



CITY OF EAST PALO ALTO ACTION MINUTES

REGULAR JOINT CITY COUNCIL/ REDEVELOPMENT AGENCY MEETING

TUESDAY – November 21, 2006

Closed Session – 6:30P.M.

Regular Meeting - 7:30P.M.

City Council Chambers, 2415 University Avenue

6:30 P.M JOINT SPECIALCITY COUNCIL/REDEVELOPMENT AGENCY MEETING

JOINT CALL TO ORDER: 6:30P.M.

ROLL CALL:

WOODS, RUTHERFORD, FOSTER, ABRICA (Evans absent for Roll Call, arrived at 6:35PM)

1. APPROVAL OF AGENDA

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

2. CLOSED SESSION COMMUNITY FORUM: 2 speakers

3. CLOSED SESSION * See Item 4 under Oral Reports

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

1. East Palo Alto Hotel, LLC v. City of East Palo Alto et al
2. Discussion of potential litigation involving transactional occurrences with Acclaim Homes/Bridgeport LLC, developer of the University Commons project, and John Hunter, developer of the Cummings Park Lofts project, regarding demands for concessions pursuant to Gov. Code sec. 65915, et seq

B. Real Property Negotiations pursuant to Gov. Code sec. 54956.8

1. Location of property: 3 Shorebreeze Court
Negotiators: Wilbert Lee; Karen Tiedemann; Alvin James

ADJOURNMENT

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

JOINT CALL TO ORDER: 7:35p.m.

ROLL CALL: WOODS, RUTHERFORD, FOSTER, EVANS, ABRICA

1. APPROVAL OF AGENDA

Action: Motion/Second: Abrica/Rutherford Vote: 5-0
(*Item 2A2 pulled by Councilmember Woods-see note below)

Approval of items 2A1 and 3 and 4: Second/Motion: Woods/Foster Vote: 5-0

2 CONSENT CALENDAR

A. Motions

1. Quarterly Treasurer's Report ending September 2006

Recommendation: That Council accept and file the report

2. Minutes

a. 11-08-06 CC RDA Meeting

Recommendation: That Council Approve the Minutes by motion

(*Note: Councilmember Woods abstained from voting on the 11/08/06 Minutes as he was absent on 11-08-06)

ACTION: Motion/Second: Rutherford/Foster Vote: 4-0 (Woods-abstained)

3. Rejection of Claims against the City: Robert Reynolds

Recommendation: That the Council reject the claim by motion

4. Planning Monthly Status report for PC meetings of October 23 and November 13, 2006 and status of Planning Applications for November, 2006

Recommendation: Review the Actions of the Planning Commission and
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: 5-0

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

Note: Requests to Speak on Items 1, 2, and 3 will be heard during Community Forum

1. Special City Council Policy and Action Item

Discussion: Personnel Complaint

- A. Consideration of the report of the internal investigation into the harassment and retaliation against City staff complaint.

Recommendation: Discuss and provide direction to staff/special counsel

Special Counsel Cynthia O’Neil gave a summarized report on the internal investigation results.

Special Counsel stated that in view of the results of the investigation it was found that there was cause for action; and explained to Council the various actions that could be taken.

Council discussed the various options open to them regarding this complaint.

Public Comment: There were 14 members of the public with comments on this item.

Options and Council’s Decisions:

- Sanction/Censure (it was agreed that some type of action should be taken based on report)

Action: Motion: Woods/Rutherford In principle to adopt resolution of apology and censure and amended policies on harassment and code of conduct as well as additional training for Council on harassment prevention with special counsel to prepare these documents for Council consideration

Vote: 3-2 (Evans and Woods) voted NO

Support amending the City’s Harassment Policy

Action: Motion/Second: Woods Rutherford

- An Apology to staff from Council

Action: Motion/Second: Foster/Abrica

Vote: 4-1(Evans-No)

- Support for a Code of Conduct

Action: Motion/Second: Foster/Rutherford

Vote: 4-1(Evans-No)

Council on a unanimous vote, directed that a resolution of censure be drafted, and while stating that the Vice Mayor had been given an opportunity to respond to the investigative report; they agreed that this item be continued to next Council meeting.

