



CITY OF EAST PALO ALTO

**ACTION MINUTES**

**REGULAR JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING**

**Tuesday, December 20, 2005**

Closed Session 6:30p.m.

Regular Meeting 7:30p.m.

City Council Chambers, 2415 University Avenue

**6:30 P.M**

**REGULAR JOINT CLOSED SESSION**

**REGULAR JOINT CLOSED SESSION CALL TO ORDER AND ROLL CALL**

6:30PM RUTHERFORD, FOSTER, EVANS ABRICA (WOODS-EXCUSED ABSENCE)

**1. APPROVAL OF JOINT CLOSED SESSION AGENDA**

**ACTION: MOTION/SECOND: RUTHERFORD/FOSTER 4-0**

It was requested by City Attorney Lawson that the Wind River item be added at Closed Session Opening and Approval of agenda, Council agreed – Unanimously 4-0

**2. REGULAR JOINT CLOSED SESSION COMMUNITY FORUM: None**

**3. \*CLOSED SESSION See Item 5A**

A. Potential/Pending Litigation Pursuant to Government Code Section 54956.9

1. LDW Resorts

2. Wind River/Woodland Partners v City of EPA

B. Personnel Matters Pursuant to Government Code Section 54957

1. City Manager's Performance Evaluation

2. Conference with Special Counsel Liebert Cassidy Whitmore Regarding Personnel Complaint

**Adjournment**

**1. APPROVAL OF AGENDA**

**ACTION: MOTION/SECOND RUTHERFORD/ABRICA Vote: 4-0**

**2. CONSENT CALENDAR**

**A. Informational Reports and Motions**

- 1. Planning Commission Actions of the Meetings of December 12, 2005 and Status of Planning Applications for November, 2005

**Recommendation:** Review the Actions of the Planning Commission and Accept By Motion and/or By Motion and Majority Vote, Call-up or Take Jurisdiction on any of the Items Described in the Report

**ACTION: MOTION/SECOND: RUTHERFORD/FOSTER VOTE: 4-0**

.....**End of Consent Calendar**.....

**Note: Requests to Speak on Items 3, 4 and 5 will be heard during Community Forum**

**3. Written Communications: None**

**4. Special Presentations: None**

**5. Oral Reports:**

\*A. Reports Out of Closed Session – City Attorney Lawson & Mayor Abrica Potential/Pending Litigation Pursuant to Government Code Section 54956.9

- 1. LDW Resorts

**Discussed - No Reportable Action Taken**

- 2. Wind River/Woodland Partners v City of EPA

**Council Authorized Notice of Appeal**

B. Personnel Matters Pursuant to Government Code Section 54957

- 1. City Manager’s Performance Evaluation

**Council Approved Dependent Health Care Coverage**

2. Conference with Special Counsel Liebert Cassidy Whitmore Regarding Personnel Complaint

**Discussed – No Reportable Action**

B. Oral Staff Reports

1. City of East Palo Alto vs. Bank of America re: 2101 Myrtle Place Informational Report: Wilbert Lee, Housing Director

C. Advisory Bodies: None

D. City Council/Redevelopment Agency Reports

E. Mayor's Ad Hoc Committee Assignments

**6. Community Forum**

**7. Public Hearings:**

- A. Personnel Complaint Against the City Manager

**Recommendation:** That Council Open and Close the Public Hearing and Direct Staff

**Open Public Hearing Motion/Second: Rutherford/Foster Vote: 3-1 (Evans/No)**  
**(Vice Mayor Evans does not feel this item should be a public meeting)**

**Close Public Hearing Motion/Second: Rutherford/Foster Vote: 4-0**

**January 5, 2006 is deadline for additional submission of information/documents by the parties. Will be heard by Council in Closed Session on January 3, 2006, 6PM to consider privileges. The public hearing will continue on January 9, 2006 to resume consideration of Planning Manager Banico's complaint.**

- B. Urban Water Management Plan

**Recommendation:** That Council Close the Public Hearing; By resolution adopt the 2005 Urban Water Management Plan Final Draft; and Authorize the Public Works Director to file the Plan with the California Department of Water Resources

**Open Public Hearing Motion/Second: Rutherford/Foster Vote: 4-0**

**This Item Continued to January 3, 2006 –**

**Close Public Hearing Motion/Second; Foster/Evans Vote: 4-0**

**8. Policy and Action Items**

**A. Ordinances (Second Reading)**

1. Adoption of an Amendment to Chapter 6.04 of the East Palo Alto Municipal Code's Dangerous Animals Ordinance

Supplements

- a. Peninsula Humane Society Agreement
- b. Amendments Adopted by the San Mateo County Board of Supervisors in September 2005
- c. Police Policy on Use of Force

