



CITY OF EAST PALO ALTO

**ACTION MINUTES**

By: *Deputy City Clerk Minette Warren*

**REGULAR JOINT CITY COUNCIL  
AND REDEVELOPMENT AGENCY MEETING**  
*Tuesday, June 16, 2009*  
Closed Session 6:00p.m.  
Regular Meeting 7:30p.m.  
City Council Chambers, 2415 University Avenue

**6:00 P.M**

**REGULAR JOINT CLOSED SESSION**

**JOINT CLOSED SESSION CALL TO ORDER: 6:00p.m.**

**ROLL CALL: Romero, Woods, Abrica (Evans in late, but prior to adjourning to Closed Session, Martinez – Excused Absence)**

**I. APPROVAL OF REGULAR JOINT CLOSED SESSION AGENDA**

**Motion/Second: Woods/Abrica Vote: 3-0**

**II JOINT CLOSED SESSION COMMUNITY FORUM: None**

**III. CLOSED SESSION**

**A. Potential/Pending Litigation Pursuant to Government Code Section 54986.9**

1. Rent Stabilization (*Vincent Ewing, City Attorney, Valerie Armento, Legal Consultant*)
2. Page Mill Properties
3. William Branner v. City of East Palo Alto

**B. Personnel Matter Pursuant to Government Code Section 54957.7 (*Vincent C. Ewing, City Attorney (Carried forward from June 2, 2009 Closed Session)*)**

**C. Property Negotiations Pursuant to Government Code Section 54958.8**

965 Weeks Street, APNs 063232210, 063232220, 063232230 (*Carlos Martinez, Division Manage, Redevelopment Agency*)

**Adjournment**

7:30 P.M

JOINT REGULAR CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

JOINT CALL TO ORDER: 7:30p.m.

ROLL CALL: Romero, Evans, Woods, Abrica (Martinez – Excused Absence)

I. APPROVAL OF AGENDA

*Prior to Approval of Agenda, Vice Mayor Woods Recused himself from the Vote on Consent Calendar Item IIA1 in its entirety – Reason: Conflict of Interest – Lives within project area off # IIA1a*

*Mayor Woods requested that Policy and Action Calendar Item VIII B5 be moved up on the Agenda*

*Action to Approve – Motion/Second: Evans/ Woods Vote: 4-0*

II. Approval of Consent Calendar Absent Item IIA1a-c; Item 3, and Item 7 (Pulled by Vice Mayor Woods); Item 6a-b (Pulled by Councilmember Evans); And Item 8IIB8a (Pulled by Dep. Clk. Warren)

Action to Approve - Motion/Second: Evans/Woods Vote: 4-0

A. Ordinance, Contracts

1. Fiscal Merger Ordinances (*Sean Charpentier, RDA Project Coordinator II, Redevelopment Agency*)
  - a. **ORD #321** - Ordinance #1: Amended and Restated Redevelopment Plan for the Ravenswood Area
  - b. **ORD #322** - Ordinance # 2:Fourth Amendment to the Redevelopment Plan for the Gateway 101 Corridor Redevelopment Project Area
  - c. **ORD # 320** - Ordinance #3: Fifth Amendment to the Redevelopment Plan for the University Circle Redevelopment Project Area
2. Code Enforcement Legal Services in the City of East Palo Alto:

**RESO # 2909** - Adopt a resolution authorizing the City Manager to: **(1)** amend the FY 2008-2009 contract with Lance Bayer, Esq., for code enforcement services in an amount not to exceed \$5,500 and **(2)** extend the contract with Lance Bayer, Esq., through FY 2009-2010, in an amount not to exceed \$60,500 (*Rafael Alvarado Jr, Deputy City Attorney*)

**Woods asked for Clarification, Deputy City Attorney Alvarado & City Manager James stated that Code Enforcement Contract Counsel Bay does Assists staff with other Code Enforcement areas that City cannot provide services for due staff shortages in areas of Building Code enforcement/violations, graffiti/gang related issues and court cases; and other areas, causing funds utilization from the General fund to supplement his contract where specific Grant Funding could not be used.**

**Action to Approve – Motion/Second: Woods/Romero Vote: 3-1 (Woods-No)**

3. Bay Area Water Supply Conservation Agency (BAWSCA) Agreement for Water Sales: *(Anthony Docto, Director, Public Works Department)*
  - a). **RESO# 2810A** - Adopting findings for purposes of the California Environmental Quality Act (CEQA) in connection with approval of a water supply agreement with the City and County of San Francisco; and
  - b). **RESO# 2910B** - Approving the new Water Supply Agreement with the City and County of San Francisco; and
  - c). **RESO# 2910C** - Approving the Individual Water Sales Contract with the City and County of San Francisco
  
4. **Reso # 2915** - Authorize the City Manager to purchase one (1) John Deere Model 110 Tractor from the authorized dealer, Turf & Industrial Equipment in Santa Clara, CA for Public Works Maintenance Division/Corporation Yard Operation, for an amount not to exceed \$49,884.12 from Garbage Fund *(Jay Farr, Maintenance Division Manager, Public Works)*
  
5. **RESO # 2914** - Approval of a resolution supporting the City's application for a Priority Development Area Designation for the RBD and 4 Corners *(Sean Charpentier, Project Coordinator II, Redevelopment Agency)*
  
6. **RESO # 2920** "In Car" Cameras for the Police Vehicles: *(Ronald L. Davis, Police Chief)*
  - a. That the City Council authorize the City Manager to accept, appropriate and expend a risk-prevent grant from the Association of Bay Area Governments (ABAG) in an amount not to exceed \$48,429.86.
  
