



City of East Palo Alto

ACTION MINUTES

By: *Minette Warren*

**REGULAR JOINT CITY COUNCIL/REDEVELOPMENT AGENCY
MEETING**

TUESDAY, April 1, 2008

CLOSED SESSION - 6:30P.M.

Regular Meeting - 7:30p.m.

2415 UNIVERSITY AVENUE

Council Chamber

6:30 P.M CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Joint Call to Order

Roll Call: Evans, Abrica, Woods, Rutherford, (Foster/Excused Absence)

I. Approval of Closed Session Agenda

Action: Woods/Rutherford

II. Closed Session Community Forum

III. Closed Session

A. Labor Relations Pursuant to Government Code Section 54957.6

(ML Gordon, Assistant City Manager)

1. International Federation of Technical and Professional Engineers (IFTPE) Local 21
2. Police Officers Association
3. Service Workers International Union (SEIU) Local 521 CTW

B. Property Acquisition Pursuant to Government Code Section 54956.8

(Kamal Fallaha, Project Engineer; Carlos Martinez, RDA-EDA Division Manager)

1. Bay Road improvements right of way acquisition from Pulgas to Tara Rd

Adjournment

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

Joint Call to Order and Roll Call

I. APPROVAL OF AGENDA

II. 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. **2771**-Adoption of the Annual City Classification and Compensation Schedule

After being pulled for discussion and clarification, this item was approved

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

2. Claim(s) (*Rafael Alvarado, Assistant City Attorney*)
 - a. Leland Francois
3. Proclamation
 - a. Celebrating City of East Palo Alto Rent Stabilization Board's 23rd Anniversary
4. Minutes (*Minette Warren, Deputy City Clerk*)
 - a. 02-05-08 Regular CC/RDA Meeting (*Carried over from 03-18-08 Council meeting*)

Item pulled for correction by Councilmember Woods, Deputy City Clerk will amend minutes before finalizing.

- b. 03-18-08 Regular CC/RDA Meeting

Recommendation: That Council Adopt the Resolutions; Reject the Claim and Approve the Proclamation and Minutes By Motion

Remainder of Consent Calendar Approved

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

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

III. Written Communications: None

IV. Special Presentation

A. EPPARC Events Schedule: Marcia Perez

V. Oral Reports

A. Reports Out of Closed Session

All Items Discussed, No Reportable Action

B. Oral Staff Reports

1. Spring Compost Give-a-Way (*Jay Farr, Maintenance Division Manager*)

C. Advisory Bodies: None

D. City Council/Redevelopment Agency Reports

VI. Community Forum

VII Hearing(s)

A. Carried over from 03-04-08 CC RDA Mtg – Further Council Discussion

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, Acting Planning Division Manager*)

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

1. HOLD Public Hearing; Open and Hear Testimony and: Close 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 Not 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.

Council discussed this item with Councilmember Evans opinion that the Planning Commission Approval vote of 3-0 was not legal as it was not a quorum of the commission members.

Council's decision was to continue this hearing to April 15, 2008 Council meeting

B. Appeal

1. **Appellant/Applicant:** Patrick Brock/Dan-Reina Aquino
Property Owner: Edward Campbell
Proposal: Appeal of a Planning Commission decision denying Use Permit 07-34 allowing the sale of beer, wine and spirits at 2200 University Avenue. **General Plan Land Use Designation:** General Commercial **Zoning/APN:** C-1/S-7 (Neighborhood Business)
(Brad Tarr, Acting Planning Division Manager)

Recommendation: To Open the Hearing, Take Testimony, Close the Hearing and Uphold the Planning Commission Decision

The Appellant requested that this hearing be carried over to next Council Meeting

Council Unanimously agreed carrying this item to the April 15, 2008 Meeting

VIII. ~~7.~~ Policy and Action Items

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

1. Authorize the City Manager to enter into an agreement with Renne Sloan Holtzman Sakai LLP for an amount not to exceed \$25,000 to provide employee relation services, including assisting the City in negotiating and establishing a Memorandum of Understanding (MOU) between the City of East Palo Alto and the International Federation of Professional and Technical Engineers (IFPTE) – Local 21. *(ML Gordon, Assistant City Manager)*

Recommendation: That Council Authorize the City Manager to Extend the Contract of Renne Sloan Holtzman, Attorneys at Law, for Professional Services regarding Labor Negotiations in an amount not-to-exceed \$ 25,000

2. Authorizing City Manager to Execute Funding Agreement between the City of East Palo Alto and the City/County Association of Governments (C/CAG) to reimburse the City for costs in an amount not to exceed \$13,000 associated with completing a Governmental Operations Greenhouse Gas Emissions Inventory
(Russell Averhart, Redevelopment Agency Project Manager)

Recommendation: That Council Authorize the City Manager to Execute Funding Agreement between the City of East Palo Alto and the City/County Association of Governments (C/CAG) to reimburse the City for costs in an amount not to exceed \$13,000 associated with completing a Governmental Operations Greenhouse Gas Emissions Inventory

- 3 Authorizing the City Manager to Initiate Required Studies Related to Bay Road Improvement Project Phases II and III Including Retention of A Qualified Surveyor or Engineering Firm to Perform Related Survey Work For An Amount Not to Exceed \$15,000

Recommendation: Authorizing the City Manager to Initiate Required Studies Related to Bay Road Improvement Project Phases II and III Including Retention of A Qualified Surveyor or Engineering Firm to Perform Related Survey Work For An Amount Not to Exceed \$15,000

Adjournment