



# City of East Palo Alto ACTION MINUTES

(Pulled at the request of Deputy City Clerk Warren from the March 18, 2008 meeting agenda, amended and continued to the 04-01-08 Council meeting)

## REGULAR JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

**TUESDAY, FEBRUARY 5, 2008**

CLOSED SESSION - 6:00P.M.

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

**2415 UNIVERSITY AVENUE**

**Council Chamber**

6:00 P.M

CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

### Joint Call to Order and Roll Call

**Present:** Woods, Rutherford, Foster (Abrica, Excused Absence; Evans, absent for Roll Call). Let the Record note that Councilmember Evans arrived prior to the beginning of Closed Session

### I. Approval of Closed Session Agenda

**Action:** Motion/Second: Rutherford/Woods      **Vote:** 3-0

### II. Closed Session Community Forum: None

### III. Closed Session (For Report Out see Oral Report Item V1A)

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

*(ML Gordon, Assistant City Manager)*

1. City Attorney Recruitment

#### B. Pending Litigation Pursuant to Government Code Section 54956.9

*(Rafael Alvarado, Deputy City Attorney)*

1. Marisela Avina-Galvez v. City of East Palo Alto, et al

#### C. Property Acquisition Pursuant to Government Code Section 54956.8

*(Carlos Martinez, RDA-EDA Division Manager)*

1. County surplus property, Southeast corner of University Avenue and Bay Road, Post Office corner: 1600 Bay Road, APN: 063221010

### Adjournment

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

Joint Call to Order and Roll Call

Present: Evans, Woods, Rutherford Vote: 3-0  
(Mayor Foster – In after Roll Call)

I. APPROVAL OF AGENDA

Action: Motion/Second: Woods/Evans Vote: 3-0

II. Policy and Action Items

A. City Council Ordinances/Resolutions/Informational Reports – Approval Actions and Motions

Items 1 and 2 pulled by Councilmember Evans  
Item 1 to be brought back at a scheduled future meeting

- 1. First Reading: Ordinance adding Chapter 14.20 to the East Palo Alto Municipal Code, regulating mobilehome park changes of use and/or closures (Rafael Alvarado, Deputy City Attorney)  
  
**Recommendation:** That Council Approve the First Reading (Carried Over from 01-08-08 Meeting)
- 2. Informational Report: Summary and Recommendations Presentation of the Community Development Organizational/ Operational Assessment the Community Development (ML Gordon, Assistant City Manager/GaryGoelitz, Matrix Consulting Group)  
  
**Recommendation:** Accept and File the Report; and schedule further discussions
- 3. **2755**-Informational report on the NTI Group integrated communications system for emergency preparedness; and request that the City Manager negotiate a Contract anticipated to cost approximately \$20,000  
  
**Recommendation:** Accept and File the Report

Items 2 & 3

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

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

III. **Written Communications:** None

IV. **Special Presentation:** Beats by the Bay-Stay in School: Eric Gordon

V. **Oral Reports**

Reports Out of Closed Session

A. **Personnel Matters Pursuant to Government Code Section 54957**  
(*ML Gordon, Assistant City Manager*)

1. City Attorney Recruitment – **No Reportable Action**

B. **Pending Litigation Pursuant to Government Code Section 54956.9**  
(*Rafael Alvarado, Deputy City Attorney*)

1. Marisela Avina-Galvez v. City of East Palo Alto, et al – **No Reportable Action**

C. **Property Acquisition Pursuant to Government Code Section 54956.8**  
(*Carlos Martinez, RDA-EDA Division Manager*)

2. County surplus property, Southeast corner of University Avenue and Bay Road, Post Office corner: 1600 Bay Road, APN: 063221010 - **No Reportable Action**

B. Oral Staff Reports: None

C. Advisory Bodies: Planning Commission

D. City Council/Redevelopment Agency Reports

VI. **Community Forum**

**The record should note that Vice Mayor Rutherford left during Community Forum, and before discussions on items 6 & 7 and vote for items 2, 3 & 4 were concluded**