  - b. That the City Council authorize the City Manager to purchase fifteen (15) in-car video cameras for the police patrol vehicles from Decatur Electronics, Inc., in an amount not to exceed \$48,429.86

**Chief Davis provided clarification for Councilmember Evans on 6a-b regarding what part of the funding was General Fund and what part was Grant Funding**

**Action to Approve – Romero/Abrica Vote: 4-0**

7. *Advisory Bodies: (Rafael Alvarado, Deputy City Attorney & Minette Warren, Deputy City Clerk)*

**2916- Adopt a Resolution 1).** Formalizing the policies it previously approved pertaining to the Advisory Body application and appointment process; and, **2).** Confirming its June 2, 2009 appointments to the Planning Commission, Rent Stabilization Board and Public Works and Transportation Commission

**Vice Mayor Woods re-stated his concern regarding Item 1 where the resolution for consideration of approval covers the portion on advisory body members serving concurrently on more than one board/ committee/commission and, requested that Council reconsider due to recruiting problems and lack of applicants.**

**Clarification was given by Deputy City Attorney Alvarado that after reviewing the DVD of the March 17, 2009 meeting it was clear that Council at that time had taken a 3-2 vote to approve the decision that advisory body member should NOT serve concurrently on more than one advisory body.**

**After Discussion it was decided by Council that this portion for the resolution not be included for the vote at this meeting but to be brought back at a future meeting for deliberation and reconsideration. Council unanimously agreed.**

**Action to Approve, without the portion related to concurrent service on more than one advisory body – Motion/Second: Romero/Woods Vote: 4-0**

#### **B. Motions, Other Actions and Informational Reports**

8. Minutes (*Minette Warren, Deputy City Clerk*)
  - a. 04/21/09 Regular CC/RDA Meeting (Continued from 05/05/09 CC RDA Mtg.)
  - b. 05/05/09 Regular CC/RDA Meeting (Continued from 05/19/09 CC RDA Mtg.)
  - c. 05/19/09 Regular CC/RDA Meeting
  - d. 05/26/09 Special CC/RDA Mtg 09-10 Budget study Session

**Deputy City Clerk Warren pulled Item B8a, stated the 4/21/09 Minutes would be brought back for approval after further clarification on another review of the DVD to clarify a motion made by Mayor Abrica on the Ravenswood DePlan based on a contention of his wording of the motion, voiced by Mr. Bernardo Huerta.**

9. Proclamation

- a. In appreciation of the National Champion Rugby Team, the East Palo Alto Razorbacks (*Meda Okelo, Director, Community Services Department*)

**The East Palo Alto Rugby team was given recognition by the City, Congratulations and Presentation of the Proclamation from the Mayor and Council and a standing ovation by the meeting attendees.**

**Recommendation:** That Council Adopt the Ordinances and Approve the Remainder of the Consent Calendar

**III. Written Communication: None**

**IV. Special Presentations: None**

**V. Oral Reports**

A. Reports Out of Closed Session

**City Attorney Vincent Ewing Reported out – Direction given to Staff , No Action taken**

B. Reports from Staff:

1. Fire Works Information (*Ronald L. Davis, Police Chief*)
2. Locked gates in University Park Housing area. (*Anthony Docto, Director, Public Works Department*)

C. City Council/Redevelopment Agency Reports

D. Mayor's Report

1. Discussion of the need for an additional meeting

**Mayor Abrica discussed the possible need options for additional meetings regarding the Fiscal Year 2009-2010 Budget and other priority items with Council – proposed meeting dates of June 29<sup>th</sup> and 30<sup>th</sup> were discussed with decision made to schedule June 29 and proposed June 30<sup>th</sup> if budget deliberations and approval were not completed on June 29<sup>th</sup>. After discussion Council unanimously agreed upon proposed dates.**

**VI. Community Forum**

**VII. Hearings:**

- A. **RESO # 2913** Proposed Adjustment to City's Water Rates to Accommodate the Increase in the Cost of Purchased Water from the San Francisco Public Utilities Commission (SFPUC) Effective July 1, 2009 (*Anthony Docto, Director, Public Works Department*)\_

**Recommendation:** That Council Open the Hearing, Take testimony, Close the Hearing and Approve the Pass through Water Rate Increase

