



City of East Palo Alto

MINUTES

**Joint Special City Council Meeting/Redevelopment Agency/Advisory
Bodies Study-Work Session
Tuesday, September 26, 2006
2415 University Avenue
Community Room**

City Council Members present: Mayor Ruben Abrica, Vice-Mayor A. Peter Evans, Donna Rutherford, Pat Foster and David Woods.

Planning Commissioners present: Chair Robert Sherrard, Vice Chair Carlos Romero, Bernardo Huerta, Bob Allen, Jose Bravo, Goro Mitchell, Jorge Prado

Transportation Advisory Committee Members present: Bernardo Huerta, Betsy Yañez, Lee Gray, Richard Tatum, and Nancy Edleson

Rent Stabilization Board Members present: Lee Harris, Robert Allen, William Webster

Senior Advisory Committee Members present: Richard Tatum, Ruby Williams, and Dorothy Lewis

The meeting was called to order at 6:12 pm by Mayor Ruben Abrica.

Mayor Abrica asked city advisory board members to identify themselves.

Mayor Abrica said that the meeting was a continuation of the city's efforts to solicit community, staff and advisory board input on policy. Previous Council work sessions were as follows:

- 1) Meeting with City Manager and City Attorney,
- 2) Management Team Meeting,
- 3) Budget work sessions.

Mayor Abrica said that the foci of the meeting were twofold:

- 1) To hear policy issues that need to come to the Council's attention in an open ended format so that staff/advisory board members/citizens can

- raise concerns (Mayor Abrica said that the issues would not be taken up that night), and
- 2) The second part would be a more structured city manager's report on the last quarter and what is coming.

The mayor said that the meeting would end at 9:00 pm and that the Council would attempt to finish by 8:30 pm. Mayor Abrica requested that speakers identify issues, restrain from debate and posited that there would be an attempt to resolve the issues later.

Ms. Skinner (wife of Planning Commissioner Court Skinner) asked what time the City Manager's report would commence.

Mayor Abrica said that part one would last 1.5 hours.

Mayor Abrica said that Commissioners need clarification on policies. In addition, during City Council meetings some policies are not clear. The process will be that the Council will see what issue surface, address them, give direction and propose policy.

Councilmember Foster said that she is not ready for the policy issue discussion. A lot of the issues with Planning need to be addressed in a joint Planning Commission/City Council meeting.

Mayor Abrica said that the process would entail listening to the issues raised by the City Councilmembers, followed by city advisory board members, the public and then from staff.

The City Manager asked if the meeting would employ the normal process of allocating two minutes to speakers of a discussion process.

Mayor Abrica said that the normal process would be thrown out and asked speakers to limit comments and be precise.

Councilmember Foster asked if speakers could talk as long as they wanted.

Mayor Abrica said they could comment for two to three minutes.

The City Manager said that there was no timing mechanism available.

City Council (CC)

Mayor Abrica asked the Councilmembers for their issues.

Councilmember Rutherford asked if there were City Council ethics codes related to how Councilmembers relate to each other. She said that during the last four to

five meetings the Mayor and Vice-Mayor differed on process and when the Vice-Mayor asked questions the discussion escalated into arguments. She asked if there was any policy that dealt with professional interaction on the Council. She asserted that the process should not be demeaning.

Planning Commission (PC)

Planning Commissioner Romero agreed with Councilmember Foster's idea of having a joint meeting. Issues raised by Romero included:

Long Range Planning: We envisioned a community with amenities during the incorporation movement—we need to get on track. Ravenswood Business District (RBD) Environmental Impact Report (EIR) is in limbo—we may need to hire a contract planner. The community should be able to speak on draft.

Appeals: Commissioner Romero raised concerns about projects that were rejected by the Planning Commission and approved by the City Council such as the Bird/Brock/DKB and the cement batch plant projects, which were viewed as inconsistent with the General Plan. Romero reminded the Council that the RBD was the last underdeveloped piece of land in EPA.

