



City of East Palo Alto

ACTION MINUTES

By: *Minette Warren*

REGULAR JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

TUESDAY, October 7, 2008

CLOSED SESSION - 6:30p.m.

Regular Meeting - 7:30p.m.

2415 UNIVERSITY AVENUE

Council Chamber

6:30p.m.

Regular Joint Closed Session

Joint Call to Order and Roll Call

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

I. Approval of Closed Session Agenda

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

II. Closed Session Community Forum: None

III. Closed Session (For Report Out, see Items VA under Oral Reports)

A. Potential/Pending Litigation Pursuant to Government Code Section 54596.9

1. William Branner v. East Palo Alto Police Department, et al.

Adjournment

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

Joint Call to Order and Roll Call

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

I. APPROVAL OF AGENDA

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

II. CONSENT CALENDAR

Items 4 and 5 pulled for discussion

Items 1, 2 and 3 approved

Action on Items 1-3 Motion/Second: Rutherford/Abrica Vote: 4-0

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

ORDINANCES

1. **317** - Adopt the ordinance amending Chapter 5.80 of the Municipal Code to conform the City's regulations on tobacco retailers to those of San Mateo County which handles permits and enforcement Valerie J. Armento, Interim City Attorney

Recommendation: That Council adopt the Ordinance

2. **316** - Adopt the ordinance amending Chapter 2.36 of the Municipal Code to reflect the City's current policy with regard to advisory bodies Valerie J. Armento, Interim City Attorney

Recommendation: That Council adopt the Ordinance

Contracts/Resolutions

3. **2825**-Approve a list of qualified consultants to provide professional engineering services on an "on-call or as-needed basis" to prepare Plans, Specifications and Estimates (PS&E) as well as other professional services as determined by the City for various Capital Improvement Projects for a period of three years Kamal Fallaha, Project Engineer

Recommendation: That Council Adopt the Resolution

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

a. Divain Moncada-Garza

Recommendation: That Council Reject the Claims by motion

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

5. Claims

a. Settlement: *Marisela Avina-Galvez v. City of East Palo Alto*

Recommendation: That Council adopt the Resolution

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. San Francisco Creek Joint Powers Authority Flood Protection Information Early Implementation Project (EIP): Preliminary Analysis and Recommended Next Steps
- B. Romic Closure Informational Update – Tracy Craig/ Craig Communications

V. Oral Reports

A. Reports Out of Closed Session

Report out by Interim City Attorney Armento

Item IIIA1: Branner v. City Discussed – No Action Taken

B. Oral Staff Reports:

- 1. Introduction of Public Allies Interns
- 2. Bay Trail
- 3. New Stop Sign at Fordham and Purdue
- 4. Briefing on armed robbery chase by San Jose Police into City **(This item added during meeting; and informational report given by Chief Davis)**

C. Advisory Bodies: None

D. City Council/Redevelopment Agency Reports

VI. Community Forum

VII Hearing(s)

A. Appeals of Measure “C” Parcel Tax Exemption Denial - Stephanie Osaze, Finance Director

1. Ms. Willie Mae Tobias
2. Rosa Raffington
3. Robert Shirley Leonard
4. William and Juanita Peoples

Recommendation: That Council Open the Hearing, Hear Testimony, Close the Hearing and Uphold the Tax Administrators Decision

Open Hearing:

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

Close Hearing:

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

Appeals # 1 through 3’s Tax Administrator’s denial Overturned

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

Appeal # 4’s Tax Administrator’s Decision Upheld

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

B. Zoning Text Amendment:

1. Proposal: To allow medical office uses in the M-1 (Light Industrial District) by amending Sections 6271 and 6102.62.3 of the east Palo Alto Zoning Ordinance and establishing a fee zone text amendment fee category

Recommendation: That Council Open the Hearing, Hear Testimony, Close the Hearing and approve introduction of ordinance amendment

Open Hearing:

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

Close Hearing:

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

Action: Approving Zoning Text Amendment

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

VIII. Policy and Action Items

A. City Council Ordinances/Resolutions/Informational Reports; and Redevelopment Agency Resolution – Approval Actions and Motions

1. Discussion: Berkeley Rent Stabilization Program Peer Review Final

Recommendation: To discuss report provided at the 09/23/08 Council meeting and direct staff appropriately, by Motion

Discussion was started by Council on this item and it was determined that there wasn't adequate time to make all considerations and a unanimous decision was agreed upon that a study session was need. Council directed staff to set a date and poll Council for their ability to hold the meeting.

Action: Decision made to hold Special Study Session and direction given to staff to find a suitable date.

2. **CC2826 & RDA 649** - Approval of a Resolution authorizing the City Manager to **1) accept, and appropriate** an MTC Transit Station Feasibility Study Grant of \$360,000, **and 2) to allocate 90,000 in RDA (50%)** and Transient Occupancy Tax (TOT) (50%) funds to provide the required 20 percent match for a total study amount not to exceed \$450,000 *Carlos Martinez, Redevelopment Agency*

Recommendation: That **1)** Adopt the City Resolution and; **2)** Adopt the Redevelopment Agency Resolution

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

3. **2827**-Authorize the City Manager to hire Applied Development Economics to provide professional services necessary to prepare and develop a Tax Base Market Analysis and Expansion Strategy

In an amount not to exceed \$40,000 *Carlos Martinez, Redevelopment Agency*

Recommendation: That the Council Adopt the Resolution

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

4. Jack Farrell Park Meda Okelo, Community Services Director

- a. That the Council accepts and files the update on the Concession Building Project at Jack Farrell Park.

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

- b. **2828** - That the council authorize the City Manager to bid for the design and building of a new irrigation system as well as the replacement of the sod at the park at a cost not to exceed \$140,000.00.

Action: **Motion/Second:** **Woods/Abrica** **Vote: 301 (Evans/No)**

Recommendation: That the Council 1) accept and file the concession information; 2) Adopt the Resolution for the New Irrigation System

5. Adjournment : 11:40p.m.