$37,500,000, less a credit of \$398,800 for relocation and demolition costs, with a contribution by the City in the amount of \$32,441,200 (funded with Measure T bond proceeds) and the remaining \$4,660,000 paid by POST (“Brandenburg PSA”).

(b) Approve a Purchase and Sale Agreement and Escrow Instructions between SI 5 LLC (i.e. a Sobrato entity) as Seller, the City as Buyer, and POST for the purchase of approximately 100 acres of real property located in the Coyote Valley (the “Sobrato North Property”) for a purchase price of \$21,500,000 paid by POST, with no monetary contribution by the City (“Sobrato PSA”).

(c) Approve the Coyote Valley Master Transfer and Conservation Agreement (“MTA”) by and among POST, the City, and the Santa Clara Valley Open Space Authority (“OSA”), specifying:

- (1) The rights and obligations of the parties related to the acquisition of the Brandenburg and Sobrato North Properties;
- (2) The City’s transfer of approximately 276 acres of the Brandenburg Property (the “Brandenburg West Property”) to POST;
- (3) The City’s transfer of the Sobrato North Property to POST; POST’s transfer of approximately 30 acres of property in the Coyote Valley known as “Fisher Flats” to the City (purchase price) at a cost to City in the amount of \$5,860,000 (funded with Measure T bond proceeds);
- (4) The possible future transfer of approximately 14.5 acres of property in the Coyote Valley known as the “Weyhe East Property” by POST to the City (provided POST acquires the property under an option being assigned to it by the Brandenburg entities) with no monetary contribution by the City; and
- (5) Various obligations related to the termination of existing agreements and entitlements associated with the Brandenburg and Sobrato North Properties that should no longer be in effect (such as the

Bailey Extension Cooperation Agreement, Development Agreement for the Coyote Valley Research Park and related agreements and permits for that defunct development) and the dissolution of Community Facilities District No. 9 (Bailey/Highway 101) and Community Facilities District No. 5A (North Coyote Valley Facilities).

(d) Adopt a resolution authorizing the City Manager to:

- (1) Execute the Conservation Easement in favor of OSA over the real property in Coyote Valley that will remain under City ownership in the form attached as an exhibit to the Master Transfer and Conservation Agreement and negotiate and approve the Interim Maintenance and Operation Plan for the property covered by such easement; and
- (2) Take various other actions related to the purchase of the Brandenburg and Sobrato Properties as contemplated by the Brandenburg PSA and Sobrato PSA, and take other actions related to the transactions contemplated by the Coyote Valley Master Transfer Conservation Agreement, (“MTA”), including without limitation, executing deed acceptance certificates.

(e) Adopt a resolution:

- (1) Approving the report setting forth the facts justifying the summary vacation of the offer of dedication of Arroyo de Fuego Court (“Offer of Dedication”);
- (2) Summarily vacating the Offer of Dedication; and
- (3) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

(f) Adopt a resolution directing and authorizing various actions related to Community Facilities District No. 9 (Bailey/Highway 101).

(g) Approve an ordinance dissolving Community Facilities District No. 9 (Bailey/Highway 101) and authorizing other actions related to its dissolution, including retirement of the City Advance that will result in a payment to the Building and Structure Construction Tax Fund in the amount of approximately \$5 million.

(h) Adopt an ordinance repealing Ordinance No. 26420 levying special taxes within Community Facilities District No. 5A (North Coyote Valley Facilities).

(i) Approve an ordinance dissolving Community Facilities District No. 5A (North Coyote Valley Facilities) and authorizing other actions related to its dissolution.

CEQA: Categorically Exempt, File ER19-064, CEQA Guidelines 15307 Actions by Regulatory Agencies for Protection of Natural Resources and 15308 Actions by Regulatory Agencies for Protection of the Environment. District 2. (Economic Development)