Romic: Commissioner Romero said that Romic needs to be addressed—he said he is not for or against Romic. Romero reminded the Council of the toxic release from Romic. He said that the issue should be front and center, there should be public discussion based on land use not the California Department of Toxic Substances Control (DTSC)—we should take our destiny into our own hands.

Planning Commissioner Robert Allen stated that this was his second year on the Planning Commission. With respect to Condo Conversion, he suggested putting a new ordinance in place and raising the vacancy threshold to 4.15% plus 2.00%. He would also like to protect rental housing, as EPA does not have many new rental units. With the condo conversion ordinance in place, if the county goes another direction, we have control.

Planning Commissioner Chair Robert Sherrard agreed with Pat Foster that we need a joint CC and PC meeting. Sherrard mentioned that as the city grows water supply and sewage capacity are an issue. Sherrard said that pipelined projects won't work without Water and sewage capacity. He was not sure which department needs to address these issues—Housing or Planning. Regarding project design review, Sherrard asserted that the City needs its own density bonus policy. Currently the city has to defer to the State law. Subdivision-condo conversion according to Sherrard needs to be addressed. Sherrard said that there needs to be a road map related to development fee structure. Regarding use permits, he asserted that there needs to be a joint PC/CC meeting to establish the supply threshold for alcohol selling businesses in EPA. On a

grander scale according to Sherrard, the PC is reactive not proactive because there is no road map.

Transportation Advisory Committee member Betsy Yañez informed the Council that long time resident and activist Jane Leech passed away and asked that her memory be honored.

Mayor Abrica asked that more details be researched.

The City Manager recommended that the meeting be adjourned in Jane Leech's memory.

Senior Advisory Committee (SAC)

Mayor Abrica Asked if there was anyone from the Senior Advisory Committee that wanted to speak.

Ruby Williams (Senior Advisory Committee member) said that she was having problems with renters. The renters, a couple, had paid rent for two months and subsequently have not paid rent for two months. She felt that the law was made to protect her renters. She tried to evict the couple and met with a lawyer to no avail. She asked for help.

Wilbert Lee, Director, Housing Department said that he will meet with Ms. Daniels the next day.

Dorothy Lewis of the Senior Advisory Committee asked the Council to not forget the seniors.

Rent Stabilization Board (RSB)

RSB Chair Lee Harris asserted the need for action so that the RSB can meet its mission. Lee asserted that RSB budget information should be submitted to the RSB three months in advance so that it can be reviewed. The RSB should be empowered to keep/protect RSB reserves. Currently, the RSB does not know the status of reserves. He said that there are no funds available to address RSB-impacting ballot measures.

RSB Member William Webster stated that Jane Leech was a member of a coalition to stop City Measure E and gave great input into the coalition's deliberations. Webster said that the purpose of the RSB was not only to serve tenants but to support the interests of land owners. Landlords have historically asked for assistance from the RSB. Webster asserted the need for city policy updates related to the Ellis Act. He said that a request was made that the City Attorney make a presentation to the PC on this subject. He asserted that the process should not take another 20 years.

Webster articulated that the RSB and Planning Commission had done a lot of work drafting an updated Condo Conversion Ordinance. He said it would be a shame to waste the work. The draft needs very little work to complete.

Webster asserted that mobile home parks benefit seniors. He posited the need to engage in a process to prevent the premature closure of Creekside and Palo Mobile Estates. He said that hundreds of people could be displaced if we do not protect these long-term residents—some of which have lived in the community for more than 40 years. Regional condo conversion could impact thousands of residents.

RSB Member Robert Allen said that they have looked at laws from Berkeley and San Francisco regarding Ellis Act safeguards. The San Francisco ordinances provided the best safeguards for families. He opined that if the City Attorney added a staff member he could produce an ordinance in 80 hours of staff time. Allen said that it would take 8 hours to finish the new Condo Conversion Ordinance.

Public Works and Transportation Commission (PWks & TRSP Comm.)

