



CITY OF EAST PALO ALTO

# ACTION MINUTES

## REGULAR JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Tuesday, December 19, 2006

Closed Session 6:30p.m.

Regular Meeting 7:30p.m.

City Council Chambers, 2415 University Avenue

6:30 P.M

REGULAR JOINT CLOSED SESSION

### REGULAR JOINT CLOSED SESSION CALL TO ORDER AND ROLL CALL

Present: Evans, Abrica, Foster, Woods (Rutherford-Absent)

Action: Motion/Second: Foster/Woods Vote: 4-0(Rutherford Absent)

#### 1. APPROVAL OF JOINT CLOSED SESSION AGENDA

Action: Motion/Second: Foster/Abrica Vote: 4-0(Rutherford Absent)

#### 2. REGULAR JOINT CLOSED SESSION COMMUNITY FORUM:

#### 3. CLOSED SESSION

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

1. 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
2. Hart v. City of East Palo Alto
3. Brooks v. City of East Palo Alto
4. Wind River Woodland Creek Partners, etc. v. City of East Palo Alto, et al.

### Adjournment

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

**Roll Call:    Evans, Abrica, Foster, Woods    (Rutherford/absent)**

**1.    APPROVAL OF AGENDA**

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

**2.    CONSENT CALENDAR**

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

1.    **2648**-Authorize the settlement of a claim: Hunter vs. J&R Land in the amount of \$7500

2.    Proclamation: Former East Palo Alto Police Officer John Wohler

**Recommendation:** That Council Adopt the Resolutions; and approve the Proclamation and Minutes by motion

3.    Informational Report: 2007 "Scheduled" Meetings Calendars

a.    City/Council-Redevelopment Agency

b.    Advisory Bodies

- Planning Commission
- Public works & Transportation Commission
- Rent Stabilization
- Senior Advisory Committee

**Recommendation:** That Council accept and file the report

All Item approved with exception of Advisory bodies schedule, those will be corrected by Deputy City Clerk and brought back on 01-09-07.

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

4.    Planning Monthly Status report for PC meetings of November 28 and December 11, 2006 and status of Planning Applications for December 2006

**Recommendation:** Review the Actions of the Planning Commission and by motion and majority vote, Call-up or Take Jurisdiction on any of the

**3. Special City Council Policy and Action Item**

**A. Continued consideration of the report of the internal investigation in the harassment and retaliation complaint; acknowledgement of Councilmember Evans' response. This item continued to 01-09-07 meeting due to the absence of Special Counsel Cynthia O'Neill**

**Recommendation:** 1. Adopt Resolution of censure  
2. Adopt Resolution of apology

**Action: Per Council Directive, this item was continued to the January 9, 2007 meeting, by unanimous Vote.**

\*\*\*\*\*End of Special City Council Policy and action Item\*\*\*\*\*

**Requests to Speak on Items 4 through 6 will be heard during Community Forum**

**4. Written Communications:** Request for meeting with City Council-Pertaining to Emancipated Youth Housing Project: Robert Jones, EPA CAN DO Director

**5. Special Presentations:** None

**6. Oral Reports**

A. Reports Out of Closed Session

B. Oral Staff Reports

1. Mother Branch's Storage Assistance Request: Community Services
2. 400 block of Larkspur construction: Building Official
3. September 19, 2006 - 141 Demeter Avenue (written information): Police Department
4. Police Department Furniture (Written information): Police Department
5. BAWSCA Information: City Manager

C. Advisory Bodies: None

D. City Council/Redevelopment Agency Reports

**7. Community Forum**

**8. Policy and Action Items Resolutions/Informational Reports and Motions**

**A. City Council Resolutions:**

1. Authorize the City Manager to enter into a contract to provide

planning services including, but not limited to the preparation of an Initial Study pursuant to the California Environmental Quality Act (CEQA), 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

**a Recommendation:** Decide whether to enter into contract for planning services

**b. Recommendation:** Decide on 1 or 2 below:

1) Authorize the City Manager to enter into contract with Spangle Associates in an amount not to exceed two hundred fifty three thousand, nine hundred twenty five (\$253, 925)

OR

2) Alternatively, the Council may authorize the City Manager to enter into contract with LSA & Associates in an amount not to exceed three hundred and four thousand, six hundred eighty five (\$304,685)

3)

**Item 1 continued by unanimous approval to 01-09-07 meeting  
Woods Recused-prior to discussion to move this item to 01-09-07  
– FPPC Conflict of Interest Before**

2. Senior Nutrition Program:

a. **2647**-Authorization to the City Manager to enter into an agreement with Peninsula Volunteers Inc., beginning January 2, for the provision of daily lunches under the Senior Congregate Lunch Program for the balance of Fiscal Year 2006-07 in an amount not to exceed \$ 15,000

b. Authorization to the City Manager to bid out the contract for a Senior Lunch Program Provider for Fiscal Year 2007-08.

**Recommendation:** That Council adopt the resolutions

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

3. **2649-** a. Approval of resolution authorizing the City Manager to: Extend the support for the East Palo Alto Boxing Program until June 30<sup>th</sup> 2007 in an amount not to exceed \$1,000

b. Find resources in the 2006-07 budget to accommodate this recommendation

- c. Put on the Council's agenda, at a future a meeting, a more extensive policy discussion on the City's relationship with programs such as the East Palo Alto Boxing Club

**Recommendations:** That Council adopt a resolution extending support for the EPA Boxing Program; and give direction to staff on items 6b and c

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

- 4. **2656**-Consideration of an interim franchise agreement with AT&T California regarding Internet Protocol-enabled Video Service

**Recommendation:** That Council adopt a resolution authorizing the City Manager to execute an agreement

**Item 4 by unanimous approval Continued to 01-09-07 meeting**

- 5. Carriage House Apartments' parking structure

**Recommendation:** That Council hear the information and give direction to staff

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

- 6. 2650-Adopt a Resolution Approving Addendum One to the San Francisquito Creek Feasibility JPA Cost Share Agreement

**Recommendation:** That Council adopt the resolution

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

- 7. Consideration of a request by Mr. Steve Stenstrom, representing Second Mile, to waive the fees for:
  - a. The processing of the entitlements associated with the expansion of the existing single-family residence located at 1265 Beech Street and the operation of a non-profit youth organization at the expanded residence; and
  - b. Building permit fees associated with the proposed expansion.

**Recommendation:** That Council deny the request to waive the fees

**Action: Motion to Deny Request Woods/Abrica Vote: 3-0  
Councilmember Evans recused himself-conflict of interest , lives in vicinity of the structure.**

ADJOURNMENT: 11:10PM