



City of East Palo Alto ACTION MINUTES

By: *Minette Warren*

REGULAR JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

TUESDAY, July 15, 2008

CLOSED SESSION - 6:30P.M.

Regular Meeting - 7:30p.m.

2415 UNIVERSITY AVENUE

Council Chamber

6:30 P.M

Regular Joint Closed Session

Joint Call to Order: 6:30P.M.

Roll Call

Present:

Abrica, Evans, Woods, Rutherford (Foster – Absent/Vacation)

I. Approval of Closed Session Agenda

Action: Abrica/Woods Vote: 4-0

II. Closed Session Community Forum: None

III. Closed Session

A. Personnel Matters Pursuant to Government Code Section 54957

1. City Attorney Recruitment
(M L Gordon, Assistant City Manager)
(Paul Kimura, (William Avery & Associates))

B. Potential Litigation Pursuant to Government Code Section 54596.9

(Valerie J. Armento, Interim City Attorney)

1. Lorene Conley v. City of East Palo Alto

C. Property Acquisition Pursuant to Government Code

1. Authorization to 1) Negotiate with the Ravenswood Family Health Clinic the acquisition of the "Tanklage Property", a 1.4 acre property located at 1798 Bay Road, APN:063231250, owned by the City's Redevelopment Agency, and 2) commission an appraisal of the property. (Russell Averhart, Alvin D. James, Karen Tiedeman)

Adjournment

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

Joint Call to Order and Roll Call

I. APPROVAL OF AGENDA

Item 5 pulled per Council and to be moved to Special Presentation area as it relates to the Special Presentation

Action: Woods/Abrica Vote: 4-0

II. CONSENT CALENDAR

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

Items 1 through 4, 6 through 11 and 13 through 20 Approved

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

Item 12 pulled by Councilmember Woods for clarification of fence boundaries

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

CONTRACTS

1. **2797**-Approve the Calling and ordering of the Tuesday, November 4, 2008 Consolidated General Municipal Election and Authorize the City Manager/City Clerk to Enter into a service agreement with the San Mateo County Elections Division to conduct said election *Minette Warren, Deputy City Clerk*
2. **2798**-Approval of Resolution Authorizing the City Manager to Amend the existing Janitorial Contract with Prince Janitorial, Inc. to Provide Janitorial Service for 219 Demeter Street; and to extend the contract with Prince Janitorial, Inc. for one year effective August 1, 2008 to July 31, 2009 to continue providing janitorial service to five (5) City Facilities location at 150 Tara Street, 141 Demeter Street, 1960 Tate Street, 2277 University Avenue and 219 Demeter Street in the amount no-to-exceed \$45,000.00 *Anthony Docto, Public Works Director (Carried over from 06/17/08 Meeting)*
3. **2799**-Authorize the City Manager to extend for an additional year an agreement with Public Allies Silicon Valley, for the provision of two (2) Public Allies' interns and to find and expend \$31,544 in the Fiscal Year 08-09 in matching funds

4. **2800**-Adopt a Resolution authorizing the City Manager to renew the agreement with the Ferguson Group for Government Affairs Services for July 1, 2008 through June 30, 2009 for an amount not to exceed \$120,000 – *Alvin D. James, City Manager*

5. **2801**-Authorize the City Manager to amend the current agreement with Macias, Gini & O'Connell (formerly known as Moreland & Associates) by \$6,400 for the 2007-2008 fiscal audit - *Stephanie Osaze, Finance Director*

