



City of East Palo Alto

ACTION MINUTES

By: *Minette Warren, Deputy City Clerk*

REGULAR JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

TUESDAY, October 19, 2010

Closed Session: **6:00 p.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

6:00 P.M

Regular Joint Closed Session

Regular Joint Closed Session Call to Order

Roll Call

PRESENT: MARTINEZ, EVANS, ABRICA, ROMERO, WOODS

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

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

2. Joint Closed Session Community Forum: None

3. Adjournment into Closed Session

4. Personnel Matters (Government Code § 54957.6) (David E. Woods, Mayor, Office of the City Council)

- A. Interim City Manager Contract**
- B. City Manager Recruitment**

5. Property Negotiations (Government Code § 54956.8: Conference with Real Property Negotiator) (Carlos Martinez, Manager, RDA Division, Karen Tiedemann, RDA Counsel)

- a. Cummings Park BMR Condos
- b. APN 063-240-10, 063-240-220, 063-240-400, 063-240-410
- c. APN's: 063-292-170, 063-292-160, 063-292-190, 063-292-200 410

6. Potential Litigation (Government Code § 54956.9 (a), (b)) (Vincent C. Ewing, City Attorney)

- a. XXXXX vs. City of East Palo Alto (*Carlos Martinez, Manager, RDA Division*)
- b. San Mateo County vs. City of East Palo Alto (*Vincent C. Ewing, City Attorney*)
- c. October Litigation Report
- d. City of East Palo Alto v. XXXXXX (*Disclosure will jeopardize service of process or existing settlement negotiations.*) (*Vincent C. Ewing, City Attorney*)

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

Joint Call to Order

Roll Call

Present: MARTINEZ, EVANS, ABRICA, ROMERO, WOODS

7. APPROVAL OF AGENDA

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

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

Actions and Motions

8. **4037**-Adopt a Resolution Extending the Contract with the Interim City Manager for an amount not to exceed \$5,000 (*David E. Woods. Mayor*)
9. **4038**-Adopt a Resolution authorizing the Interim City Manager to accept and appropriate a \$215,000 grant from the United States Department of Justice Programs, Bureau of Justice Assistance (BJA) for crime prevention and enforcement strategies. (*Ronald L. Davis, Police Chief, Police Department*)
10. **4039**-Authorizing the Interim City Manager to waive \$4,840 in fees associated with EPA United Soccer Club's use of the Martin Luther King Park multi-purpose field for its 2010-2011 youth soccer season (October 21 2010- January 15th 2011) (*Meda Okelo, Director, Community Services Department*)
11. **4040**-Adopt a Resolution authorizing the Interim City Manager to increase the time limit of the contract with Ken Barr, to complete the Rules and Regulations associated with the New Rent Stabilization Program Ordinance. (*M L Gordon, Interim City Manager*)
12. **Minutes** (*Minette Warren, Deputy City Clerk, Office of the City Clerk*)

09/21/10 Regular CC RDA Meeting (No Minutes-Due to Cancellation of Meeting, Lack of Quorum)
 09/28/10 Special CC Meeting
 10/05/10 Regular CC/RDA Meeting

Recommendation: That Council Approve All Items on the Consent Calendar

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

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

13. Written Communications: Warming Shelter Request for Assistance (*Pastor Paul Bains,*)

14. Special Presentations:

A. *East Palo Alto Substance Abuse Prevention Coalition - EPASAPC* , (*Julio Garcia - EPASAPC*) (*Introduction - Faye C. McNair-Knox, Ph.D., Executive Director One East Palo Alto For the presentation - Jose Santos/Program Director One East Palo Alto, Julio Garcia One East Palo Alto Patricia Chavez Parent, Jessica Jones - YouthEPA, Reverend Mary Frazier/Bread of Life Evangelistic Outreach*) (**10 Minutes**)

B. Solar Energy Proposal – (*Kevin A. White, Mega Watt Development and Holdings*) (**10 Minutes**)

15. Oral Reports

A. **Reports Out of Closed Session-** (*Vincent C. Ewing, City Attorney*)

City Attorney Ewing reported out – Items were discussed, direction given to staff, but No Action Taken

B. **Staff Reports**

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

16. Community Forum

17. Hearings

A First Reading of the Bicycle Technical Guidelines Ordinance.
(***Continued from 10/05/2010 Special CC RDA Meeting***)(*Brent Butler, Planning Division Manager, Community Development Department*)

Recommendation: That the City Council:

1. Hold a Public Hearing regarding the adoption of the Bicycle Technical Guidelines and establishment of a Bicycle and Pedestrian Technical Advisory Committee by Continuing the Public Hearing, Hearing Testimony, Closing the Hearing ; and
2. Determine that the adoption of the Santa Clara Valley Transportation Authority Bicycle Technical Guidelines and corresponding amendment to Sections 6102 and 6119 of the Zoning Ordinance and establishment of an Advisory Board to be categorically exempt from environmental review pursuant to Section 15301(c) of the of the California Environmental Quality Act Guidelines; and conduct the first reading of said guidelines and zoning text amendment

Action: Item A Continued to Next Regular CC-RDA Meeting

B. 4041-Proposed amendments to the East Palo Alto Municipal Code (second reading) (Vincent C. Ewing, City Attorney) (Continued from 10/05/2010 Regular CC/RDA Meeting)

RECOMMENDATION: That the City Council move to waive the reading of the proposed amendments to the East Palo Alto Municipal Code regarding advisory bodies' qualifications (Attachments A, B, C), conduct a public hearing, and adopt the proposed amendments by taking the following actions:

1. Move to repeal and repeal the following sections of the East Palo Alto Municipal Code as set forth in Attachment A; and
2. Move to adopt and adopt a resolution amending the following sections of the East Palo Alto Municipal Code as set forth in Attachment B and waive the reading of the text; or
3. Move to adopt and adopt a resolution amending the following sections of the East Palo Alto Municipal Code as set forth in Attachment C and waive the reading of the text.

