



# City of East Palo Alto

## ACTION MINUTES

By: *Minette Warren*

### REGULAR JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

**TUESDAY, May 18, 2010**

Closed Session: **6:00p.m.** Open Meeting - 7:30p.m.  
**2415 University Ave - First Floor - City Council Chamber**

**NOTE TO THE PUBLIC: PDF VERSIONS OF THE MEETING AGENDAS AND MINUTES  
ARE AVAILABLE ONLINE ON THE COUNCIL'S AGENDAS/MINUTES WEBPAGE  
AT [WWW.CI.EAST-PALO-ALTO.CA.US](http://WWW.CI.EAST-PALO-ALTO.CA.US)**

**6:00 P.M**

**Regular Joint Closed Session**

Call to Order: **6:00pm**  
Roll Call: **Martinez, Evans, Abrica, Romero, Woods**

**1. Approval of the Closed Session Agenda (Government Code § 54957.7(a))**

Action: Motion/Second: **Romero/Abrica** Vote: **5-0**

**2. Joint Closed Session Community Forum: None**

**3. Adjournment into Closed Session**

**4. Personnel Matters (Government Code § 54957.6)**

- City Attorney Evaluation – (*David E. Woods, Mayor and the City Council*)
- City Manager Recruitment (*ML Gordon, Assistant City Manager, Office of the City Manager*)

**5. Property Acquisition (Government Code §54956.9) - (*Carlos Martinez, RDA Division  
Manager and Sean Charpentier, RDA Project Coordinator II*)**

- 1) APN's: 063-292-170, 063-292-160, 063-292-190, 063-292-200
- 2) 1600 Bay Road, APN: 063-221-010 Extension of Option to buy Post Office corner from SM County

**6. Potential/Pending litigation (Government Code § 54956.9 (a)) (*Vincent C Ewing, City  
Attorney*)**

- Page Mill/Woodland Park v. City of East Palo Alto, et al., Litigation

<u>Case Name</u>	<u>Case Number</u>
Page Mill/Woodland Park v. CEPA, et al.	CIV 474732
Page Mill/Woodland Park v. CEPA, et al.	CIV 478790
Page Mill/Woodland Park v. CEPA, et al.	CIV 477568

Page Mill/Woodland Park v. CEPA, et al.	CIV 477567
Page Mill/Woodland Park v. CEPA, et al.	CIV 480456 (Brown Act RSB)
Page Mill/Woodland Park v. CEPA, et al.	CIV 482848 (Substantial Rehab Exemption)
Page Mill/Woodland Park v. CEPA, et al.	CIV 486819
Page Mill/Woodland Park v. CEPA, et al.	CIV 483884
Page Mill/Woodland Park v. CEPA, et al.	CIV 486152 (Fiscal Merger)
Page Mill/Woodland Park v. CEPA et al	CIV 474521

- EPAMA v. City of East Palo Alto

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

**Joint Call to Order: 7:35p.m.**

**Roll Call: Martinez, Evans, Abrica, Martinez, Woods**

**7. APPROVAL OF AGENDA**

**ACTION: MOTION/SECOND: ROMERO/WOODS VOTE: 5-0**

**8. Community Recognition and Awards**

- City of East Palo Alto’s Eldest Citizen Recognition – *(Meda Okelo, Director, Community Services Department)*

**Awardee: Mrs. Juanita Meadows**

- Recognition of Good Samaritan: Mr. Douglas Galdamez – *(David E. Woods, Mayor)*

**For his assistance to Elderly East Palo Alto Resident - Mr. J. Mojica**

**9. Approval of Consent Calendar**

**Item 11 pulled for noted editing of resolution – Staff to change “roll call” (individual) vote area to ‘Unanimous’ Vote.**

**[CONSENT CALENDAR - City Council/Redevelopment Agency Ordinances-Introduction, Resolutions/ Informational Reports/Approval Actions and Motions](#)**

**[Actions and Motions](#)**

- 10.** Third Quarter Treasurer’s Report ending March 31<sup>st</sup>, 2010– *(Stephanie Osaze, Director, Finance Department)*

**ATTACHMENT: [Item10-051810CCRDAMtg3rdQtrTreasurersReport](#)**

- 11. 3061-** Approve the attached resolution to accept and appropriate a \$5,000 grant from the Philanthropic Ventures Foundation (PVF) for community outreach, fundraising, technical services, and planning for the Cooley Landing project - *(Lily Lee, Project Consultant, Cooley Landing Project)*

