



CITY OF EAST PALO ALTO ACTION MINUTES

SPECIAL JOINT CITY COUNCIL/RAVENSWOOD CITY SCHOOL DISTRICT MEETING AND REGULAR JOINT CITY COUNCIL/ REDEVELOPMENT AGENCY MEETING

TUESDAY – October 3, 2006

City Council/School District Meeting - 6:00P.M.

Closed Session - 7:00P.M.

Regular Meeting - 7:30P.M.

City Council Chambers, 2415 University Avenue

6:00 P.M. SPECIAL JOINT CITY COUNCIL/SCHOOL DISTRICT MEETING

Public Comment: (Please Limit Your Comments to Agenda Items Only)

JOINT CALL TO ORDER AND ROLL CALL

Attendees

City Council/Redevelopment Agency	Ravenswood City School District Board
Councilmember Donna Rutherford - Present	President Jackie Wallace-Green
Councilmember Patricia Foster - Present	Trustee Adam Mitchell (Not present for roll call)
Vice Mayor A. Peter Evans – Present	Trustee Todd Gaviglio (Not present for roll call)
Mayor Ruben Abrica - Present	Trustee Chester Palesoo
Councilmember David Woods - Absent	Superintendent Maria De La Vega
City Manager Alvin D. James	

1. APPROVAL OF AGENDA

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

2. Inter-agency Agreement on Emergency Preparedness

The two agencies discussed the agreement and spoke on items within it that would need further work and consideration. A motion was made to accept Emergency Preparedness agreement.

Action: Motion:/Second: Rutherford/Green Vote: 3 Councilmembers Yes, *Vice Mayor Evans –No; Woods Absent; 3 School District Trustees- Yes

3. Discussion of Opportunities for Collaboration

Information given from the attached list presented by City Manager James and School Board Superintendent De La Vega. Councilmembers and Trustees discussed the items and made plans to hold future collaborative meetings.

4. Next Steps

Mayor Abrica suggested that he and President should begin to hold regular meetings for discussion and proposal of the items listed on the attached document as written by City Manager James.

Councilmember Foster asked if this committee was going to replace the one in existence currently that she served on and that it seemed counter-productive. Mayor Abrica stated that it would be good for him and the President to meet occasionally and discuss items that then would be brought to the various joint meetings.

Trustee Palesoo stated that the joint meetings were a benefit to both the school district and the city and hoped that these would be continued.

Mayor Abrica suggested that the meetings be adjourned with both factors looking out to future dates for collaborative meetings.

ADJOURNMENT: 7:15PM

NOTE: *The Minutes for the Special Meeting was amended on 10/17/06 to reflect the No vote Vice Mayor Evans made on the Joint agreement. Prior Minutes reflected a 4-0 vote, instead the vote should have reflected a 3-1(NO Vice Mayor Evans) vote.

7:00 P.M JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING CLOSED SESSION

JOINT CALL TO ORDER AND ROLL CALL

Rutherford, Foster, Evans, Abrica (Woods/Absent)

1. APPROVAL OF AGENDA

Action: Motion/Second: Rutherford/Foster Vote: 4-0

2. CLOSED SESSION COMMUNITY FORUM: 3 Speakers

3. CLOSED SESSION

A. Potential/Pending Litigation Pursuant to Government Code Section 54596.9

1. Hill v. City of East Palo Alto

ADJOURNMENT

7:30P.M . JOINT REGULAR CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

JOINT CALL TO ORDER AND ROLL CALL

Rutherford, Foster, Evans, Abrica (Woods/Absent)

1. APPROVAL OF AGENDA

Action: Motion/Second: Rutherford/Foster Vote: 4-0

Vice Mayor Evans pulled item 2B1 for discussion: requested that a quarterly report be a requirement from the Chief.

2A. Advisory Bodies

Resolve the Status of:

1. Advisory Bodies members who applied for reappointment but did not attend the September 19, 2006 meeting
2. Advisory Body member whose terms expired and desire to continue serving but did not submit applications
3. Advisory Body members whose terms expired and were unaware their terms expired but desire to continue serving

Council reappointed Robert Sherrard to Planning Commission-Seat # 4, 3-year term; Stanley K. Yim-Seat #2/Homeowner Regular, 2-year term to Rent Stabilization Board and Arthur "Lee" Gray-Seat #3/Regular, 3-year term. to Public Works and Transportation Commission.

