



City of East Palo Alto ACTION MINUTES

By: Minette Warren, Deputy City Clerk

REGULAR JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

TUESDAY, December 16, 2008

Regular Joint Closed Session: 6:30p.m.

Regular Meeting - 7:30p.m.

2415 UNIVERSITY AVENUE

Council Chamber

6:30 P.M

Regular Joint Closed Session

Regular Joint Closed Session

Call to Order and Roll Call: 6:30p.m.

Present : Romero, Martinez, Evans, Woods, Abrica

I. Approval of Joint Closed Session Agenda

Action: Motion/Second: Woods/Evans Vote: 4-0 (Councilmember Romero in after roll call and after adjournment; prior to the beginning of Closed Session)

II. Joint Closed Session Community Forum: None

III. CLOSED SESSION

A. Personnel Matters Pursuant to Government Code Section 54957

1. Permanent City Attorney Recruitment

Adjournment

7:30 P.M

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

Joint Call to Order: 7:30p.m.

Roll Call

Present: Romero, Martinez, Evans, Woods, Abrica

I. APPROVAL OF AGENDA

Councilmember Evans pulled Item 5 for discussion; and Item 1 was noted for a correction (Deputy Clerk Warren to correct Typographical error in a length of term before having the resolution signed) .

*City Manager James Pulled Item IIA6 from Consent Calendar and moved it to Policy and Action as it was intended for there . Councilmember Evans voiced his opinion that this item should be continued for more consideration rather than being moved to Policy and Action. Council majority agreed to moving it to Policy and Action, there were no motion or supporting votes to continue the item

Councilmember Evans also pulled items IIA3 discussion
Vice Mayor Woods pulled item IIA2
Mayor Abrica pulled Item IIA7

Approval of Consent Calendar absent items IIA2, IIA3, IIA7

Action: Motion/Second: Woods/Romero Vote: 5-0

Motion to approve item IIA2

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

Motion to approve item IIA3

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

Motion to approve Item IIA7

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

II. CONSENT CALENDAR

A. City Council/Redevelopment Agency Ordinances, Resolutions/ Informational 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

Action to Accept Consent Calendar Items with the exception of Item 6

Motion/Second: Woods/Martinez Vote: 5-0

1. **2841-November 4, 2008 Election Official Results** - Minette Warren, Deputy City Clerk
Acceptance of the San Mateo County Elections Office Certified Final Results of the November 4, 2008 East Palo Alto Consolidated General Municipal
2. **Request for Proposal – Dumbarton Rail** – Carlos Martinez, RDA Director

Authorization to Release a Request for Proposals (RFP) to identify a qualified consultant to produce an East Palo Alto Dumbarton Rail Station Area Specific Plan

3. **2846-Contract - Retail Center Maintenance-** Carlos Martinez, RDA Director
Reauthorize Selection of a single property management firm for the Gateway 101 Retail Center and, authorize Agency Executive Director to execute a Management Agreement with the property management firm for an amount not to exceed \$5,050, the Agency's pro rata share of maintenance costs as a property owner at the Retail Center
4. **2842-Contract – Water Master Plan** - Anthony Docto, Public Works, Director
Authorize City Manager to Enter into an Agreement with Integrated Resource Management, LLC., for Professional Consulting Services in an amount not to exceed \$192,909 to Develop a Citywide Water Master Plan to be Funded from a US Environmental Protection Agency \$106,100 Grant and a Required Local Match of \$86,809 from the City's Water Fund
5. **2843 - Contract – Police Athletic League** - Ronald Davis. Chief of Police
 - a. Authorize City Manager to Enter Into a Contract with the East Palo Alto Boxing Club in an Amount Not to Exceed \$35,000 to Provide a Boxing Program for the Police Activities League (PAL).
 - b. Authorize City Manager to Enter Into a Contract with the East Palo Alto Greyhounds in an Amount Not to Exceed \$23,600 to Provide a Track and Field Program for the Police Activities League (PAL).
- *6. **2845-Authorize Expenditure of Measure C funds for the Police Department** in an amount not to exceed \$350,000 to respond to increasing violence and enhance overall public safety and:
 - a. That the City Council authorize the City Manager to enter into a 6 month Agreement with the California Highway Patrol in an amount not to exceed \$62,400 to provide overtime-officers for supplemental law enforcement services.
 - b. That the City Council authorizes the City Manager to enter into a 6 month agreement with the San Mateo County Sheriff's Office in an amount not to exceed \$130,000 to provide overtime deputies for supplemental law enforcement services
 - c. That Measure C funds be authorized for use in hiring 4 part-time investigators in an amount not-to-exceed \$86,
 - d. That the City Council authorize the City Manager to identify and enter in to a contract with an outside recruitment firm in an amount not-to-exceed \$50,000 to assist the Human Resources Department in expediting the recruiting and hiring of police officers

- e. That Measure C funds be authorized for obtaining various equipment to support the public safety initiatives described in this report in an amount not to exceed \$13,700
- 7. **2844-Resolution** calling on CALPERS and county, state and federal authorities to exercise their political, economic, an ethical influence to help our community stop Page Mill Properties predatory real estate practices which result in pain and hardship to our residents – Mayor Ruben Abrica
- 8. **Claim(s)** - Assistant City Attorney Rafael Alvarado
 - a. Robert L. Porter (will recommend rejection)
 - b. **2847-Newell, LLC** (will recommend settlement)
- 9 **Minutes** - Minette Warren, Deputy city Clerk
 - a. 11/05/08 Regular CC RDA Meeting
 - b. 11/18/08 Regular CC RDA Meeting