VII. **Hearing(s)**

A. Council call-up of Architectural Supervision (AS 07-12), Use Permit (UP 07-36) and Categorical Exemption (CE 07-26) for 2777 Hunter Street--Review of Planning Commission approval of December 10, 2007  
(*Brad Tarr, Planning Division Manager*)

**Recommendation:** The Planning Division staff recommends that the City Council:

1. **HOLD** public hearing; and:

2. ADOPT the Categorical Exemption for this project, finding that there is no potential for this project to have a significant effect on the environment; and

3. **Affirm or Deny** the Planning Commission's decision to Approve the Architectural Supervision (AS 07-12) and Use Permit (UP 07-36). If the City Council decides to affirm the prior decision, it should base its' decision on the findings and subject to the conditions located in the attached Planning Commission's staff report [on pages 5 and 6], with additional or modified conditions as deemed appropriate. The City Council should also direct the City Attorney to modify the language of Condition #11 to more clearly state the intent which is to require that the applicant indemnify and hold the city harmless from any potential legal action that might arise in connection with the approval decision.

**NOTE: The Council indicated a desire to review the subject application at its last meeting, following an oral report by the Acting Planning Manager. A public hearing was announced and noticed, which affords the Council the greater latitude of action rather than just as an expanded informational item.**

**Open Public Hearing: Action: Motion/Second: Woods/Foster Vote: 3-0**

**Action: By Unanimous Decision of Council: After some discussion it was decided to not close the meeting, but to carry it over February 5, 2008 Council meeting.**

## **VIII. CONSENT CALENDAR**

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

**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**

1. **311-2<sup>ND</sup> READING:** City Council adopt an Ordinance to establish a fee to support Public, Education, and Government (PEG) access that will apply to Comcast as it provides service under a State Video Franchise issued by the California Public Utilities Commission (PUC). (*Russell Averhart, RDA Project Manager*)
2. **2756-**Authorize the City Manager to accept and appropriate a \$100,000 Project Safe Neighborhoods Grant from the California Office of Emergency (*Ron Davis, Chief of Police*)
3. **2757-**Authorize the City Manager to accept and appropriate \$113,269 funds from the United States Department of Justice Bureau of Justice Assistance Gang Resistance Education and Training (GREAT) program grant (*Ron Davis, Chief of Police*)

4. Informational Report: 08-09 Fiscal Year Budget Schedule  
(*ML Gordon, Assistant City Manager and Stephanie Osaze, Finance Director*)
5. Quarterly Treasurer's Report ending December 31, 2007  
(*Stephanie Osaze, Finance Director*)
6. Authorize the City Manager to purchase a Harley Davidson police motorcycle from Peninsula Harley Davidson in an amount not to exceed \$15,878 as part of the State of California Office of Traffic Safety (OTS) grant  
(*Ron Davis, Chief of Police*)
7. Adoption of the 2007 California Fire Code with Local Amendments  
(*Harold Schapelhouman, Menlo Park Fire District Chief*)

**Recommendation:** That Council Adopt the ordinance and Resolutions; Deny the Claims and approve the Minutes; and Accept/File the Informational Report by motion

**Item 6 - Councilmember Evans Pulled Item for Clarification as to why Department need another Motorcycle and what was the significance difference in the value of the 2<sup>nd</sup> lowest bidder's warranty information on 3years comparatively to the lowest bidder's. Chief to bring information back for Council. Item Directed to be carried over to next Regularly scheduled Council meeting per Unanimous Decision of Council**

**Items 1, 5 and 7**

**Action: Motion/Second: Woods/Evans Vote: 3-0**

**Items 2, 3 and 4 pulled for clarification**

**After questions were answered Council took action on 2, 3 and 4**

**Action: Motion/Second: Woods/Rutherford Vote: 3-0**

**The record should also note that during a discussion of Item 6, Councilmember Evans requested clarification on the necessity for a motorcycle; and the warranty packet of the next lowest bidder. Councilmember Woods left the Dais before the discussion ended and shortly thereafter Mayor Foster also stepped down. That left no Quorum, the item was not voted on and the meeting was adjourned. Item 6 was to be continued to a future meeting.**

**IX. Adjournment: 11:15PM**