Also made unanimous decision to continue to 10-17-06 to allow remaining/absent advisory body applicants to be present and interview with Council if so chosen. Deputy City Clerk to send reminder letters out.

Action: Motion/Second: Foster/Rutherford 4-0

2B. CONSENT CALENDAR Resolutions, Motions and Informational Reports

1. **2614**-Authorize the City Manager to accept, appropriate and expend \$146,378.56 funds from the United States Department of Justice Bureau of Justice Assistance Gang Resistance Education and Training (GREAT) program grant

Recommendation: That Council approve the resolution

2. Authorization for the Executive Director/City Manager to acquire the portion of a rail spur between Clarke and Pulgas Avenue, and approval of an appropriation of Park-in lieu fees, not to exceed \$16,000 to pay for costs related to the acquisition of the rail spur

Recommendation:

- a. **624**--The Agency authorize the Executive Director to acquire a portion of the Ravenswood Rails Spur between Bay Road and Pulgas from Charles Weeks Jr. for an amount of \$10,000
- b. **2620**-That Council authorize the City Manager to appropriate funds from the Park-in-lieu fees to be allocated to the Agency for acquisition costs

associated with the Rail Spur acquisition including the payment of \$10,000 to Charles Weeks Jr. and additional costs including legal fees, title and escrow closing fees and related costs, not to exceed \$16,000

3. Request for clarification regarding recent City Council directives associated with city utilization of 1950 Tate Street ***Continued to 10-17-06 Regular CC-RDA Meeting***

Recommendation: Clarify the timing of City Council reconsideration of the City office use of the 1960 Tate Street facility and the status of request for qualifications process as it relates to authorized negotiations with the Children's Preservation Network (CPN) in connection with the potential use of the Tate Street facility for childcare

4. Claim of Emmanuel Garcia

Recommendation: That Council authorize the City Manager to reimburse Emmanuel Garcia, in the amount of \$3,027.60

5. Proclamation
 - a. Drew Health Center

6. Minutes
 - a. Special City Council/RDA Meeting – July 25, 2006
 - b. Regular Council/RDA Meeting – September 5, 2006

Recommendation: That Council approve the Claim and Minutes by motion

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 Communication:** None

4. **Special Presentations:** None

5. **Oral Reports**

A. Reports Out of Closed Session

Per City Attorney Lawson: No Reportable Action

B. Reports from Staff

1. Maintenance Issues – Public Works

C. Advisory Bodies: Planning Commission

D. City Council/Redevelopment Agency Reports

E. Mayor's Report

1. 09-26-06 Special City Council/Advisory bodies Work-Study Session

6. **Community Forum**

7. Hearings

A. **Appeal of Mr. Charlie Touchatt of the Planning Commission’s Denial of a Temporary Use Permit (TUP 96-9) to allow the continued operations of the Baycrete Batch Plant operated by CEMEX Corporation at 2535 Pulgas Avenue**

RECOMMENDATION: Open the Public Hearing, take testimony

Action: Motion/second: Rutherford/Foster Vote: 4-0

Close the Public Hearing

Action: Motion/second: Rutherford/Foster Vote: 4-0

By motion, DENY the appeal and UPHOLD the decision of the Planning Commission to deny

Discussion by Council, Public Comment from Appellant Touchatt and various community members

Council voted 2 – 2 (Abrica/Rutherford-Yes; Evans/Foster-No)

The Planning Commission’s decision was upheld due the failed 2-2 motion.

(Please note for the record that a Final Decision notice was sent to Mr. Touchatt with a proof of service and; to RMC Pacific Materials by the Deputy City Clerk on 10/09/06).

B. **Water Rate increase pass through – San Francisco Public Utilities (SFPUC)**

Proposed adjustment to City Water Service Rates and Related Analysis of Proposed rate Increase

Recommendation: A. Open the Public Hearing, take testimony

Action: Motion/Second: Rutherford/Foster Vote: 4-0

Close the Public Hearing

Action: Motion/Second: Foster/ Rutherford Vote: 4-0

B. By resolution, adopt proposed adjustment to the City’s water service rates

Staff report given by Cal Am Water Regional Manager Chris Alario and City Manager James; item was discussed by Council and public comments taken. Some members questioned whether adequate notice was given because of the low turn out of East Palo Alto citizens for the hearing. Council was informed that all property owners and all residences with meters were notified both by address labels from a title company and labels from the water department’s metering/billing system; and the noticing was done in English and Spanish. Vice Mayor Evans wanted to know what it would cost to notice again and staff informed him that it would be over \$10,000 as the first notification cost.