**ACTION: MOTION/SECOND: WOODS/ROMERO VOTE: 5-0**

**ATTACHMENT: [Item11-051810CCRDAMtg-CooleyLndingProjPhilanthropicVentures](#)**

12. **3062-Grant Program** for approximately \$400,000

**RECOMMENDATION:** Staff recommends that the City Council:

- 1) Approve the resolution required to be submitted as part of a grant application that authorizes the City Manager to enter into contract with the State Department of Water Resources (DWR) for the purpose of securing funds to construct the Cooley Landing project in accordance with the City’s strategic goals, objectives, and policies; and
- 2) Direct that, prior to entering into contract, the City Manager seek Council authorization to accept and allocate grant proceeds awarded to ensure that grant terms are consistent with City Council Strategic Goals and Objectives - *(Lily Lee, Project Consultant, Cooley Landing Project)*

**ATTACHMENT:** [Item12-051810CCRDAMtg-CooleyLndProjCADWRContGrntFndng](#)

13. **RDA** - Consider a resolution replacing \$63,000 in Agency funds for \$63,000 in HUD EDI funds for the \$645,781 contract with Design, Community & Environment (DCE) for the Dumbarton Station Area Specific Plan (RBD/4 Corners Transit Oriented Development Specific Plan) (Sean Charpentier, Project Coordinator II, Carlos Martinez, RDA Manager, RDA Division)

**Recommendation:** That the Agency Consider a resolution replacing \$63,000 in Agency funds for \$63,000 in HUD EDI funds for the \$645,781 contract with Design, Community & Environment (DCE) for the Dumbarton Station Area Specific Plan (RBD/4 Corners Transit Oriented Development Specific Plan)

**ATTACHMENT:** [Item13-051810CCRDAMtg-HUD-EDIFdngRBD-4CTransitOrntedDevlpmnt](#)

14. Minutes – *(Minette Warren, Deputy City Clerk, Office of the City Clerk)*

- 03/23/10 Special CC RDA Meeting
- 03/26/10 Special CC RDA Meeting
- 04/06/10 Regular CC RDA Meeting

**ATTACHMENT:** [Item14-051810ccrdamtg-032310-032610Spcomtg-040610Rgmtgmins](#)

**Recommendation:** That Council Approve Consent Calendar Items 10 through 12 and 14

**ACTION: MOTION/SECOND: ROMERO/ABRICA VOTE: 5-0**

**Items 15, 16 and 17 may be addressed during Community Forum only, unless otherwise approved by Council**

15. **Written Communications:**

- Pad D Proposal – (For the Future Housing)
- Aspire School History and Accomplishments – (Michael Berman, College and Academic Counselor, East Palo Alto Phoenix Academy)

ATTACHMENT: [Item15-051810CCRDAMtg-WrittenCommunicationsPadDItem1](#)

ATTACHMENT: [Item15-051810-WrittenComm-AspireSchHistoryandAccomplishments](#)

16. Special Presentation: None

17. Oral Reports

- Reports Out of Closed Session- (*Vincent C. Ewing, City Attorney*)
- Staff Reports
  - Updated Informational Report: Redevelopment Agencies State Takeaway of \$2.05 billion from California redevelopment agencies - (*Stephanie Osaze, Director, Finance Department*)

ATTACHMENT: [Item17-051810CCRDMtg-Updte-takeawayof205billionfromCARDA](#)

- Strategic Objectives Progress Report to Council - (*Alvin D. James, City Manager*)

ATTACHMENT: [Item17b-050610CCRDAMtgbStrategicObjectivesStatusReport](#)

- Announcement of May 21, 2010 Luncheon at East Palo Senior Center – (*Meda Okelo, Director, Community Services Department*)

18. City Council/Redevelopment Agency Reports

19. Community Forum

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Policy and Action City Council/RDA Resolutions/Ordinance-First Readings, Informational Reports/ Approval Actions

RDA

20. Resolution Approving Exclusive Negotiating Agreement with Shuman Business Partners to develop a Restaurant on Pad D in the Ravenswood 101 Shopping Center (APN: 063-511-580) ((*Russell Averhart, Project Manager, Carlos Martinez, RDA Manager, RDA Division*))

**Recommendation:** That the Agency consider whether to enter into an Exclusive Negotiating Rights Agreement (ENRA) and Developers Reimbursement Agreement (DRA) with Shuman Business Partners pursuant to direction provided by the Agency at the April 20, 2010 meeting

ATTACHMENT: [Item20-051810CCRDAMtg-ENAwithShumanBrosforPadD](#)

Action: Motion/Second: Abrica/Romero Vote: 3-2 (Martinez, Romero/No)