Item 5 was pulled during approval of agenda and moved to Special Presentations

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

6. **644- RDA** – Authorize the Agency Executive Director to enter into a Contract with Mundie & Associates to conduct Phase I of a Market Study of the Ravenswood Redevelopment Area in an Amount not to exceed \$50,000 – *Russell Averhart, RDA Project Manager*
 7. **2807**- Authorize the Redevelopment Agency Executive Director to finalize and execute Amendment #2 to an existing contract with Wilsey Ham Engineering Consultants, in the amount of \$27,090. Amendment #2 would amend and increase the existing Contract Amendment #1, which increased the original contract from \$178,000 to \$196,947. Amendment #2 would to provide value engineering services for needed drainage infrastructure improvements in the Ravenswood Business District. Amendment #2 would also increase the total amended contract to an amount not to exceed \$224,037- *Carlos Martinez, Redevelopment Agency Manager*
 8. **2802**-Adoption of a joint resolution of collaboration between the Ravenswood City School District and the City of East Palo Alto authorizing the City Manager and the Superintendent of the Ravenswood City School District to continue current efforts to collaborate in the fulfillment of their respective missions and to draft a joint community and school safety plan as well as other pertinent plans to be presented to the both the East Palo Alto City Council and the Ravenswood City School District Board of Trustees for their approval – *Meda Okelo, Community Services Director*
 9. **2803**-Authorize the City Manager to award the contract to the Lowest bidder, Palo Alto Awning, Inc., of Mountain View, CA., for the construction and installation a new awnings for Building One, Building Two and Building Three of the Police Department located at 141 Demeter Street in East Palo Alto, for an amount not to exceed \$19,967.09 – *Jay Farr, Maintenance Manager*
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10. **2804**-Amend City Council Resolution No. 2737 to authorize the City Manager to program RDA funds 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 06-17-08 CC RDA Meeting)
11. **Motion: RDA** – Recommend that the Redevelopment Agency Board of Directors authorize the Redevelopment Agency Executive Director to issue an RFP for professional services to prepare primary evidentiary documents regarding the fiscal merger of the Ravenswood Industrial Area Project Area with the merged University Circle and Gateway 101 Corridor Merged Project Areas, and for the extension of key deadlines – *Sean Charpentier, RDA Project Manager*
12. **Motion: YMCA Fence** *Meda Okelo, Community Services Director*
(Carried over from 06/17/08 Regular City Council Meeting)
 - a.. By Motion, approve the proposed fence configurations separating the ground lease area and Bell Street Park.

Recommendation: That the City Council, by motion, approve the proposed YMCA fence design and location configuration as recommended by the planning staff.
13. **Motion: RDA** - Authorization to issue a Request for Proposals (RFP) soliciting proposals from a Market Consultant to conduct a tax base market analysis and expansion strategy in an amount not to exceed \$40,000” – *Carlos Martinez, Redevelopment Agency Manager*
14. **2805**-Authorize the City Manager to accept and appropriate a \$169,926 grant from the United States Department of Justice, Office of Juvenile Justice & Delinquency Program (OJJDP) for anti-gang and youth initiatives - *Chief Ron Davis*
15. Approval of August Recess (Minette Warren, Deputy City Clerk)
2806: a. City Council
645 : b. Redevelopment Agency

Recommendation: That Council approve the Resolutions

16. Minutes *Minette Warren, Deputy City Clerk*
Motion
 - a. 04/01/08 Regular CC/RDA Meeting
 - b. 04/15/08 Regular CC/RDA Meeting
 - c. 04/29/08 Special “Street Resurfacing” City Council Meeting

- d. 05/06/08 Regular CC/RDA Meeting
- e. 05/20/08 Regular CC/RDA Meeting
- f. 06/03/08 Regular CC/RDA Meeting
- g. 06/17/08 Regular CC/RDA Meeting
- h. 06/18/08 Special 08-09 Budget Study Session
- i. 06/24/08 Special 08-09 Budget Study Session & Public Hearing

17. Proclamation - *Meda Okelo, Community Services Director*

Motion

- a. July 25, 2008 Collard Green Festival

Recommendation: That the Informational Report, Proclamation, Minutes be Accepted and Approved By Motion

18. Claims - *Rafael Alvarado, Deputy City Attorney*

Motion

- a. Bobby Fulton
- b. Ignacio Roman
- c. William Branner

Recommendation: That Council Reject the claims by motion

19. Claims – *Rafael Alvarado, Deputy City Attorney*

- a. Jesus Franco
- b. TCR Industries, Inc.