Council felt that another newspaper notice would be adequate and that this item would be continued to the 10-17-06 Regular CC/RDA Meeting.

Action: Motion/Second: Rutherford/Foster Vote: 4-0

8. Policy and Action

City Council

A. Ordinance (Second reading as *continued from the 09-19-2006 Regular meeting*)

1. Second Reading of An Ordinance re-zoning the property: APNs 063-231-180, 190, 200, 290; 063-240-210, 220, 320, 330, 340 (partial), and 350 (approximately 7.99 acres) related to consideration of approval of project known as Byrd, Brock, DKB Homes and, consideration of actions related to approval of the project , including: environmental determination, findings, conditions of approval

Recommendation: That the Council approve:

- a. **2619**-Actions related to project approval
- b. **296-2nd** Reading of Ordinance re-zoning property

Action: Motion/Second: Rutherford/Foster Vote: 3-1(Evans-No)

B. Resolutions, Discussions, Informational reports

1. Statewide Propositions
 - a. **2615**-Adoption of a Resolution endorsing State Propositions 1A, 1B, 1C, 1D, 1E, and 84 on the November 2006 Ballot

Action: Motion/Second: Rutherford/Foster Vote: 4-0

- b. Provide direction to staff on letters of request from the East Palo Alto Asthma Task Force for the comprehensive statewide ballot initiative Proposition 86

Council Authorized Mayor to write a letter of support

Action: Motion/Second: Foster Abrica Vote: 4-0

Recommendation: That Council adopt the resolution on item 8B1a and Provide direction to staff on Item 8B1b

2. **2616**-Authorizing the City Manager to Execute an Agreement with the Media Center to Manage City Cable-casting Operations

Recommendation: That Council approve the resolution

Action: Motion/Second: Foster/Rutherford Vote: 4-0

3. Request for Funding Assistance From EPA.Net

Recommendation: It is recommended that the City Council:

- 1) Provide Direction Regarding Request By Michael Levin, on Behalf of EPA.Net for Funding Assistance, in the Amount of \$5000 for That Organization

Unanimous agreement – directions to City Manager to allocate funds and cut Check

4. **2616**-Plan and Schedule for completion of 141 Demeter
- A. Authorize the City Manager to expend \$61,002 from federal HUD Economic Development Initiative (EDI) Grant funds and \$51,312 State Law Enforcement Services Funds (SLESF), for a total of \$112,314, for the completion of remaining work on the 141 Demeter Facility

Recommendation: That Council approve the resolution

Action: Motion/Second: Rutherford/Foster Vote: 4-0

5. **2617**-Authorization to pay \$12,500 to Peninsula Hauling for Emergency Tree Abatement

Recommendation: That Council approve the resolution

Action: Motion/Second: Rutherford/Foster Vote: 4-0

- 6 **2618**-Authorize the City Manager to purchase, via sole source, six (6) Dodge Charger Police Vehicles from Barber Auto Sales in Vallejo at a cost of \$199,799.57

Recommendation: That Council approve the resolution

TIME: 12:00AM; By a 3-0 vote Council decided to continue Council Meeting for another 10 minutes in order to complete the remaining agenda items. Councilmember Foster had left the chambers at 11:58PM

ACTION: Motion/Second: Rutherford/Foster Vote: 3-0

7. Children, Youth, Seniors, Families Fund (Community Grants Program)
- a. Adopt a resolution reconsidering council's decision on September 5, 2006 denying a waiver-of-fees request by the East Palo Alto Children's Day Committee for Children' Day 2006.
- b. Adopt a resolution authorizing the City Manager to charge expenses incurred by the Police Department during the Kill the Beef concert at Jack Farrell Park on September 16 to the Community Grants Program.

Recommendation: That Council approve the resolutions

Item discussed by Council and a vote to approve was taken and failed by a 2-1 vote, with Vice Mayor Evans voting No. It was agreed that this item should then be continued to the 10-17-06 Regular City Council Meeting.

Continued to 10-17-06 Regular CC/RDA Meeting by Unanimous decision of Council

ADJOURNMENT