**Recommendation:** That Council Adopt the Ordinance

**ACTION: MOTION/SECOND: FOSTER/RUTHERFORD VOTE: 3-1(Evans/No)**  
**(Vice Mayor Evans did not feel ordinance had covered issued raised by him on the pick-up or drop-off place for a dead animal)**

**B. City Council Resolutions/Informational Reports and Motions**

1. Informational Report –Change of Dates for January, 2006 Regular City Council Meetings

**Recommendation:** That Council Consider changing its scheduled January 3, 2006 Regular Meeting date to January 10<sup>th</sup> and its January 17<sup>th</sup>, 2006 Regular Meeting date to January 24<sup>th</sup>.

**Council Unanimously agreed to this request**

2. O'Connor Street Vacation
  - A. That the City Council refer this request to the Public Works/Transportation Commission and Planning Commission to Review the Request from Cummings Park Associates, LLC and the Redevelopment Agency to Amend the Circulation Element of the General Plan in considering the request for the Street Vacation of the portion of O'Connor from Clarke, leading into the Ravenswood/101 Shopping Center is in conformity with the General Plan.
  - B. That the Council authorize staff to proceed with the necessary steps to vacate the portion of O'Connor leading into the Ravenswood/101 Shopping Center, which steps will require the City Council, at a later date to consider a formal resolution to vacate that portion of O'Connor Street at a public hearing.

**Recommendation:** That Council Refer the Request to the Public Works & Transportation Commission and the Planning Commission by Motion

**ACTION: MOTION/SECOND: FOSTER/RUTHERFORD VOTE: 3-1(Evans/No) (Vice Mayor Evans consistent with No vote as regards to Cummings Park Project )**

3. A Resolution Authorizing the City Manager to enter into a one-year extension of a contract with the U.S. Environmental Protection Agency (USEPA) for a Brownfields staff person on loan to the City/ Redevelopment Agency and provide funding for this position in the amount Not-to-Exceed \$113,439

**Recommendation:** That Council Approve the Resolution

**ACTION: MOTION/SECOND: RUTHERFORD/FOSTER Vote: 3 (let the records show Vice Mayor Evans not present for Item 3 vote - stepped down from Dais and out of Council Chambers during presentation of staff report, was not present for vote)**

4. A Resolution Authorizing the Award of Contract for the City's Corporation Yard Wash Rack in an amount not to exceed \$9,750.00 to Buena Vista Paving

**Recommendation:** That Council Approve Resolutions

- a. Rescind Resolution No. 2400, that was adopted on November 16, 2004, that involved awarding bid contract to Coyote Construction to install an Equipment Wash Rack thus authorizing the City Manager to void the contract with Coyote Construction who has since gone out of business; and
- b. Adopt a subsequent resolution awarding the bid contract to the remaining, responsive, second lowest, bidder Buena Vista Grading and Paving and authorizing the City Manager to enter into a contract agreement with Buena Vista Grading and Paving for installation of the same Equipment Wash Rack in an amount not to exceed \$9,750.00.

**ACTION: MOTION/SECOND: FOSTER/RUTHERFORD VOTE: 3-1(Evans/No) (Vice Mayor Evans objected to procedure of awarding contract and language in resolution.**

**The resolution to be modified before being issued a City Resolution number and signed by Mayor and staff.**

5. A Resolution of the City Council Authorizing the City Manager to Request Statement of Qualifications from qualified Real Estate Broker(s) to represent the City on the sale of 2101 Myrtle Place, a Below Market Rate Program (BMR) home.

**Recommendation:** That Council Approves the Resolution

**ACTION: MOTION/SECOND: RUTHERFORD/FOSTER VOTE: 3-1(Evans/No)\**  
**(Vice Mayor Evans gave no reason for No vote)**

6. Televising City Council Meetings

**Recommendation:** That Council provide direction to staff on televising City Council Meetings regarding the following options:

A: Commence contract negotiations with Snader and Associates as the lowest responsible bidder

B: Commence contract negotiations with both parties to find the optimal mix of system capabilities, price and features

C: Direct the City Manager to find funds in the budget to pay for the higher proposal should the Council wish to select Ceitronics' proposal

**ADJOURNMENT**