



# City of East Palo Alto ACTION MINUTES

## REGULAR JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

**TUESDAY, September 18, 2007**

**Regular Joint Closed Session: 6:30p.m.**

**Regular Meeting - 7:30p.m.**

**2415 UNIVERSITY AVENUE**

**Council Chamber**

**6:30 P.M**

**Regular Joint Closed Session**

**Regular Joint Closed Session Call to Order: 6:30P.M.**

**Roll Call: Evans, Abrica, Rutherford, Foster (Woods-excused absence)**

**1. Approval of Joint Closed Session Agenda**

**Action: Motion/Second: Rutherford/Foster**

**2. Joint Closed Session Community Forum: None**

**3. CLOSED SESSION**

**A. Personnel Matters Pursuant to Government Code Section 54957**

1. City Attorney Evaluation

**B. Potential/Pending Litigation Pursuant to Government Code Section 54956.9**

1. Palo Mobile Estates Associates v. City of East Palo Alto, et al;
2. Leonard v. City of East Palo Alto
3. Garcia v. City of East Palo Alto
4. Conley v. City of East Palo Alto
5. Hill v. City of East Palo Alto
6. Enforcement of Measure R: Romic Environmental Technologies

Council by consensus reached a tentative settlement with Romic in the amount of \$337,500 payable over two fiscal years with a request that final settlement agreement come back for council review

**C. Labor Relations Pursuant to Government Code Section 54957.6**

1. SEIU Local 521 CTC (Service Employees International Union)
2. East Palo Alto POA (Police Officers Association)

**Adjournment**

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

Joint Call to Order: 7:30p.m.

**Roll Call**

Present: Evans, Abrica, Rutherford, Foster (Woods-excused absence)

**I. APPROVAL OF AGENDA**

Approval of Consent Calendar Items: IIA2, 4, 6 and 7

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

**II. CONSENT CALENDAR**

Councilmember Evans pulled Item IIA1 and 3  
Requested Clarification on Ellis Act and supporting documents for Claim

Councilmember Rutherford Pulled Item IIA5  
Item IIA5: Abstained from approval of Minutes: Reason – Absent from 09-04-07 Regular CC RDA Meeting

Items listed here may be spoken on if a request is given to the City Clerk to pull a particular item before approval of the Consent Calendar; and at the discretion of Council

**A. City Council/Redevelopment Agency Ordinances, Resolutions/Reports-Approval Actions and Motions**

1. **306**-Approval of an ordinance Amending Chapter 14.08 of the Municipal Code Regarding Withdrawal of Housing Units (“Ellis Act”) and related Relocation Benefits

**Recommendation:** That Council adopt the Ordinance

2. **2716-A** Resolution Authorizing the City Manager to enter into an Agreement with the East Palo Alto Senior Center Inc. for utility reimbursements for FY 2007-08 in an amount not to exceed \$30,000.00

3. Claim

**Reso. 2720-**

- A. CA State Automobile Association

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

**Recommendation:** That Council approve the Claim Settlement amount of \$1, 136.68

4. Receive and file the attached Treasurer’s Report for the quarter ending June 30, 2007

5. Minutes

- A. 09/04/07 Regular CC RDA Meeting

**Recommendation:** That Council adopt the resolutions and; Reject the Claim(s), Accept and File the Treasurer’s Report and Approve the Minutes By Motion

**Motion: Action/Second: Abrica/Foster Vote: 3-1 (Ruthereford-Abstained)**

6. Planning Actions of the July 2, July 9 and July 23, 2007 Planning Commission and Status of Planning Applications for July, 2007

**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 .

7. **2717-A** Resolution Authorizing the City Manager to increase the Tow-Fees schedule.

