



# City of East Palo Alto

## ACTION MINUTES

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

**TUESDAY, June 17, 2008**

**CLOSED SESSION - 6:30P.M.**

**SPECIAL CITY COUNCIL MEETING – 7:30P.M.**

**Regular Meeting - 8:30p.m.**

**2415 UNIVERSITY AVENUE**

**Council Chamber**

**6:30 P.M**

**Regular Joint Closed Session**

### Joint Call to Order and Roll Call

**Abrika, Rutherford, Foster (Woods & Evans not present at roll call)**

#### **I. Approval of Closed Session Agenda**

#### **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

##### **B. Pending Litigation Pursuant to Government Code Section 54596.9** *(Valerie Armento, Interim City Attorney)*

1. Maria Banico v. City of East Palo Alto
2. Nicholson Company v. City of East Palo Alto

**7:30 P.M Special City Council Meeting**

**Joint Call to Order and Roll Call**

**Evans in before end of Closed Session, Woods absent for the meeting**

**Present: Evans, Abrica, Rutherford, Foster**

**I. Approval of Agenda**

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

**II Matrix Consulting Group - East Palo Alto's Community Development Organizational/Operational Assessment - Alvin James, City Manager, ML Gordon, Assistant City Manager**

**Recommendation:** That the City Council discuss and provide direction regarding the Summary Recommendations related to the Community Development Organizational/Operational Assessment authored by the Matrix Consulting Group

**The Consultant and City Manager James gave summary of re4commendations to Council, Council held deliberations and gave staff direction to began work on the suggestions made regarding the Community Development department; staffing issues and fee increases for Planning/Building services**

**Adjournment**

**8:30 P.M. REGULAR JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING**

**Joint Call to Order and Roll Call**

**Action: Motion/Second: Rutherford/Abrica Vote: 4-0 (Woods, excused absence)**

**I. APPROVAL OF AGENDA**

**II. CONSENT CALENDAR**

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

**Items listed on Consent Calendar 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. Amend City Council Resolution No. 2737 to revise the Fiscal Impact section of the Staff Report and authorize the City Manager to program RDA funds to be used as local matching funds for the

Bay Road Phase I Improvement Project, and approve expenditure and programming of an overall budget amount of \$2,320,243.00  
*Kamal Fallaha, Project Engineer (Continued from 07-0-08 CC RDA Meeting)*

**Council pulled this item for clarification, its direction to staff was to Continue it to the Next Regular City Council meeting**

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

**Items 1, 3 and 4 were pulled for discussion and clarification**

3. **2792**-Authorize the City Manager accept the bid from Sunnyvale Ford and purchase a 2008 Ford Expedition for the Police Department in an amount not to exceed \$32,826 *Chief Ronald Davis, Police Department*

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

3. Approval of contract agreement amendment with Prince Janitorial Inc. to provide Janitorial Service for 219 Demeter Street and to extend the existing contract for one year for Janitorial Service to five (5) City Facilities *Anthony Docto, Public Works Director*

**Item 3 did not receive a majority vote, Councilmember Evans voted No and items is to be brought back at next regular Council meeting**

4. **2793**-Approval of the Pulgas Mixed-Used Project Final Maps, Subdivision Improvement Agreement and Public Improvements Plans  
*-Anthony Docto, Public Works Director*

**Recommendation:** That Council Approve the resolutions

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

- 5.. Informational Reports - *Meda Okelo, Community Services Director*
  - a. East Palo Alto Boxing Club
  - b. Juneteenth Proclamation
6. Request to extend Advisory Bodies Members Expired Terms for 4 months – *Minette Warren, Deputy City Clerk*
7. Proclamation
  - a. Recognition of the Canopy Association's Tree Planting in East Palo Alto – *Meda Okelo, Community Services Director*

**Recommendation:** That Items 5, 6 and 7 be Accepted and Approved By Motion

8. Claims: None

9. Planning Actions of the May 12 and 27, 2008 Planning Commission and Planning Applications for the Month of May , 2008 (*Brad Tarr, Planning Manager*)

**Recommendation:** Review the Action of the Planning Commission and By Motion and Majority Vote, Call-up or Take Jurisdiction on any of the items Described in the Report

