



City of East Palo Alto ACTION MINUTES

REGULAR JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

TUESDAY, OCTOBER 2, 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: 6:35P.M.

Roll Call:

**Present: Councilmembers Evans, Abrica, Rutherford, Vice Mayor Foster
Mayor Woods**

I. Approval of Joint Closed Session Agenda

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

II. Joint Closed Session Community Forum: None

III. CLOSED SESSION (See Item VA1 for Report Out)

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. Enforcement of Measure R: Romic Environmental Technologies
2. Belfield v. City of East Palo Alto

Adjournment

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

Joint Call to Order: 7:30P.M.

**Roll Call: Councilmembers Evans, Abrica, Rutherford, Mayor Woods
(Vice Mayor Foster- Excused absence for reminder of Council Meeting
After Closed Session)**

I. APPROVAL OF AGENDA

Action: Ruthereford/Abrica

II. CONSENT CALENDAR

Items Pulled for discussion: 1, 4, and 5

Items Approved: 2, 3, 6, 7, 8 and 9

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

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. Resolution Accepting Improvements Constructed for Eastside College Preparatory School

Item 1 discussed, Councilmember Evans' declaration of non-ownership of property at 1100 Beech.

Councilmember Evans Voted No on this Item

Councilmember Rutherford Recused herself –Conflict of interest lives near property

No Quorum available to continue Motion and Vote on item. Carried over to 10-16-07 meeting.

2. Informational Report – CA State Automobile Association

3. **2721-Resolution Approving an agreement between San Mateo County and East Palo Alto regarding animal control services for period of July 1, 2007-June 30, 2011**

4. Resolution authorizing the City Manager to enter into a second amendment to the lease agreement (Lease Number 5108) between the County of San Mateo ("County" or "Landlord") and the City of East Palo Alto ("City" or "Tenant") for 8,343 square feet of office space and 6,200 square feet of fenced vehicle parking, at the East Palo Alto Government Center, located at 2415 University Avenue, in East Palo Alto, California, to extend the term of the lease through June 30, 2012

Councilmember Evans stated his opinion that this item should be carried over to 10-16 meeting and agendized Under Policy and Action; and that City should pursue attempt to purchase building rather than to continue leasing.

Council unanimously decided to carry this item over to 10-16-07 meeting and; directed staff to query San Mateo County regarding possible purchase of 2415 University Avenue building.

5. **2722**-Resolution Authorizing the City Manager to negotiate and enter into a sub-lease agreement with the YMCA of the Mid Peninsula to occupy and use a space located within the East Palo Alto YMCA for the purpose of providing youth programs and activities as well as office space.

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

6. **2723**-Resolution accepting a staff-negotiated funding agreement in an amount not to exceed \$45,000.00, with the East Palo Alto Boxing Program defining a "Scope of Services"; outlining an agreed upon means of communication between the City and the Club and "surplusing" approximately \$6500 in miscellaneous equipment and supplies that the city loaned to the in September 2005
7. Resolutions authorizing the City Manager to negotiate a three-year lease with Ngoc Uan Mo, Landlord of 219 Demeter Street; and enter into a 3-year lease agreement with Hartzheim Dodge of San Jose for two Dodge Charger police vehicles, for the parole reentry program, in an amount not to exceed \$24,842.88

Recommendations

- A. **2724**-Adopt a resolution authorizing the City Manager to enter into a three-year lease with Hartzheim Dodge of San Jose for two Dodge Charger police vehicles, as part of the parole reentry program, in an amount not to exceed \$24,842.88.
- B. **2725**-Adopt a resolution authorizing the City Manager to negotiate a 3-Year Lease Agreement to use the facility located at 219 Demeter Street, for the parole reentry program.

- 8. Claim
 - A. Mele Genaro
- 9. Minutes
 - A. 09/18/07 Regular CC RDA Meeting

Recommendation: That Council adopt the resolutions and; Reject the Claim(s) and Approve the Minutes by motion

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

III. Written Communications:

- A. Safe Day Campaign-Leland J. Francois, Gardenkit's Colored Plant Only Products and Safe Day Campaign Founder
- B. East Palo Alto Greyhounds Youth Athletic Association-Eric Stuart, Founder

IV. Special Presentation:

Items C and D were moved to forefront of Special Presentations

- A. East Palo Alto Greyhounds Youth Athletic Association-Eric Stuart, Founder

Council directed Community Services Director Meda Okelo to Assist Mr. Stuart in Funding for the Greyhounds.

