



City of East Palo Alto

ACTION MINUTES

**Amended to correction nomination Motion and Second on Items 10A&B
at 01/18/2011 Regular City Council Meeting by Deputy Clerk Warren**

By: *Minette Warren*

COUNCIL REORGANIZATION AND REGULAR JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

TUESDAY, December 7, 2010

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

6:00 P.M Regular Joint Closed Session

Regular Joint Closed Session Call to Order

Roll Call:

Present: Abrica, Evans, Woods, Martinez, Romero

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

ACTION:	MOTION/SECOND:	ABRICA/WOODS	VOTE:	5-0
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2. Joint Closed Session Community Forum
 3. Adjourn into Closed Session
 4. **Personnel Matters (Government Code § 54957.6)** (*David E. Woods, Mayor, Office of the City Council*)
City Attorney Evaluation
 5. **December Litigation Report** (*Vincent C. Ewing, City Attorney*)
 6. **Potential Litigation (Government Code § 54956.9 (a), (b))** (*Vincent C. Ewing, City Attorney*)
 - A. DKB Homes Tolling Agreement
 - B. Rent Stabilization Program
 - C. Palo Alto Park
 7. Adjourn Out of Closed Session
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7:30 P.M REGULAR JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Joint Call to Order and Roll Call

- 8. Staff Recognition:** *(Stephanie Osaze, Interim Assistant City Manager/HR Director)*
- A. Emanuel Funches (Public Works Maintenance Division) – Retirement
 - B. Introduction of New Employees (September 2010 – November 2010)
 - 1. Jose Rodriguez – Public Works, Maintenance Division
Promoted from Provisional to Permanent
Full Time Hire Date: September 20, 2010
 - 2. Steve Marino – Public Works, Maintenance Division
New Hire – October 4, 2010

Action: Recognition was given by Mayor David Woods, Council, City Manager Gordon and Interim Asst. City Manager Stephanie Osaze

9. APPROVAL OF AGENDA

ACTION: Romero/Abrica **Vote: 5-0**

10. CITY COUNCIL/REDEVELOPMENT AGENCY RE-ORGANIZATION

- A. Selection of Mayor/RDA Vice Chair

RECOMMENDATION: That Council/RDA approve the selections by three affirmative votes

One motion made for Mayor/Vice Chair – VM Romero nominated as Mayor/Vice Chair

ACTION: MOTION/SECOND: Martinez/Abrica Vote:4-1 (Evans-No)

Councilmember Evans objected to the proceedings and presented a written protest to Council that stated his opinion on the alleged unfairness and bias within the Council’s mayoral selection process.

His complaints:

- Unfair and prejudiced Mayoral Selection Process
- That proceedings were illegal; Reason: Resolutions regarding the Mayor/Vice Mayoral selection process were not in the Council Agenda Packet

Councilmember Evans read his letter into the Official Record, and; stated he would no longer participate fully in Council meetings until the selection process was corrected. Per Councilmember Evans, his actions would entail appearing for Roll Call and leaving the meetings after that process.

B. Selection of Vice Mayor/RDA Chair

RECOMMENDATION: That Council/RDA approve the selections by three affirmative votes

One Motion made for Vice Mayor/Chair, CM Laura Martinez nominated as Vice mayor/Chair

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

Councilmember Evans left the Meeting and Council Chamber after the action was concluded.

Council was re-seated and Deputy City Clerk Warren gave Councilmembers Abrica and Woods the Oath of Office, and presented them with signed copies of same.

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

Approval of Consent Calendar

Deputy City Clerk Warren noted that the Minutes of 10/26/ and 10/28 were not yet available and would be brought back as soon as completed.

Actions and Motions

- 11. **Adopt a Resolution Re-Appointing Mrs. Donna Rutherford to the Mosquito abatement and Vector Control District Board** (M L Gordon, City Manager)
- 12. **Adopt a Resolution Accepting the Final Map at 907 Newbridge Street** (Kamal Fallaha, City Engineer, Engineering Division, Public Works Department & Wayland Li, Associate Planner, Planning Division, Community Development Department)
- 13. **Minutes** (Minette Warren, Deputy City Clerk, Office of the City Clerk)
 - 10/26/10 Special CC Meeting (Edited Minutes)
 - 10/28/10 Special CC Meeting (Edited Minutes)
 - 11/3/10 Regular CC/RDA Meeting Action Minutes

RECOMMENDATIONS: That Council Approve All Items on the Consent Calendar

Motion to Approve Consent Calendar Absent Item 13's 10/26 AND 10/28 Meeting Minutes.

