



City of East Palo Alto

ACTION MINUTES

By: *Minette Warren*

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

TUESDAY, September 23, 2008

CLOSED SESSION - 6:30P.M.

Special City Council Meeting – 7:00

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: Evans, Abrica, Rutherford, Foster (Woods to be in after Closed Session)

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. IFPTE- Local 21 Negotiations

2. SEIU-Local 521 Re-Opener

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

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

2. Tony Tanke v. City of East Palo Alto

Adjournment

Call to Order and Roll Call: Present: Evans, Abrica, Woods, Rutherford, Foster

I. Approval of Agenda

Action: Motion/Second: Rutherford/Abrica Vote: 5-0

II. Interviews and Appointments to City Advisory Bodies

Applicants

Lorraine Holmes
Bethzabe (Betsy) Yañez
Tyler Barker
Midge Dorn
Arnold Hart
Stanley K. Yim

Advisory Body

Senior Advisory Committee
Public Works & Transportation Commission
Planning Commission
Rent Stabilization Board
Rent Stabilization Board
Rent Stabilization Board

Interviews of Applicants conducted by Council and Votes taken for Appointments

Senior Advisory Board

**1. Mrs. Lorraine Holmes Regular 2Year Term
Mayor Foster: Aye; Vice Mayor Rutherford: Aye; Councilmember Woods: Aye
Councilmember Abrica: Aye; Councilmember Evans: Aye**

Rent Stabilization Board

**2. Mr. Arnold Hart Alternate 1Year Tenant Term
Appointed---- # of Votes: 5
Mayor Foster: Aye; Vice Mayor Rutherford: Aye; Councilmember Woods: Aye
Councilmember Abrica: Aye; Councilmember Evans: Aye**

Rent Stabilization Board

**3. Mrs. Midge Dorn Regular 2Year Homeowner Term
Appointed---- # of Votes: 4
Mayor Foster: Aye; Councilmember Woods: Aye; Councilmember Woods:
Aye; Councilmember Evans: Aye**

Rent Stabilization Board

**4. Mr. Stanley K. Yim Regular 2Year Homeowner Term
Appointed---- #of Votes 5
Mayor Foster: Aye; Vice Mayor Rutherford; Councilmember Woods: Ayes;
Councilmember Abrica: Aye; Councilmember Evans: Aye**

Public Works and Transportation Commission

5. Mrs. Bethzabe (Betsy) Yanez Regular 2year Term

Planning Commission

6. Mr. Tyler Barker 3 Votes (Vote Split – 2 for Alternate Term, 1 for Regular term Not Appointed)

Mayor Foster: Aye ----- for Alternate 1year Vacancy

Councilmember Abrica: Aye ----- for Alternate 1year Vacancy

Councilmember Evans: Aye---for Regular term

7. Mr. Melvin E. Gaines, (who did not re-apply for the 1year Alternate seat as his term expired May 31, 2008), but did received 1 vote for the 3year regular term Councilmember Abrica: Aye. Note: Council was also informed that Mr. gains had resigned from Planning Commission to continue his education).

During the appointments a question was raised by Council regarding the Senior Advisory Committee's member Richard Tatum's status as it is shown on the roster as expiring May 31, 2007.

Mayor Foster asked if Mr. Tatum was still serving and Community Services Director stated that Mr. Tatum was still serving

Staff member Deputy City Clerk Warren explained that on May 22, 2007, Mr. Tatum scheduled to be interviewed for re-appointed had been unable to attend the meeting to be considered for re-appointment. Staff reminded Council they'd directed staff to inform Mr. Tatum that if he wished to continue serving, he should submit an application for re-appointment so re-consideration and/or re-appointment could be done . Mr. Tatum had been advised but never complied.

Council unanimously stated that Mr. Tatum should comply and be notified of the need to submit an application for reconsideration before continuing service.

Mayor Foster stated that Mr. Tatum has been faithful and a good member for the committee and that she felt he would want to continue serving. That he be notified as soon as possible, and that Council be informed at next available Council meeting.

Staff indicated that Mr. Tatum would certainly be contacted regarding Council's wishes and informed that he should submit an application or give indication as to whether he was still interested in continuing to serve on the Senior Advisory Committee.

Council discussed recruitment methods and how notification of the various current openings had been done; and asked if term-expired members had been notified . The Clerk's office staff informed Council that a legal notice had been done in July, 2008 and referred to the staff report which listed all the notification methods that had been utilized; and that term-expired members had been notified.

Staff also informed Council that the Advisory Body Vacancies Recruitment Ad had been re-posted as OPEN INDEFINITELY; and that it stated that interested residents was still welcome to submit applications.

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

I. APPROVAL OF AGENDA

**Action: Motion/Second: Rutherford/Abrica Vote: 4-1 (Evans/No)
(Mr. Evans stated he was voting No on the approval of the agenda and wanted to state for the record that he was voting no on the Consent Calendar Items)**

Items 2 and 7 were pulled for discussion by both Evans and Woods

Items 3, 4, 5, 6, 8, 9 and 10 approved

Action: Motion/Second: Abrica/Woods Vote: 4-1 (Evans/No)

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

CONTRACTS & RESOLUTIONS

Item 1: was placed on this Agenda in Error – IT WAS NOT HEARD

1. Approval of a Resolution authorizing the City Manager to 1) accept, appropriate and to spend an MTC Transit Station Feasibility Study Grant of \$360,000, and 2) to allocate 90,000 in RDA funds to provide the required 20 percent match for the study, which will cost a total of \$450,000. *(Carlos Martinez – Redevelopment Agency)*

Recommendation: That the Redevelopment Agency approve the resolution Avenue, APN: 063-131-220 in the Ravenswood Business District

2. **2818-**Approval of the Interim City Attorney Contract Extension – *ML Gordon, Assistant City Manager*

After Discussion for clarification on Item 2, Councilmember Woods wanted language added in Item 2, Councilmember Evans stated that he was against the extension.