PWks & Trsp Comm. Member Midge Dorn said that the work of the PWks & Trsp Comm. has changed. Members are not coming to meetings. She said that the PWks & Trsp Comm. is supposed to review projects before they go to the PC. Dorn said that a lot of people come to the PWks & Trsp Comm. meetings because of street racing. There are a lot of traffic mitigation ideas and no action. They have been told that the traffic study has to be completed first. Dorn said that there is a waiting list to approve speed bumps. She said that the PWks & Trsp Comm. needs guidance from the Council on what their priorities should be.

Regarding trees, Dorn asserted that there needs to be an ordinance to prevent the loss of the historic tree canopy—not to include replacing historic trees with new ones.

PWks & Trsp Comm. Member Bernardo Huerta said the PWks & Trsp Comm. has not met much because the City Engineer is too busy. There are 15 speed bumps waiting at \$5,000 each to be constructed. Huerta said that The California Highway Patrol comes down on citizens, not University Avenue traffic. He asked that the PWks & Trsp Comm. be notified about water supply negotiations with the San Francisco Public Utilities Commission (SFPUC). Finally, Huerta asserted that the City's tree maintenance program needs a budget for Public Works.

PWks & Trsp Comm. Member Lee Gray said that he has been to several meetings with no action taken. He said that ever since Dave Bishop left there has been a void. He opined that the PWks & Trsp Comm. does not need consultants and that the members were the experts and know what needs to be done. He said that staff always say that they have to do studies. Regarding bus shelters, Gray said that there has been no fruition and that they have people that will build them. He warned about urban strip miners that take resources and leave the community.

PWks & Trsp Comm. Member Richard Tatum said that red curbs equal less parking. He said that this has created three miles of no parking on University Avenue and is causing parking in yards. He raised the issue of trash in cul de sacs—he sees anti dumping signs but there is a need for more community help. Tatum asserted that he does not want EPA to become the speed bump capital of San Mateo County. Another issue raised by Tatum was cars parked on the sidewalk which forces pedestrian to walk in the street. He said that there is not

enough room on many streets for two way traffic with on street parking. He also said that he agrees with the other PWks & Trsp Comm. Members' comments.

PWks & Trsp Comm. Member Betsy Yañez agreed with other TAC Members. She said there is a need for a place in the city to dump trash. Yañez said that there is a problem at the intersection of Clark and Cooley Avenues with cars doing doughnuts.

PWks & Trsp Comm. Member Nancy Edleson reiterated Midge Dorn's assertion with respect to receiving project materials before the PC does. She said it was a mistake to give the Planning Director authority. Deforestation is a problem—she cited the loss of trees due to the Courtyard at Bay Road project. PWks & Trsp Comm. should be given the chance to shape the future environmentally, around Romic and regarding where we get our water from.

Planning Commission (2)

New Planning Commissioner Jorge Prado said that the liquor store on the corner of Euclid and East Bayshore does not clean up trash related to its sales. He said that the business should be forced to clean up. Prado said that there is no space to walk on side walks and that he fell once because of this.

Public Comments

Marianne (YUCA) said that we feel that the City of EPA should prioritize getting Romic out. She said that Romic is a threat to our health. Marianne asserted that Romic has been operating without a permit since 1991. YUCA has collected 1,800 petitions so that the DTSC could deny Romic permit.

J.C. Hill Complained about services that the City cannot provide. He commended Pat Foster. According to Hill, the City has lost services and their workforce. Hill said that on Buchanan Court teenagers were doing doughnuts. One of them got hit according to Hill, which happens frequently. He advised that the City should ensure that funds are used properly. He asked for a services report.

Senior Advisory Committee

Richard Tatum said that the City Council needs to not forget seniors. He said that no programs should be cut from the Senior Center and should not go to Oneta Harris.