ACTION: Motion/Second: Woods/Abrica Vote: 4-0

The Consent Calendar; and, Items 14-17 may be addressed during Community Forum only, unless otherwise approved by Council

- 14. Written Communications:**
Mitigation Measures for the San Francisco Public Utilities Commission (SFPUC) Bay Tunnel (Hetch Hetchy) Project *(Brent Butler, Planning Division Manager)*
- 15. Special Presentations (Each presentation is limited to 10 minutes) (Government Code § 54954.3(b)):**

None
- 16. Oral Reports**
A. Reports Out of Closed Session- (Vincent C. Ewing, City Attorney)
- 17. Staff Reports**
A. Planning Commission Meeting – December 13, 2010
B. Informational Report - Regarding Insufficient Paper Ballots for the City at the November 2, 2010 General Municipal Election
- 18. City Council/Redevelopment Agency Reports**
- 19. Community Forum**

PUBLIC HEARINGS

- 20. Public Hearing regarding the 2010 State Building Codes** *(Frank Rainone, Building Official, Building Services Division)*

RECOMMENDATIONS:

- 1. Introduce Ordinance, by reference of the 2010 State Building Codes:**
California Building Code,
California Electrical Code,
California Plumbing Code,
California Mechanical Code,
California Residential Code with Local Amendments,
California Green Building Code with Local Amendments,
California Existing Building Code,
California Energy Code; and
2010 California Fire Code with Local Amendments (Menlo Park Fire Protection District Ordinance 32).

2. Open the Hearing
Action: Motion/Second: Woods/Martinez Vote: 4-0

Council deliberated and Public Comment was given

3. Close Public Hearing and Approve First Reading

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

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

City

21. Council Discussion: Regarding 12/21/10 and 01/04/11 Council meetings?

RECOMMENDATION: That Council Provide Appropriate Direction to Staff

Council held discussion and unanimously to hold the regular December 21 meeting as a Special meeting on December 14, and; unanimously decided to leave the January 4, 2011 meeting in place as the first regular meeting of 2011.

22. Willow Road/University Avenue Traffic Study *Richard Haygood, P.E., T.E., TJKM Transportation Consultants; John Hoang, C/CAG of San Mateo County; City Staff: Kamal Fallaha, City Engineer*

Purpose of study: Identify near-term improvements to:

- Improve traffic operations and reduce congestion along Willow Road and University Avenue between US 101 and the Bayfront Expressway
- Improve safety for pedestrians, bicyclists and automobiles
- Improve pedestrian and bicycle connectivity

RECOMMENDATION: That Council Accept Report and Provide Direction to Staff

The Presentation was given by consultants and City Engineer Kamal Fallaha.

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

23. The 2010 Citywide Engineering and Traffic Survey for the City of East Palo Alto and its implementation which would enable enforcement of the posted speed limits and require the amendment of Ordinance No. 66 and Ordinance No. 0119 -
(Kamal Fallaha, City Engineer)

RECOMMENDATIONS:

Staff recommends that the City Council accepts and approve the followings:

1. The 2010 Citywide Engineering and Traffic Survey as prepared by TJKM, Transportation Consultants, and approve the implementation of its recommendations,

2. Amend Ordinances Number 66 and number 0119 to reflect the recommendations of the 2010 Citywide Engineering and Traffic Survey.

By unanimous decision, Item to be continued to Special Council Meeting of December 14, 2010.

- 24. East Palo Alto Shuttle Program** (*Anthony Docto, Director, Public Works Department, Salani Wendt, Executive Assistant, Public Works Department*)

RECOMMENDATIONS:

It is recommended that the City Council discuss, deliberate, and act on the following recommendations:

1. Adopt a Resolution Authorizing the City Manager to Execute an MOU between San Mateo County Transit District and the City of East Palo Alto for State Transit Assistance funding.
2. Adopt a Resolution Authorizing the City Manager to Execute a Fifth Amendment to Agreement between C/CAG and the City of East Palo Alto.
3. Adopt a Resolution Authorizing the City Manager to Execute a Funding Agreement between MTC and the City of East Palo Alto for Lifeline Transportation Program funding for the Youth Shuttle and Mobility Manager Services
4. Adopt a Resolution Authorizing the City Manager to Execute a Funding Agreement with San Mateo County Transportation Authority New Measure A funds for the Shopper Shuttle.
5. Adopt a Resolution Authorizing the City Manager to exercise the extension option in the current agreement via an Amendment to the September 24, 2009 through September 30, 2010 Shuttle Service Agreement between The City of East Palo Alto and Parking Company of America (PCA), LLC, extending the Agreement to September 30, 2012.
6. Adopt a Resolution Authorizing the City Manager to Eliminate the Weekend Midnight Shuttle Route.
7. Adopt a Resolution Authorizing the City Manager to accept and expend the MTC lifeline funding for the Mobility Manager services
8. Authorize and Approve the allocation and expenditure Measure A funds in an amount of \$185,944.20 plus a 10% contingency of \$18,594.42, for a total amount of \$204,538.62.

By unanimous decision, Item to be continued to Special Council Meeting of December 14, 2010.

- 25. ADJOURNMENT**