Recommendation: That Council adopt the resolutions; and Reject the Claim Item 8a by motion; and Approve the Claim Item 8b and the Minutes by motion Report

Items IV, V and VI may be addressed during Community Forum only, unless otherwise approved by Council

IV. Written Communications: None

V. Discussion - Advisory Bodies - Minette Warren, Deputy City Clerk

A. Selection of Advisory Bodies Members

Council discussed the advisories bodies, gave direction to staff on reviewing all existing and defunct ones; and took the following actions :

- **Any further recruitment was temporarily put on hold**
- **Two Appointments were made to the Rent Stabilization Board to fill critical existing vacancies in the landlord representation category.**

Vice Mayor Woods stated there was an earlier discussion in a prior Council meeting that another recruitment drive should be done before any further appointments. Mayor Abrica pointed out that there was a critical need to fill the vacant Landlord representation seats on the Rent Stabilization Board and that the interviews and and appointments were needed, immediately.

Councilmember Evans questioned as to whether appointments could be made as it was a discussion item, Mayor Abrica pointed out that they were listed on the agenda as two separate categories.

Applicant for vacant Landlord position: Sister Trinitas
Interviewed by Council and appointed to the Rent Stabilization board
Council was polled by Mayor Abrica for votes:

Vote to Appoint - 5 Ayes: Martinez, Romero, Evans, Woods, Abrica

Applicant for vacant Landlord position: Goro Mitchell
Let the record note here that Applicant Mitchell was not present during the initial interview process, Councilmember Romero stated that he had spoken with Mr. Mitchell, that he would be arriving late, but that he was still interested and would be in attendance as soon as possible.

Mayor Abrica noted this information and stated that at the majority agreement of Council they could interview Mr. Mitchell upon his arrival, Council was in agreement.

Deputy Clerk Warren to give both the oath of office before the following week's Wednesday night meeting of the Rent Stabilization Board.

VI. Oral Reports

A. Reports Out of Closed Session

Interim City Attorney Valerie Armento reported out that: The Closed Session Item: Personnel Matters regarding the selection of a permanent City attorney was discussed and direction was given to the recruiter.

The Closed Session Item was discussed, but No Action was taken

B. Oral Staff Reports

C. Advisory Bodies: None

D. City Council/Redevelopment Agency Reports

1. City Council & Planning Commission Sub Committee Status Report regarding: Long Range Planning Blueprint Plan for the Ravenswood Area – Mayor Ruben Abrica and Councilmember Peter Evans
2. Discussion Regarding Council Committee Assignments and January Meeting Schedule – Mayor Ruben Abrica
3. Mayor's Report
4. Reports from Other Councilmembers

VII. Community Forum

VIII. Hearing - Bradley Tarr, Planning Division Manager

Categorical Exemption (CE 07-22) Determination and Appeal of Planning Commission denial of Tentative Tract Map (S 07-10) Seeking Subdivision of Tenant Spaces for Sale and Conversion of Palo Mobile Estates to a Resident-Owned Park at 1885 E. Bayshore Road.

Categorical Exemption (CE 08-18) Determination and Zone Text Amendment (ZTA 08-26) & to Amend the Zoning Ordinance Definitions and the M-1 Zoning Classification of the Zoning Regulations to Permit Medical Office Use With a Use Permit.

Recommendation: Open the Hearing, Take Testimony, Close the hearing and uphold Planning Commission Decision

Councilmember Romero recused himself – Conflict of Interest, heard this item when serving on the Planning Commission before being elected to Council on November 4, 2008

Action

Open hearing

Motion/Second: Woods/Evans Vote: 3-1

Testimony by Public and Council Discussion,

Close the Hearing

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

Mayor Abrica and Vice Mayor Woods made a motion and a second in that order authorizing Interim City Attorney Armento to select a mediator and have this item mediated prior to January 3, 2009 -- Vote: 3-1 (Evans-No)

Item to be brought back on January 6, 2009

Let the Record note that Deputy City Clerk advised Mayor Abrica that Rent Stabilization Board applicant Goro Mitchell had arrived.

Mayor Abrica asked Council if they would interview Mr. Mitchell before moving on with the remainder of the Agenda at this point. Council was in majority agreement and Mr. Mitchell was interviewed and appointed by Majority Vote.

Council was polled by Mayor Abrica for votes:

Vote to Appoint - 5 Ayes: Martinez, Romero, Evans, Woods, Abrica

Deputy Clerk Warren to administer the Oath of Office to both new Board members the before the following week's Wednesday night meeting of the Rent Stabilization Board.

IX. Policy and Action Items

**A. City Council Resolutions/Ordinance-First Reading/Informational Reports/
Approval Actions**

- 1. 28238B-South Bayside Waste Management Authority - Anthony Docto,
PWKS Director**

Recommendation: Consider Approving a Proposal by the South Bayside Waste Management Authority (SBWMA) to Authorize that Agency to Issue Debt Through the Sale of Bonds, In the Amount of \$65,455,000 To Fund the Shoreway Transfer Facility Master Plan Improvements

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

X. Adjournment: 11:50p.m.