City Council

Councilmember Foster said that we need a policy regarding reserves and a budget review committee. We need a process that as open as possible, asserted Foster. To Midge and Nancy, Foster said that Canopy will be coming before the Council to discuss trees on October 17th. She said that she would like

to see an Arts and Culture Commission. In addition, Foster opined that the city should have a Youth Advisory Commission.

Councilmember Woods said that conducting study after study is a concern and wants to see actions on issues. Issues that are old issues are still issues according to Woods.

Mayor Abrica said that we are developing reserves and need a policy on fees.

City Staff

City Manager Alvin James said that there is a need for a financial planning, a policy on cash reserves. James asserted that the city needs to look at revenue and expenditures strategically. He said that it would be helpful if the Council set a time to discuss and identify vulnerabilities e.g., inflation of health costs in the current year's budget.

City Attorney Michael Lawson informed the Council of a new state law (AB 1234) that requires ethics training before January 1, 2008. Staff will develop training to be conducted after the November elections.

The Chief Building Official Chris Gale asked the CC what they expected from the Building Department and Code Enforcement. He asserted that staff morale was low and recommended that the CC consider a policy on morale.

Planning manager Maria Banico recommended to Councilmembers that the City adopt historical budgeting methods from Sunnyvale, California, which are underpinned by developing pie in the sky outcomes and determining what can be accomplished. She also stated that morale was low.

City Engineer Fernando Bravo said that he needed direction on infrastructure priorities for the city. In addition, Bravo said that he needed adequate staff to achieve these goals.

A five minute recess was called by Mayor Abrica at 7:50 pm.

The meeting was reconvened by the mayor at 7:55 pm

The City Manager distributed a handout. The City Manager presented the following information:

<p>Infrastructure:</p> <ul style="list-style-type: none">○ Maintenance and improvements	<p>Levee grant authorized; CC informal bid authorized; early to mid November project commencement;</p>
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<ul style="list-style-type: none"> ○ Sidewalks and roads ○ Parks ○ Storm drains ○ Plan for Bay Road refurbishment 	<p>Plans and specifications are being developed for early to mid-November project commencement YMCA sponsored Bell street and sidewalk improvements; side walks on both sides of Bell St. will be done in the next two weeks.</p> <p>City assumed responsibility for Joel Davis Park and Cooley Landing; environmental assessment underway for 6.6 acre Cooley Landing site; worked with San Mateo County jurisdictions to negotiate reasonable allocation of countywide 1/8 cent sales tax for parks (if measure passes) there will be \$300,000 to \$325,000 raised for maintenance.</p> <p>City in process of sorting out financial/fiscal requirements associated with management of storm drain and lighting districts; no progress on Runnymede Storm Drain Cleanout project beyond environmental assessment; acquisition of Rail Spur ROW for drainage improvements still awaiting resolution of ROW ownership issues.</p> <p>Previous CC authorization for 1st phase Bay Road construction competitive bid rescinded and new bid package, per revised Caltrans DBE/LBE rules being prepared for publication; 2nd phase concept has been submitted for inclusion in MTC Regional Transportation Program.</p>
<p>Public Safety:</p> <ul style="list-style-type: none"> ○ Code enforcement 	<p>Curtaccio property abatement hearing conducted by CC; Other RBD general enforcement actions; Gateway 101 Retail Center Maintenance Agreement currently being developed—a letter was sent by the RBD attorney; Graffiti</p>