**Items 5 through 8 approved by motion**

**Action: Motion/Second: Abrica/Rutherford Vote: 3-1 (Evans-No on the Proclamation for Canopy Association)**

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

**III. Written Communications:** None

**II. Special Presentations:**

A. Boxing Club – Johnnie Gray

**V. Oral Reports**

A. Reports Out of Closed Session

B. Oral Staff Reports: None

C. Advisory Bodies: Planning

D. City Council/Redevelopment Agency Reports

**VI. Community Forum**

**VII Hearing(s)** 2371 University Avenue - *Brad Tarr, Acting Planning Manager*

**A. Appellant:** Rasheed Samuel

**Applicant:** Abed Rabah

**Proposal:** Appeal of a Planning Commission decision to approve Parking Exception and Special Use Permit (PXP/SUP 08-15) to operate a retail store at 2371 University Avenue.

**General Plan:** General Commercial

**Zoning/APN:** C-1/S-5 (Neighborhood Business)/063-203-310

**Recommendation:** To open the hearing, take testimony, close the hearing and uphold the Planning Commission decision.

Council deliberated on item, (item of discussion with regard to available public parking at the project site), as to whether to hold hearing as Appellant Rasheed was not present. All councilmembers present with the exception of Evans felt that the Owner/Applicant could be heard and that they could then continue the hearing to the next meeting to allow Mr. Rasheed, the appellant, an opportunity to be heard. Mr. Evans did not agree with majority and felt that the hearing should not be heard in the appellant's absence.

Open Hearing:

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

Let the record note that Mr. Evans recused himself from the hearing and left the dais and Council chamber.

Owner/applicant for the project: Mr. Abed Rabah and his attorney gave testimony

Council continued deliberations and came to an agreement that Mr. Abed Rabah would open his business with the condition that the appellant, Mr. Samuel Rasheed be heard at next meeting; and that if Council's decision was not to allow Applicant/Owner Abed Rabah to continue operations, he would shut down the business. Applicant/Owner Abed Rabah stated that he understood the decision and would abide by said conditions until after the next council meeting.,

Close hearing:

Action: Motion/Second: Abrica/Rutherford Vote: 3-0

Councilmember returned to meeting and stated that he had something to say on matter, Council felt he should not speak to item as he recused himself from participation during the hearing.

Majority Council agreed to continue this item to the next regular Council meeting in order to allow Appellant Rasheed to speak on project.

Action: Motion/Second: Rutherford/Abrica Vote: 3-0

## VIII. Policy and Action Items

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

1. YMCA *Meda Okelo, Community Services Director (Carried over from 06/03/08 Regular City Council Meeting)*
  - a A Resolution approving the negotiated sub-lease agreement between the City of East Palo Alto and the YMCA of the Mid Peninsula for the occupation and use of a 1500 square foot space located within the East Palo Alto YMCA for the

purpose of providing youth programs and activities as well as office space

- b A Resolution of the City of East Palo Alto approving and authorizing the execution of the 2<sup>nd</sup> Amendment to Ground Lease between the City of East Palo Alto and the YMCA of the Mid-Peninsula shrinking on the south side, thereby adding to the footprint of the park and extending it slightly on the west side
- c. Resolution approving the proposed fence configurations separating the ground lease area and Bell Street Park.

**Recommendation: 2791-** approve a resolution approving the negotiated sub-lease agreement between the City of East Palo Alto and the YMCA of the Mid Peninsula for the occupation and use of a 1500 square foot space located within the East Palo Alto YMCA facility and, as authorizing the City Manager to take steps necessary, including execution of agreements, necessary to install tenant improvements for the purpose of providing youth programs and activities

- 1. That the City Council approve the second amendment to the ground lease between the City and the YMCA of the Mid-peninsula adjusting the geographic boundary of portions of acreage leased to the YMCA to provide for mutual better usage of parkland and YMCA leased area

**Action: Motion: Rutherford/Abrica Vote: 3-1 (Evans/n0)**

- 2. That the City Council, by motion, approve the proposed YMCA fence design and location configuration as recommended by the planning staff.

Item discussed, Mayor Foster requested further clarification on fencing., stated that she would make a site visit for clarification purposes. Majority of Council then decided this item should b continued to next regular City Council meeting.

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

## 2. **Adjournment**