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Memorandum

**TO: HONORABLE MAYOR
AND CITY COUNCIL**

FROM: Leanna Bieganski

SUBJECT: Early Council Packet

DATE: September 13, 2011

Approved

Date

9/13/11

EARLY DISTRIBUTION COUNCIL PACKET FOR SEPTEMBER 27, 2011

Items for the Early Distribution Council Packet for the September 27, 2011 Council Meeting:

4.x Actions Related to the Purchase and Sale Agreement with Union Pacific Railroad for Three Creeks Trail Development.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager or designee to:
 - (1) Negotiate and execute the purchase agreement with Union Pacific Railroad Company, in the amount of \$6,000,000 for the purchase of land located from Lonus Street to Minnesota Avenue in San José, CA, (APN No. 264-11-100, 264-11-101, 264-54-067, 264-56-108, 434-01-059) for the future Three Creeks Trail;
 - (2) Negotiate and execute all other documents and take such further actions as are necessary to complete the transaction; and
 - (3) Settle any claims related to the removal of the existing billboard from this property up to a maximum of \$120,000.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Construction and Conveyance Tax Fund: City-Wide Parks Purposes (Fund 391):
 - (1) Increase the Beginning Fund Balance by \$1,165,000;
 - (2) Increase the TRAIL: Three Creeks Land Acquisition appropriation to the Parks, Recreation and Neighborhood Services Department by \$992,000; and

- (3) Establish the Reserve: TRAIL: Three Creeks appropriation to the Parks, Recreation and Neighborhood Services Department for \$173,000.
- (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Construction Tax and Property Conveyance Tax Fund: Parks Purposes Council District #6 (Fund 384):
 - (1) Increase the Beginning Fund Balance by \$1,260,000; and
 - (2) Increase the TRAIL: Three Creeks Land Acquisition appropriation to the Parks, Recreation and Neighborhood Services Department by \$1,260,000.
- (d) Adoption of the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Subdivision Park Trust Fund (Fund 375):
 - (1) Increase the Beginning Fund Balance by \$621,000; and
 - (2) Establish the Reserve: TRAIL: Three Creeks appropriation to the Parks, Recreation and Neighborhood Services Department for \$621,000.
- (e) Adopt a resolution authorizing the City Manager or designee to:
 - (1) Negotiate and execute an amended and restated funding agreement with Santa Clara County in the amount of \$3,000,000 for use in the acquisition of real property for the Three Creeks Trail; and
 - (2) Execute and record a conservation easement on any land owned by City for the Three Creeks Trail as required by Santa Clara County and the Open Space Authority.

CEQA: Resolution No. 65459, PP03-05-175. (Economic Development/Parks, Recreation and Neighborhood Services/City Manager's Office)

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14-DAY POSTING REQUIREMENT WAIVER TO BE REQUESTED

9.x Citywide Insurance Renewals.

Recommendation: Adopt a resolution authorizing the City Manager or designee to select and purchase certain City and Redevelopment Agency insurance policies (property and liability for the City; property only for the Redevelopment Agency) for the period October 1, 2011 to October 1, 2012, at a total cost not to exceed \$1,500,000 for all policies, with the following insurance carriers:

- (a) Lexington Insurance Company, (Boston, MA) for Property, including Boiler & Machinery.
- (b) National Union Fire Insurance Company (New York, NY) to provide the following coverage:
 - (1) Airport Owners and Operators Liability including War Risks & Extended Perils Coverage (Primary and Excess).
 - (2) Police Aircraft Hull & Liability including War Risks & Extended Perils.
- (c) St Paul/Travelers Insurance Company, (Hartford, CT) for Automobile Liability (Airport fleet vehicles and Shuttle Buses physical damage only/WPCP fleet vehicles); and

(d) Indian Harbor Insurance Company, (Stamford, CT) for Secondary Employment Law Enforcement Professional Liability.

CEQA: Not a Project, File No. PP 10-066(a), agreements and contracts for purchase of insurance. (City Manager's Office/Redevelopment Agency)

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These items will be included in the Council Agenda Packet with item numbers.


LEANNA BIEGANSKI
Agenda Services Manager