<ul style="list-style-type: none"> ○ Staffing ○ Moving Police Department and upgrading Police Department and vehicles ○ Disaster and emergency preparedness long term and short term ○ Detailed plan for small businesses ○ Guidelines for service agencies receiving City funds and monitoring of agencies receiving ○ Supermarket in East Palo Alto 	<p>abatement; Vehicle Abatement—379 vehicles tagged and 120 cited.</p> <p>Police Captain hired; Police Officer hired (4 Officers have accepted other positions);</p> <p>Police recruitment continuous work underway to complete modular building on a phased basis; 6 new police vehicles purchased, 6 new truck purchased for other city departments, 6 new police officers.</p> <p>Preparedness committee meets regularly, under Mayor Abrica and Councilperson Rutherford’s leadership, developing interagency cooperative agreements - 1st to be presented for CC consideration at October 3, 2006 meeting – others to follow. Menlo Park Fire District; Health Clinic et al are conducting CERT training; September 30th Emergency Preparedness exercise to take place, etc.</p> <p>Monthly retailer meetings; Meetings with Ravenswood LLC to facilitate consideration of creation of assessment district to finance infrastructure improvements; Dates tentatively scheduled for community meetings related to Supermarket site development options for “Four Corners” Area.</p> <p>LBE/DBE contractor training session recently held.</p> <p>Upcoming developer – community meetings in October and November.</p>
<p>Human Services:</p> <ul style="list-style-type: none"> ○ Youth activities/after school, summer, and funding for more 	<p>Gang Resistance Education and Training (GREAT) program; Junior</p>

<p>slots</p> <ul style="list-style-type: none"> ○ Senior Center/senior services ○ Human needs assessment 	<p>Police Academy (JPA); Risk Prevention Program, School Resource Officers Program.</p> <p>Revised draft lease and operating agreements under preparation and expected to be presented soon to CC/Senior Center, Inc. Ad Hoc committee for consideration – also expected to be presented for CC soon; new dishwasher installed; PD security services being provided; facility condition assessment presently being prepared.</p> <p>No progress. The city manager stated that the city has 108.9 FTE employees — previously the city had 138 FTE staff.</p>
<p>City Organization:</p> <ul style="list-style-type: none"> ○ Communications between City and Community ○ Organizational Audits ○ Fix planning Department/staffing and hours ○ Establish Public Works Division ○ Staffing Public Works ○ Implementation plan for all City Departments 	<p>Chat with the Chief (ongoing); Dumbarton Dialogue (underway again); RDA/Economic Development staff participation in Chamber of Commerce meetings; small business events; periodic community meetings related to proposed development projects; Board/Commission regular meetings (ongoing).</p> <p>CMO Quarterly department reviews; periodic independent financial audits; personnel desk audits.</p> <p>Senior Planner position filled (interim).</p> <p>No progress.</p> <p>Maintenance worker examination scheduled October 3rd.</p> <p>To be addressed in department</p>

<ul style="list-style-type: none"> ○ Management for Community Development ○ Capital improvements and redevelopment ○ Budget deficit ○ Collaborate with school district on use of equipment 	<p>Quarterly Reviews process.</p> <p>No progress.</p> <p>Preparation scheduled for 2nd Quarter.</p> <p>Still an issue; Financial Plan discussion scheduled for September 26, 2006; closed \$1.9 million deficit—may have deficit at years end.</p> <p>Discussion of various opportunities for City/School District collaboration, including joint use of equipment, scheduled for October 3, 2006.</p>
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A question and answer session was held.

Councilmember Foster asked if there was a date set for the community meeting around the Four Corners Property (Bay and University).

Redevelopment Agency Director Carlos Martinez said that the meeting would facilitate for the developer hearing what the community wants. He is aiming for October 9th as the meeting date. The developer also wants to show tentative drawings.

Councilmember Foster asked for a report on the First Source Hiring Program—how many residents have been hired and in what positions. Foster asked about the sale of Pad D.

Redevelopment Agency Director Carlos Martinez said that brokers were being interviewed.

Councilmember Woods asked what was happening on the Palo Alto side of the levees.

City Engineer Fernando Bravo said that the Santa Clara County Drainage District was conducting sediment removal.

Councilmember Woods said that Ravenswood 101 looked bad.

The City Manager said that the City has been working for two years to develop a maintenance agreement with the businesses.

Redevelopment Agency Director Carlos Martinez said that the maintenance agreement will be in place in January 2007.

Mayor Abrica thanked staff and said that copies of an extraction from the 2006-2007 budget was available.

The meeting was adjourned in Jane Leech's memory by Mayor Abrica at 9:10 pm