- B. Redevelopment Agency 5-year Implementation Plan

Redevelopment Agency will hold hearing on 1016-07 on the 5-year Plan

- C. Introduction of Public Allies Staff
- D. Introduction of Mural Arts Youth

V. Oral Reports

- A. Reports Out of Closed Session
 - A. Personnel Matters Pursuant to Government Code Section 54957**
 - 2. City Attorney Evaluation

Mayor Woods Reported out: City Attorney Lawson's contract was extended for Three years at 3 percent.

Action: Vote to extend contract: 4-1(Evans/No)

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

1. Enforcement of Measure R: Romic Environmental Technologies

City Attorney Lawson Reported Out: Council Discussed settlement approval with the approved amount of \$ to be paid by Romic Environmental Technologies Over a 3-year period, the agreement was received I Council will work on its finalization.

2. Belfield v. City of East Palo Alto

City Attorney Lawson Reported Out: Discussed – No reportable action taken

B. Oral Staff Reports

1. YUCA related Information regarding Projects

Council directed RDA staff to give clarification to YUCA Youth On procedures regarding participating in Owner participation Agreements with Developers.

C. Advisory Bodies: Senior Advisory Committee (No One from Senior Advisory Committee present for this meeting's report)

D. City Council/Redevelopment Agency Reports

VI. Community Forum

VII. Hearings

A. Appeals

1. **Measure "C" Parcel Tax Exemption**

- a. **Patricia Burton (Carried over from 09-18-07 Regular Joint Council/RDA Meeting)**

Appeal of denial of Measure "C" Tax Exemption

Recommendation: That Council Open the Hearing, Take Testimony, Close the Hearing and By motion, to uphold the Finance Director's Decision and uphold the recommendation of the Measure's administrator

**Open Hearing Motion/Second: Rutherford/Abrica Vote: 4-0
Discussion held, Appellant not present for meeting
Close Hearing Motion/Second: Woods/Rutherford Vote: 4-0
Finance Director's Decision upheld
Action: Motion/Second: Abrica/Rutherford Vote: 3-1(Evans-No)**

b. Eliseo Peralta

Appeal of denial of Measure “C” Tax Exemption

Recommendation: That Council Open the Hearing, Take Testimony, Close the Hearing and By motion, to uphold the Finance Director’s Decision and uphold the recommendation of the Measure’s administrator

**Open Hearing: Motion/Second: Rutherford/Abrica Vote: 4-0
Discussion**

**Close Hearing: Motion/Second: Rutherford/Abrica Vote: 4:0
Council reversed Director’s decision and allowed exemption**

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

**B. City of East Palo Alto Density Bonus Ordinance
(First Reading)**

Recommendation: That Council Open the Hearing, Take Testimony, Close the

1. Adopt the categorical exemption for this project and find that this is a project of a class determined to have no significant effect on the environment.
2. Find that the project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the goals, policies and actions set forth in the Housing Element of the General Plan as enumerated within the staff report.
3. Find that the public necessity, convenience and general welfare require the adoption of this Zoning Text Amendment so that portions of the East Palo Alto Municipal Code dealing with Density Bonus regulations are consistent with recent changes to State law.

**Open Hearing: Motion/Second: Abrica/Rutherford Vote: 4-0
Discussion**

**Close Hearing: Motion/Second: Woods/Abrica Vote: 4-0
Approval of Recommendations 1, 2 and 3**

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

VIII. Policy and Action Items

A. Redevelopment Agency Resolutions/Reports – Approval Actions and Motions

B. City Council Informational reports and resolutions

1. **2726-Resolution** Authorizing the City Manager to enter into contract with the County of San Mateo in an amount not to exceed \$1,353,054 for public safety communications and supplemental law enforcement services

Recommendation: That Council Approve the contract for Public Safety Communications and Supplemental Law Enforcement Services in an amount not to exceed \$1,353,054

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

IX. Adjournment: 11:38p.m.