



# City of East Palo Alto

DATE POSTED: AMENDED - Friday, July 2, 2010 Time: 4:00 p.m.  
By: *M L Gordon*

## REGULAR JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

**TUESDAY, July 6, 2010**

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

**Note to the Public-you can View Staff Reports as PDF's following each  
Corresponding Agenda Item as Numbered, on the City's Web Site,  
City Council Agenda/Minutes Page at [www.ci.east-palo-alto.ca.us](http://www.ci.east-palo-alto.ca.us)**

**6:00 P.M**

**Regular Joint Closed Session**

**Regular Joint Closed Session Call to Order and Roll Call**

- 1. Approval of the Closed Session Agenda (Government Code § 54957.7(a))**
- 2. Joint Closed Session Community Forum**
- 3. Adjournment into Closed Session**
- 4. Personnel Matters (Government Code § 54957.6)** (*ML Gordon, Interim City Manager, Office of the City Manager*)
  - City Manager Interview
- 5. Property Negotiations (Government Code § 54956.8: Conference with Real Property Negotiator)** (*Carlos Martinez, RDA Division Manager, RDA Division*)
  - Cummings Park In Lieu Fees
  - Mid Peninsula and SFPUC
  - Drew Site
  - Cummings Park Unsold BMR Condominiums

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)

- 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 and Roll Call**

7.    **APPROVAL OF AGENDA**

8.    **Interview of Advisory Body Applicants** (*Minette Warren, Deputy City Clerk, City Clerks Office*)

Senior Advisory Committee

- Mrs. Ola Augmon (Term Expired)
- Mrs. Ruth Cossey (New Applicant for Regular Term)
- Mr. Michael Francois (New Applicant for Regular Term)
- Mrs. Renee Harris (New Applicant for Regular Term)

Planning Commission

- Mr. Lap-Ping Wong (New Applicant for Regular Term)

**CONSENT CALENDAR - City Council/Redevelopment Agency Ordinances, Resolutions/ Informational Reports/Approval Actions and Motions**

**Actions and Motions**

**ATTACHMENT: Interview of Advisory Body Applicants**

9.    Adopt the Resolution Acknowledging and Accepting the Pavement Rehabilitation and Resurfacing Project-2009; and Authorize the Interim City Manager to file a Notice of

Completion with the County of San Mateo; and release the contract retention balance for the project. *(Kamal Fallaha, City Engineer, Engineering Division)*

**ATTACHMENT: Improvements for the Pavement**

10. Adopt the Resolution Accepting the California Energy Efficiency and Conservation Block Grant (EECBG) in the amount of \$180,214; and, authorize the Interim City Manager to expend the Grant Funds in accordance with the California EECBG agreement with the City of East Palo Alto. *(Kamal Fallaha, City Engineer, Engineering Division)*

**ATTACHMENT: Accepting the California Energy Efficiency and Conservation**

11. Resolution authorizing the Interim City Manager to award a construction contract to O’Grady Paving Inc. the lowest responsible and responsive bidder for the Annual Street Resurfacing Project, for an amount not to exceed \$1,461,534.93 to construct specified improvements. *(Kamal Fallaha, City Engineer, Engineering Division)*

12. YMCA Tenant Improvements: *(Frank Rainone, Chief Building Official, Building Services Division)*

A. Adopt a Resolution establishing an overall project budget of \$83,807.00 to complete the YMCA Tenant Improvement at 550 Bell Street; and .

B. Authorize the City Manager to award a construction contract to Omni Construction, Inc. as the lowest responsible and responsive bidder, for an amount not to exceed the bid amount of \$76,188.00 to construct the specified improvements plus a 10% (\$7,619.00) contingency for unexpected and unplanned costs.

C Adopt a Resolution authorizing the City Manager to award a contract to KRJ Design Group to oversee construction of the YMCA Tenant Improvement project in an amount not to exceed \$2,500.00. This amount is in addition to an Administrative Authority Contract of \$7,500 for a total of \$10,000.00

13. Renewal of Retainer Agreement for Government Affairs Services with the Ferguson Group (TFG) for the FY2010-2011 in an amount not to exceed \$120,000. *(Carlos Martinez, RDA Division Manager, RDA Division)*

**ATTACHMENT: Renewal of Retainer Agreement for Government**

14. **Proclamation**

A. Recognition of East Palo Alto Youth Court *(Minette Warren, Deputy City Clerk, Office of the City Clerk)*

B. Halim Muftafa Recognition *(David E. Woods, Mayor),*

15. Authorize Grant Application for \$1,000,000 No Match Funding for General Plan – *(Brent Butler, Planning Division Manager, Planning Division)*

**ATTACHMENT: Authorize Grant Application**

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

- 06-02-2010 Special City Council Budget Study Session
- 06-09-2010 Special City Council Budget Study Session
- 06-15-2010 Regular CC RDA Meeting
- 06-16-2010 Special City Council Budget Study Session

**Recommendation:** That Council Adopt the Resolutions and Approve the Minutes by Motion

**ATTACHMENT: Minutes**

**The Consent Calendar; and, Items 17,18 and 19 may be addressed during Community Forum only, unless otherwise approved by Council**

17. **Written Communications:**

- Children’s Day Waiver of Fees Request- (*Jennifer Jackson, Children’s Day Event Coordinator*)
- Request for City’s Fees to be waived- (*Rosemary Chukwudebe, Owner*)