Recommendation: That Council approve payments by motion

20. Authorization to issue a Request for Proposals (RFP) to provide Geographic Information System (GIS) Services via an Internet Mapping Application – *Carlos Martinez, RDA Division Manager*

Recommendation: That Council approve the RFP By Motion

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

III. Written Communications:

- a. Request for fee waiver and funding – Collard Greens Festival: Nobantu Ankoanda
- b. Request for fee waiver and funding – Children’s Day: Jennifer Jackson

IV. Special Presentation

- a. Informational Report on Statement of Auditing Standards (SAS) Statement No. 114: Auditor’s communication with those charged with Governance –
Stephanie Osaze, Finance Director

Recommendation: That Council accept and file the report

V. Oral Reports

- A. Reports Out of Closed Session

Personnel Matters Pursuant to Government Code Section 54957

- 1. City Attorney Recruitment
(M L Gordon, Assistant City Manager)
(Paul Kimura, (William Avery & Associates))

Report Out by City Manager James: Discussed – No Reportable Action

Potential Litigation Pursuant to Government Code Section 54596.9
(Valerie J. Armento, Interim City Attorney)

- 1. Lorene Conley v. City of East Palo Alto

Report Out by Deputy City Attorney Alvarado: Discussed, Approved for Settlement direction given to staff Vote: 4-0

Property Acquisition Pursuant to Government Code

- 1. Authorization to 1) Negotiate with the Ravenswood Family Health Clinic the acquisition of the “Tanklage Property”, a 1.4 acre property located at 1798 Bay Road, APN:063231250, owned by the City’s Redevelopment Agency, and 2) commission an appraisal of the property. *(Russell Averhart, Alvin D. James, Karen Tiedeman)*

Report put by Redevelopment Agency Counsel Tiedemann: Discussed, direction given to staff

- B. Oral Staff Reports:

- 1. Holiday Fireworks - Chief Ronald Davis

- C. Advisory Bodies: None

- D. City Council/Redevelopment Agency Reports

1. Acknowledgement in Memory of, First Mayor Barbara Mouton's July 15 birthday

VI. Community Forum

VII Hearing(s)

- A. 2807-Cal Am Water Wholesale Water Rate San Francisco Public Utilities Commission's Pass Through increase – Anthony Docto, Public Works Director**

Recommendation: To open the hearing, take testimony, close the hearing and approve the resolution

Open Hearing:

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

Presentation by City Staff and America Water Representative

Council Discussion

Close hearing:

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

Approved Pass Through

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

- B. 2808-2371 University Avenue - Brad Tarr, Acting Planning Manager**

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.

Continued Hearing from 06/17/08

Presentation by Representative for Applicant

Presentation by Appellant Rasheed Spoke

Council Discussion

Close Hearing & Uphold Planning Commission Decision

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

- C. 4 Corners Redevelopment Project – Carlos Martinez, Redevelopment Agency Manager**

646-Approval of a Resolution approving. 1) A Development and Disposition Agreement with the Clarum 4 Corners LLC for the conveyance of the Post Office Parcel and the subsequent development of the 4 Corners Project and; 2) the Creation of a Developer Reimbursement Account with the Clarum 4 Corners LLC (Sean)

Recommendation: Open the Hearing, hear Testimony, Close the hearing and approve 1) A Development and Disposition Agreement with the Clarum 4 Corners LLC for the conveyance of the Post Office Parcel and the subsequent development of the 4 Corners Project and; 2) the Creation of a Developer Reimbursement Account with the Clarum 4 Corners LLC

Open Hearing

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

Presentation by Staff

Council Discussion

Close Hearing

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

Approve Items 1 & 2 of hearing

Action: Motion/Second: Abrica/Woods Vote: 3-1

(Evans/No)

VIII. Policy and Action Items

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

A. Redevelopment Agency

1. **RDA** – Authorize Redevelopment staff to 1) begin negotiations of an Owner Participation Agreement (OPA) with Trumark Companies (the Developer) for 391 Demeter (the Trumark site). Which is a 29.5 acre site (approximately 11-13 acres are developable) located at the northern terminus of Demeter Street , 2) establish a Developer Reserve Account and Reimbursement Agreement between the Developer and the East Palo Alto Redevelopment Agency - *Sean Charpentier, Redevelopment Agency Project Coordinator*

Staff Presented, Council Discussed this item and agreed unanimously to table it and continue it at some future date

B. City Council

1. *Request for Fee waivers and funding*
 - a. **2809A-Collard Green Festival – July 25, 2008**
 - b. **2809B-Children’s day in the Park**

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

2. Adjournment