

BOARD OF DIRECTORS AGENDA

Uptown Partnership, Inc.

Thursday, January 5, 2006 @ 4:30 p.m.

3108 Fifth Avenue, Suite A

1. Public Meeting Call to Order

2. Public Comment

*At this time, individual(s) may address the Board on any subject in its area of responsibility on any matter not presently pending before the Board. Communications are limited to three minutes. Pursuant to the Brown Act, the Board can take no action. Please fill out a SPEAKER REQUEST FORM and submit it to the Executive Director **prior to the meeting.***

3. Government Representative Appearances

- a. Jeffery Tom, Council Representative, District 3
- b. Meredith Dibden Brown, Economic Development Contract Administrator

4. Consent Items

- a. Approve Board of Directors' meeting minutes for November 3, 2006 (*Attachment 1*)
- b. President's report
- c. Treasurer's report
- d. Approve agenda for January 5, 2006

5. Information Items (*Attachment 2*)

- a. Board of Directors election schedule
- b. Project updates summary (*see also Attachment 3*)
- c. Office space research
- d. Community and Economic Development staffing

6. Action Items: Hillcrest parking site acquisition strategy – requested by Board Nov. 3, 2005

a. Background: The key decision points for acquiring real estate to construct a parking garage are the following. (*see flow chart in Attachment 4*)

- i. Should UPI engage a private broker to open negotiations with the owners of Site 17a to purchase their properties?
- ii. Should UPI publish an RFP to select a broker?
- iii. Assuming UPI identifies willing sellers, from what sources (public or private) will UPI obtain the remainder of the purchase price?
- iv. If any owner is unwilling to sell, should UPI try to reconfigure the site by buying another adjoining property?
- v. If any owner is unwilling to sell, should UPI ask the City to initiate eminent domain proceedings?

- vi. If UPI and the City pursue eminent domain, from what sources (public or private) will they obtain the remainder of the purchase price at the beginning of the proceeding?
- vii. Note: Whether UPI pursues purchase from willing sellers or eminent domain through the City, UPI will need to secure various City approvals.
- viii. Note: Real Estate Assets has provided basic information about the property ownership. (*Attachment 5*)

b. Action: Should UPI engage a private broker to open negotiations with the owners of Site 17a to purchase their properties?

- i. Lane Mackenzie, City Real Estate Assets Supervisor, has agreed that UPI could hire a broker to approach the owners. (*Attachment 6*)
- ii. Alternatives to this method are to have the City's Real Estate Assets staff initiate the negotiation or to have UPI Board member(s) open discussions.
 - a) Property owners often assume that the City is "low-balling" its property valuation and hold out for more; and
 - b) Having a third party "go-between" allows for more flexibility in making offers and counteroffers to the owners; therefore,
 - c) **Staff recommends hiring a private broker.**

c. Action: Should UPI publish an RFP to select a broker?

- i. Staff is seeking a response from Community and Economic Development about requirements that apply to engaging a broker under the terms of the current City contract.
- ii. Even if the City doesn't require an RFP, **staff recommends using the RFP approach** to describe the services required and to solicit responses from one or more brokers, including the fee for services.
- iii. Staff is seeking a response from the City Attorney about use of public funds to pay a private broker for work on a City project, given that Real Estate Assets has brokers on staff. Real Estate Assets did not have an answer to this question.

7. Adjournment

List of attachments

- 1 Board of Directors minutes, November 3, 2005
 - 2 Information items memorandum, December 28, 2005
 - 3 Program Committee minutes, December 5, 2005
 - 4 Staff flow chart outlining key decision points in acquiring real estate for parking garage
 - 5 Information about property owners of Site 17a provided by City Real Estate Assets
 - 6 Staff meeting notes for December __, 2005, meeting with Real Estate Assets representative
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Next Board of Directors' meeting is scheduled for February 2, 2006