21. Authorize the Interim City Manager to finalize and execute Amendment #3 to an existing \$224,037 contract with Wilsey Ham Engineering Consultants increasing the existing contract by \$27,090 for a new contract total of \$251,037 – (*Sean Charpentier, Project Coordinator III, Carlos Martinez, RDA Manager, RDA Division*)

**Recommendation:** That Council Authorize the City Manager to Finalize and Execute Amendment #3

**ATTACHMENT:** [Item21-051810CCRDAMtg-Amend3toexistcontWilseyHamEngConstnts](#)

**For the Record:** Councilmember Evans left the meeting for the remainder of the evening at 9:50p.m.

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

**CITY**

22. **3066-**Regarding Measure C-City Council-Sponsored Crime Fighting Act of 2007.  
1) Resolve the Proposal Review Committee Composition Issue  
2) Determine Whether or not to Establish a Policy Regarding Prior Expenditures and,  
3) Suggest an Appropriate Time Line for Proceeding with the Measure C, Cycle 2 - Call for Proposal - (*Meda Okelo, Director, and Community Services Department*)

**Recommendation:** Adopt the Resolutions (Continued from 05/04/10 Regular CC RDA Meeting)

**ATTACHMENT:** [Item22-051810CCRDAMtg-MeasureC-CC-SponCrimeFightingActof2007](#)

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

23. Staff Request for authorization for use of Transient Occupancy Tax (TOT) funding in the amount of \$168,167.00 to support the summer 2010 Mobile Recreation and Teen Excursion Program– (*Meda Okelo, Director, Community Services*)

**Recommendation:** Authorize by Resolution, the funding of the Mobile Recreation and the Teen Excursion Program in an amount \$ \$168,167.00 out of the Transient Occupancy Tax funds set aside in the Children Youth Seniors and Families Fund

**ATTACHMENT:** [Item23-051810CCRDAMtg-TOTFundforSummerMobilierRecProgram](#)

**Action: Continued to next Regular CC RDA Meeting**

24. Informational Announcement - June 8<sup>th</sup>, 2010 Primary Election regarding Rent Stabilization Ordinance Ballot Measure “H” – (*Carlos Romero, Vice Mayor*)

**Recommendation:** That Council Accept and File the Information

**Direction to Staff:** Publish Informational Ad regarding June 8, 2010 Measure H Ballot

**25. 3067-** Augment existing design services contract with Callander Associates for unanticipated technical services in an amount not to exceed \$68,296 from Park In Lieu fees – (*Lily Lee, Project Consultant, Cooley Landing Project*)

**ATTACHMENT:** [Item25-051810CCRDAMtg-AugExistContCallendarAssoc-CooleyLndg](#)

**RECOMMENDATION:** Staff recommends that the City Council: Augment existing design services contract with Callander Associates for unanticipated technical services in an amount not to exceed \$68,296 from Park In Lieu fees

**Action: Motion/Second: Romero/Martinez Vote: 4-0**

**26.** Council discussion of the documents and proposals presented by "Making it Happen for our Children's Zone in East Palo Alto" - (*Carlos Romero, Vice Mayor/RDA Chair*)

**Recommendation:** That Council discuss the proposal from "Making it Happen for Our Children's Zone in East Palo Alto" and provide direction to staff.

**ATTACHMENT:** [Item26-051810CCRDAMtg-ChildrensZonePresentationInfo](#)

**Action: Motion/Second: Romero/Abrica Vote: 3-1 (Martinez/No)**

**27.** Council and RDA Amended Resolutions and Minutes

- 10/16/2009 CC Resolution No. 2983 – Appointing Alvin D. James, Interim City Manager/Clerk
- 10/6/2009 RDA Resolution 668 – Appoint Alvin D . James, Interim Executive Director of the Redevelopment Agency
- 10/6/2009 Regular Joint CC-RDA Action Minutes

**Recommendation:** That City Council and the RDA Acknowledges and Accepts the City Clerk's Amendments of the 10/6/2009 Regular CC-RDA Meeting Resolutions 2983 and 668; and Action Minutes of the meetings showing the Amended and Corrected Votes of Councilmember A. Peter Evans and Vice Mayor Carlos Romero; and that Councilmember A. Peter Evans and Vice Mayor Carlos Romero Accepts the Deputy City Clerk's acknowledgement and apology for the error in the Original Recording of same

**ATTACHMENT:** [Item27-051820-100609CCRes2983RDA668and100609ActnMinutes](#)

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

**28. ADJOURNMENT**