**Open Hearing**

**Motion/Second: Woods/Romero Vote: 4-0**

**Testimony taken and Council Discussion**

**Close Hearing**

**Motion/Second: Romero/Woods Vote: 4-0**

**Action to Approve**

**Motion/Second: Romero/Abrica Vote: 4-0**

---

**Council Unanimously Approved the Request to Continue Item VIIB – Appellant Not Present at Time of Scheduled Hearing**

Appeal **(RDA)** (*Carlos Martinez, RDA Division Manager*)

El Galope Restaurant’s Appeal of Relocation Benefits for Relocation from University Plaza

**Recommendation:** That the Redevelopment I Open the Hearing, Take testimony, Close the Hearing and Provide Direction to the Executive Director of the Redevelopment Agency regarding the appeal of relocation benefits by El Galope Restaurant

**VIII Policy and Action Items**

**Vice Mayor Woods Recused himself on Item VIIIA1 – Reason: Conflict of Interest, Lives within project area**

**Contracts, Motions, Other Actions and Informational Reports**

**A. Redevelopment Agency**

1. **RESO# 658** - Authorizing the Executive Director to Execute a Purchase and Sale Agreement with the Olson Company to acquire 2.6 acres located at 965 Weeks Street, East Palo Alto (APN: 063-232-210, 063- 232-220, 063-232-230) in an amount not to exceed \$2.6 million. (*Carlos Martinez, Division Manager, Redevelopment Agency*)

**Recommendation:** that the Agency consider the attached resolution authorizing the Executive Director to execute a Purchase and Sale Agreement with the Olson Company to purchase the property located at 965 Weeks Street, East Palo Alto for an amount not to exceed \$2,600,000

**Action to approve:**

**Motion/Second: Romero/Abrica**

**Deputy City Clerk Warren conducted a Roll Call Vote**

**Councilmember Martinez – Aye**

**Councilmember Romero – Aye**

**Councilmember Evans – Nay**

**Mayor Abrica - Aye**

**B. City Council**

**\*Item VIIIB5 Moved up previously during Approval of Agenda was deliberated at this point in the meeting**

**Unanimous Direction was given to Staff to schedule meetings for the Consideration on Oversight Committee Measure C recommendation**

**A meeting date for a Special Council meeting was discussed and agreed upon for Tuesday, July 13, 2009, Time : 6:00p.m.**

**Contracts, Motions, Other Actions and Informational Reports**

1. Connolly Way Status report (*Alvin D. James, City Manager*) - Continued from 06/02/09 Regular CC/RDA Meeting

**Recommendation:** Accept and File, and/or give direction as appropriate

**Action to Approve: Motion/Second: Woods/Romero Vote: 4-0**

2. **Reso # 2906** - Authorize the City Manager to 1) accept, appropriate and spend the grant funds: \$476,000 from the FY09 Department Of Labor (DOL) earmark grant, (the Grant) for summer employment and job training purposes, as specified in the grant proposal; 2) **RESO 2908A** - fund and enter into a professional services contract up to an amount not to exceed \$102,000 with One East Palo Alto (OEPA) to run the Sponsored Employment Program (SEP), 3) **RESO# 2908B** advance City funds to OEPA as it may be necessary to run the SEP, as an advance payment to be reimbursed, upon receipt of the Grant funds, and 4) enter into a professional services contract up to an amount of \$327,300 with Job Train to provide professional services to implement the City of East Palo Alto Green Jobs Training Initiative, (GJTI) (*Carlos Martinez, Division Manager, Redevelopment Agency*)

**Recommendation:** That the Council adopt the resolutions (Continued from 06/02/09 Regular CC RDA Meeting)

**Action to Approve – Motion/Second: Romero/Abrica Vote: 4-0**

3. Discussion and Approval of a proposed City Flag (*Ruben Abrica, Mayor*),

**Recommendation:** That Council hold a discussion and provide the appropriate direction to Staff and *Mayor Abrica*

**Mayor Abrica presented a proposal for a City Flag wanted approval for the design (City Seal centered on a Light Blue background with the City's name embossed beneath the Seal). Mayor Abrica displayed a printed model of the proposed flag, and a proposal to have one made to use during the City's 26<sup>th</sup> anniversary celebration and 4<sup>th</sup> of July parade. Mayor Abrica further stated that it could be brought back for further consideration.**

**Council and audience liked concept for flag, Exception: Councilmember Evans – did not like design or color**

**Action to Approve – Motion/Second: Romero/Evans      Vote: 4-0**

4.      **RESO # 2919** - Authorizing the Appropriation of Safe Routes to Schools (SR2S) Cycle 7 Funds in an amount of \$170,000 for the Brentwood School frontage improvements along the East side of Clarke Avenue (*Anthony Docto, Director, Public Works Department*),

**Recommendation:**    That Council Adopt the Resolution

**Action to Approve – Motion/Second: Woods/Abrica      Vote: 4-0**

- \* 5.      Progress Report – Measure “C” Oversight Committee and consideration of possible recommendations. (*Meda Okelo, Director, Community Services Department*)

**Recommendation:**    Provide directions as appropriate

**6. ADJOURNMENT : 11:50 p.m.**