Action: Motion/Second: Rutherford/Abrica Vote: 4-1 (Evans/No)

3. **2819**-Authorize the City Manager to enter into a Funding Agreement with the East Palo Alto Senior Center Inc. for utility reimbursements and Security Services Funding for FY 2008-09 in a total amount not to exceed \$69,000.00-Meda Okelo, Community Services Director **(Continued from 09-09-08 City Council Meeting)**

4. **2820**-Authorize the City Manager to increase the Cap on payments to Snader and Associates by \$1,072 to pay for increased costs associated with reconfiguring the system during the installation process in an amount not to exceed an overall total of \$103,363 (Russell Averhart, RDA Project Manager)

5. **2821**-Authorize the Redevelopment Agency Executive Director to accept and appropriate grant funding in the amount of \$50,000 for the U.S. Economic Development Administration to pay for Phase II of a Tax Base Market Analysis and Expansion Strategy for the City of East Palo Alto (Russell Averhart, RDA Project Manager)

6. **2822**-Approval of the Housing Endowment Association Trust (HEART) Agreement Amendment (*Wilbert Lee, Housing Director*)

Recommendation: That Council Approve the Resolutions

7. Status Report re efforts to establish a business Incubator program at Cummings Park Lofts. (Russell Averhart, RDA Project Manager)

Recommendation: That Council Hears and Accepts the report

Clarification provided on Councilmember Woods Query the efforts to establish the incubator program

Action: Motion/Second: Woods/Rutherford Vote: 4-1 (Evans/No)

8. Berkeley Rent Stabilization Program Peer Review Final Report (Wilbert Lee, Housing Director)
Recommendation: That Council accept the report and schedule discussion for October 7, 2008

9. Minutes - *Minette Warren, Deputy City Clerk*
a. 09/09/08 Regular CC/RDA Meeting Minutes
Recommendation: Approve the Minutes By Motion

10. **2823**-Adopt a Resolution to authorize the City Manager to renew the contract with the County of San Mateo in an amount not to exceed \$799,081 for public safety communications services

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

III. Written Communications: None

IV. Special Presentation

1. El Concilio Youth Health Presentation - El Concilio
(This presentation is associated with Policy and Action Item VIII B1 On which the Council is requested to take action: An 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)

V. Oral Reports

A. Reports Out of Closed Session

Closed Session report out:

Labor Relations Item #1: Discussed – No Action

Labor Relations Item #2: Discussed – No Action

Potential Litigation Item #1: Settlement agreed upon in the amount of \$5,000

Potential Litigation Item #2: Discussed – No Action

B. Oral Staff Reports:

1. None

C. Advisory Bodies: None

D. City Council/Redevelopment Agency Reports

VI. Community Forum

VII Hearing(s)

Note: The Appeal item was moved to top of agenda before Consent Calendar by unanimous agreement of Council

A. Appeal of Measure "C" Parcel Tax Exemption Denial

1. Lelia M. Hicks - Appellant

Recommendation: P[en Hearing, Hear Testimony, Close Hearing and Uphold the Measure "C" Administrator's Decision

Council discussed appeal and voted unanimously to reverse staff's decision

Open Hearing:
Motion/Second: Rutherford/Foster Vote: 5-0

Close Hearing:
Motion/Second: Rutherford/Abrica Vote: 5-0

Reversal of Tax Administrator's Decision
Motion/Second: Abrica/Rutherford Vote: 5-0

VIII. Policy and Action Items

A. Redevelopment Agency Resolutions/Informational Reports – Approval Actions and Motions

1. **648**-Authorize the Redevelopment Agency Executive Director to hire Keyser Marston Associates to provide professional services necessary to prepare primary evidentiary documents for 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, Redevelopment Agency Project Manager*)

Recommendation: That the Redevelopment Agency Approve the Resolution

**Action: Motion/Second: Woods/Abrica Vote: 3-2
Rutherford and Evans/No)**

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

1. Introduce 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

Recommendation: That Council Introduce the Ordinance

Action: Motion/Second: Abrica/Foster 4-1(Evans/Abstained)

2. Introduce the ordinance amending Chapter 2.36 of the Municipal Code to reflect the City's current policy with regard to advisory bodies.

Recommendation: That Council Introduce the Ordinance

Action: Motion/Second: Rutherford/Foster Vote: 5-0

3. **2824 a)**Authorize the City Manager to accept and appropriate a \$424,815 grant from the United States Department of Justice, Bureau of Justice Assistance (BJA) for anti-gang initiatives

Action: Motion/Second: Rutherford/Foster Vote:4-1(Evans/No)

2824 b)Authorize the City Manager to enter into a two-year contract with ShotSpotter, Inc., in an amount not to exceed ***\$229,000** to enable citywide coverage

***Please note: Resolution amended prior to signatures being affixed, Minutes amended to reflect correct amount of funding for the Item 3B (ShotSpotter contract); and Item 3b reflects same resolution # as Item 3a. as it is included in the total grant amount requested**

Action: Motion/Second: Rutherford/Foster Vote:4-1(Evans/No)

Recommendation: That Council Approve the Resolution

Adjournment: 11:40p.m.