Action: Item B Continued per staff request

C. Citywide Water System Master Plan (Anthony Docto, Public Works Director)

Recommendation: That the City Council:

1. Open the Public Hearing providing the public with an opportunity to comment on the Water System Master Plan; and

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

2. Upon completion of public comment Close the Public Hearing, and,

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

3. **Reso 4041**-Adopt a Resolution approving the Citywide Water System Master Plan

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

4. Direct the Interim City Manager to develop a method and process whereby the City Council may establish its priorities for the implementation of the plan.

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

- D. 4042-Free At Last - Multiple Year Use Permit:** *(Brent Butler, Planning Division Manager, Planning Division)*
 Find that the application is categorically exempt to CEQA pursuant to Section 15301 of the Guidelines, and approve the Planning Commission recommendation to extend the use permit to a five years term, as based on the findings of the staff report, and subject to the terms and conditions attached thereto.

Recommendation: That the City Council:

- 1) Open the Public Hearing providing the public with an opportunity to comment on the request for a five-year Use Permit with three five-year renewals upon expiration of the first five-year term; and

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

- 2) Upon completion of public comment Close the Public Hearing, and,

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

- 3) **Reso 4042**-Adopt a Resolution approving the request for a four-year administrative extension; and

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

- 4) Approve the conditions attached thereto.

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

[Policy and Action City Council/RDA Resolutions/Ordinance-First Readings, Informational Reports/ Approval Actions](#)

[RDA](#)

18. For the Future Housing, Inc. (FTFH) Pad “D” Exclusive Negotiations Rights Agreement proposal *(Carlos Martinez, RDA Manager, RDA Division)*

RECOMMENDATION: Staff recommends that the Agency Board:

1. Adopt a resolution directing staff to enter into an Exclusive Negotiating Rights Agreement (ENRA) between FTFH and the Agency for a period of 180 days; and
2. To enter into a \$10,000 Developer Reimbursement Agreement (DRA), to cover ENRA and Development and Disposition Agreement (DDA) negotiations costs. *(Carlos Martinez, Redevelopment Agency Division Manager).*

ACTION: MOTION/SECOND: WOODS/ABRICA VOTE: 3-2
Woods/Evans/NO)

City

19. Discuss the City Manager Recruitment Process (*David E. Woods, Mayor*)

RECOMMENDATION: That the City council discuss the options available to Council and decide the next steps in the Recruitment Process for a City Manager

Direction Given to staff to agendize this item for further Closed Session Discussion

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

20. Consideration of an Urgency Interim Zoning Ordinance to Extend the Temporary Moratorium on the Sale and Distribution of Marijuana for Medical Purposes (**To be continued to a Special City Council Meeting scheduled October 26, 2010**) (*Vincent C. Ewing, City Attorney*)

RECOMMENDATION: That the City Council Approve a Motion to Adopt An Uncodified Urgency Interim Ordinance of the City of East Palo Alto Extending the Temporary Moratorium on the Establishment of Medical Marijuana Dispensaries in the City of East Palo Alto for a Period of Ten Months and 15 Days Pending a Study of Zoning Regulations That are Needed to Alleviate a Current and Actual Threat to the Public, Safety and Welfare.

ITEM 20 TO BE CONTINUED TO A SPECIAL CC MEETING ON OCTOBER 26, 2010

21. Request to authorize the Interim City Manager to negotiate a contract with the California Department of Corrections and Rehabilitation (CDCR) for a comprehensive Parole Reentry program at an estimated \$8 million. (*Ronald L. Davis, Chief of Police, Police Department*)

RECOMMENDATION: That the City Council authorize the Interim City Manager to negotiate a contract with the California Department of Corrections and Rehabilitation (CDCR) for a comprehensive Parole Reentry Program at an estimated \$8 million

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

22. Adopt a Resolution Authorizing the Interim City Manager to enter into a Professional Service Contract with Applied Development Economics for consulting services to establish the Administration Functions of the Rent Stabilization Program for an amount not to exceed \$43,625. (*M L Gordon, Interim City Manager*)

RECOMMENDATION: Adopt the Resolution Authorizing the Interim City Manager to enter into a Professional Services Contract with Applied Development

Economics (ADE) to provide consulting services for the Rent Stabilization Program.

ACTION: MOTION/SECOND: ROMERO/MARTINEZ VOTE: 4-1 EVANS/NO

23. Discussion and Direction regarding the November 2, 2010 Regular Joint Meeting due to the General Consolidated Municipal Election. *(Mayor David E. Woods and City Council)*

RECOMMENDATION: City Council to provide appropriate direction to Staff.

After Discussion, Council approved the cancellation of the November 2, 2010 Council meeting due to the General Municipal Election and approved holding the 'regular' Council/RDA meeting on WEDNESDAY, NOVEMBER 3, 2010 with 3 ayes and 2 Naes. Councilmember Martinez stated she probably could not make the Wednesday meeting and could do Thursday' and Councilmember Evans voting – No. Would have preferred a more comprehensive staff report on the item

24. **ADJOURNMENT**