2. **Special Presentations:** None

3. **Written Communication:** None

4. **Oral Reports**

Reports Out of Closed Session – City Attorney Michael S. Lawson

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

1. East Palo Alto Hotel, LLC v. City of East Palo Alto et al

Council Discussed – No reportable action taken

2. Discussion of potential litigation involving transactional occurrences with Acclaim Homes/Bridgeport LLC, developer of the University Commons project, and John Hunter, developer of the Cummings Park Lofts project, regarding demands for concessions pursuant to Gov. Code sec. 65915, et seq

Council Discussed – No reportable action taken

B. Real Property Negotiations pursuant to Gov. Code sec. 54956.8

1. Location of property: 3 Shorebreeze Court
Negotiators: Wilbert Lee; Karen Tiedemann; Alvin James

Council Discussed – and authorized staff to proceed with acquisition of the property

Vote 4-1 (Foster//No)

B. Reports from Staff

1. Woodland Creek Evictions – City Attorney Michael Lawson

C. Advisory Bodies: Rent Stabilization Board

D. City Council/Redevelopment Agency Reports

E. Mayor's Report

1. Short term task forces

5. **Community Forum**

6. **Policy and Action**

A. **Redevelopment Agency**

Resolutions, Discussions, Informational reports

- 1. **2639**-Authorizing: **a)** an amendment of Wilsey Ham’s contract to provide engineering services for the creation of an assessment district in the Ravenswood Business District and; **b)** the release of a Request for Qualifications (RFQ) to identify a qualified firm to provide Financial Advisory Services for the formation of an assessment District in the Ravenswood Business District

Recommendation: That the Redevelopment Agency approve the resolution

Council unanimously decided to take this item after Item 2

Action: Motion/Second: Rutherford/Woods Vote: 4-0
(Councilmember Foster/absent for Item 1 as it was taken after RDA Item 2)

- 2. **625**-Agency consideration to declare certain properties at the South East corner of Bay Road and University Avenue a Master Developer Site and issuing a Request for Proposals (RFP) to solicit development proposals for that area from property owners only

Recommendation: That the Redevelopment Adopt Resolution Declaring the area a Master Developer site. Review, discuss, comment on, and authorize staff to release a Request for Proposals (RFP) to develop the Bay Road/ University Development Site

Action: Motion/Second: Woods/Foster Vote: 5-0

B. City Council

Note: Let the record show that Councilmember Foster excused herself and left meeting at 10:45p.m.

Let the record show also that Councilmember Woods recused himself from this item citing a possible prior conflict of interest and left the chamber

Discussions, Resolutions, Informational reports

- 1. Authorize the City Manager to enter into a contract with Spangle Associates in an amount not to exceed three hundred and four thousand, seven hundred and ten dollars (\$304,710), including a 20 percent administrative fee to be paid to the City of East Palo Alto in the amount of (\$50,785) to provide contract planning services

including, but not limited to: the preparation of an Initial Study pursuant to the California Environmental Quality Act (CEQA), oversight, preparation of an Environmental Impact Report , and project entitlement planning services for a proposed 77-unit live work units on a 6.53 acre site in the Ravenswood Business District at 2555 Pulgas Avenue

Council started discussion of this and then unanimously decided to continue it to next Council meeting.

2. **2640-** Authorize 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 and provide funding for this position in the amount of approximately \$114,101

Recommendation: That Council approve the resolution

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

3. Authorize the City Manager to reject all bids on the Janitorial Services Contract for Four (4) City Facilities and re-advertise for bids.

Recommendation: That Council approve request by motion

Action: Motion/Second; Rutherford/Woods Vote: 4-0

4. **2641-**Authorize the City Manager to submit an application and workplan to the United States Department of Justice, for a \$1,000,000 “Weed and Seed” grant.

Recommendation: That Council approve the resolution

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

ADJOURNMENT: 11:59p.m.