**Recommendation:** That the City Council adopt a resolution updating the Tow-Fees schedule

**Items 3, 4 and 5 may be addressed during Community Forum only, unless otherwise approved by Council**

**III. Written Communications:**

**IV. Special Presentation:**

- A. Proposed cleanup plan for Romic site- Ron Leach, USEPA
- B. Romic – Chris Stampolis

- C. SBWMA Request for Proposal for Solid Waste, Recyclable Materials, and Organic Materials Collection Services – Kevin McCarthy/Anthony Docto

**RECOMMENDATION:**

The items listed below were approved under one Resolution **2718**

1. Adopt a resolution approving the solid waste, recyclable materials, and organic materials collection services outlined in the South Bayside Waste Management Authority (SBWMA) August 2, 2007 draft Request for Proposals (RFP) for Collection Services;

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

2. Approve the contract terms detailed in the SBWMA's August 2, 2007 draft Uniform Franchise Agreement for Solid Waste, Recyclable Materials, and Organic Materials Collection Services;

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

3. Approve the scope of services in the SBWMA's August 2, 2007 draft Request for Proposals (RFP) for the Operation of the Shoreway Recycling and Disposal Center (SRDC); and

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

4. Approve the contract terms in the SBWMA's August 2, 2007 draft Agreement for the Operation of the Shoreway Recycling and Disposal Center (SRDC).

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

**V. Oral Reports**

Reports Out of Closed Session

**A. Personnel Matters Pursuant to Government Code Section 54957**

2. City Attorney Evaluation

**Vice Mayor Foster: No reportable action**

**B. Potential/Pending Litigation Pursuant to Government Code Section 54956.9**

1. Palo Mobile Estates Associates v. City of East Palo Alto, et al;
2. Leonard v. City of East Palo Alto
3. Garcia v. City of East Palo Alto
4. Conley v. City of East Palo Alto
5. Hill v. City of East Palo Alto

**City Attorney Lawson: No reportable action on items B 1 through 5**

6. Enforcement of Measure R: Romic Environmental Technologies

**City Attorney Lawson: Council by consensus, reached a tentative settlement with Romic in the amount of \$337,500 payable over two fiscal years with a request that final settlement agreement come back for council review**

**C. Labor Relations Pursuant to Government Code Section 54957.6**

1. SEIU Local 521 CTC (Service Employees International Union)
2. East Palo Alto POA (Police Officers Association)

**City Attorney Lawson: No Reportable Action**

- B. Oral Staff Reports

- C. Advisory Bodies: Rent Stabilization Board

**No Representative Present – No report given**

- D. City Council/Redevelopment Agency Reports

**VI. Hearings**

**A. Byrd Development LLC/Brock & Company and DKB Homes LLC (Continued from 09-04-07 Meeting)**

**Recommendation:** That the City Council

1. Conduct public hearing regarding the General Plan Amendment, rezoning ordinance and mitigated negative declaration associated with the development project located at 2470, 2477 and 2485 Pulgas Avenue; and 1860, 1950 Bay Road, East Palo Alto, commonly-known as the Byrd/Brock/DKB project; and
2. By motion, affirm approval of the General Plan Amendment, first reading of the rezoning and the mitigated negative declaration associated with said project

**Open the Hearing:**

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

**Public Comment and Council Discussion**

**Close the Hearing:**

**Action: Motion/Second: Rutherford/Abrica Vote: 4-0**

**Affirm Approval By Motion:**

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

**B. Measure C Parcel Tax**

**1. Informational Report**

A. Finance Director’s Measure “C” Program Administrative Guidelines

**Recommendation:** That Council Accept and File the Report

**2. Exemption Appeals**

A. Patricia Burton **(Not Present, bring back for next meeting)**

B. Ervin Hudleton

**Recommendation:** That Council Open the Hearing, Take Testimony, Close the Hearing and By motion, to uphold the Finance Director’s Decision and deny the Measure C Exemption appeals for Ervin Hudleton and Patricia Burton

**Open the Hearing:**

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

**Close the Hearing:**

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

**Measure Tax Administrator’s Decision upheld:**

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

**VII. Policy and Action Items**

**A. City Council Informational Reports and Resolutions**

1. **2719**-Authorization for the City Manager to negotiate and enter a 3-year contract with the Opportunities Industrialization Center West (OICW) and Free at Last (FAL) to operate the East Palo Alto Community-Based Coalition Day Reporting Center and provide parole-reentry services and to return to City Council with a final recommendation regarding the final terms of the agreement.

**Recommendation:** That Council Approve

**Action: Motion/Second: Rutherford/Abrica Vote: 4-0**

2. Recess Actions

**Recommendation:** That Council Accept and File the report

**Action: Unanimous Council approval to accept and file report**

VIII. Community Forum was moved up on agenda

IX. Adjournment: 11:55p.m.