18. **Special Presentations:**  
**None**

19. **Oral Reports**

- Reports Out of Closed Session- (*Vincent C. Ewing, City Attorney*)
- Staff Reports
  - Invitation from the City of Palo Alto and their Consultants to Facilitate a Review of the Stanford University Medical Center Environmental Impact Report. (*Brent A. Butler, Planning Division Manager, Planning Division*)

20. **City Council/Redevelopment Agency Reports**

21. **Community Forum**

22. **PUBLIC HEARINGS**

- A. An ordinance amending the penalty provisions of the East Palo Alto Municipal Code, enacting additional enforcement remedies, and amending technical provisions of said code relating to construction, Municipal Code Amendments (MCA 09-03) - (*Lance Bayer, Contract Attorney, City Attorney’s Office, Francis Rainone, Chief Building Official, Building Services Division*)**

**Location:** Citywide

**Recommendation:** That Council Open the Hearing, Take Testimony, Close the Hearing and Approve the Introduction of the Ordinance.

**B. Solid Waste Collection Service Rates for Residential and Commercial Customers -** *(Stephanie Osaze, Director, Finance Department)*

**Recommendation:** That Council Open the Hearing, Take Testimony, Close the Hearing; **and**, After consideration of all materials and information provided at the special study workshop on June 29<sup>th</sup>, 2010, and testimony received during the public hearing, staff is recommending that the City Council adopts a resolution to approve **Alternative #2**, requiring an increase of **15% effective July 1, 2010** and another **19.05% effective January 1, 2011** on Solid Waste Collection Service Rates for Residential and Commercial customers

**C. 4 Corners -** *(Carlos Martinez, RDA Manager, RDA Division) (Continued from 06-15-10 CC RDA Meeting)*

**SUBJECT:** City Council approval consideration of two ordinances and one resolution for the University Corner project. One ordinance adopts the Zone Change and one adopts the Development Agreement. The Resolution adopts both the Mitigated Negative Declaration (MND) and the Special Use Permit (SUP).

**RECOMMENDATION:** That Council Open the Hearing, Take testimony, Close the hearing; and, that the City Council Approve the introduction of the two ordinances and Approve the one resolution

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

**RDA**

23. Agency consideration of two Resolutions: The first resolution approves the Mitigated Negative Declaration for the University Corners Project as a Responsible Agency. The second resolution authorizes the Redevelopment Agency Executive Director to execute the First Amendment to the 4 Corners OPA/DDA with the Developer, and the First Amendment to the Option and Purchase Agreement for the Post Office Parcel with San Mateo County

**Recommendation:** Staff recommends that the Agency Board approves the Resolutions

**CITY**

24. Authorize the Interim City Manager to enter into contract with PFM Asset Management LLC to perform investment management services for the City's Operating Funds with fees

for services based on a percentage of the investment Management Fund (*Peter Yee, Senior Financial Services Manager, Finance Department*)

**Recommendation:** That the Council Approve the Resolution

25. Authority to reimburse the Park in Lieu fund in the amount of \$58,950 from the per capita Roberti Z Grant allocation to the City of East Palo Alto from the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002" (2002 Resources Bond or Proposition 40) – (*Meda Okelo, Director, Community Services*)

**Recommendation:** That the Interim City Manager be authorized to reimburse the Park in Lieu fund for funds spent on the Jack Farrell Park Improvement Project in the amount of \$58,950 from the City's per capita Robert Z Berg 2002 Resources Bond or Proposition 40 allocation

**ATTACHMENT: Authority to reimburse the Park**

26. Authority to file with the County of San Mateo a Notice of Completion for the Jack Farrell Park Improvement Project. (*Meda Okelo, Director, Community Services*)

**Recommendation:** That the Interim City Manager be authorized to file a notice of completion to the County of San Mateo for the Jack Farrell Park Improvement Project and to UN-encumber \$85,117.45 in Park in Lieu funds previously committed to the Jack Farrell Park Improvement Project

**ATTACHMENT: Jack Farrell Park Improvement Project**

27. Authority to Increase by \$7,500 the Blossom Valley Contract Change Order payment for the Jack Farrell Park Improvement Project from \$117,754.00 to \$125,254.00 to pay for a staff initiated change order. (*Meda Okelo, Director, Community Services*)

**Recommendation:** That the Council Approve the Resolution

28. Resolution Authorizing the Vacant Property Fee Schedules – (*Frank Rainone, Chief Building Official, Building Division*)

**Recommendation:** Staff recommends adoption of the two draft resolutions, which adopt penalty fee schedules for the two ordinances.

29. Consideration of Proposals for Drafting rules and regulations under the New Rent Stabilization Ordinance (*Vincent C. Ewing, City Attorney*)

**Recommendation:** That City Council consider and select a proposal, direct City Attorney by July 9, 2010 to finalize an agreement with independent contractor to draft rules and regulations under the new Rent Stabilization Ordinance in an amount not to exceed \$25,000.

**Recommendation:** That council approves the Resolution

30. Adopt a Resolution Encouraging the San Mateo County Board of Supervisors to Uphold Public Safety and Affirm the Separation Between County Services and the Enforcement of Federal Civil Immigration law by opting out of the secure Communities Program. (*Carlos Romero, Vice Mayor*)

**ATTACHMENT: Uphold Public Safety**

**ATTACHMENT: RESOLUTION**

31. Update and Discuss the Summer Recreation Mobile Program Status (*Meda Okelo, Director, Community Services Department*)

**Recommendation:** Council to Provide Direction to Staff

32. **ADJOURNMENT**