



City of East Palo Alto

Mission Statement

The City of East Palo Alto provides responsive, respectful, and efficient public services to enhance the quality of life and safety for our multi-cultural community.

ACTION MINUTES

By: *Minette Warren*

REGULAR JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

TUESDAY, January 18, 2011

Closed Session: 6:00 p.m. Open Meeting - 7:30p.m.

2415 University Ave- First Floor - City Council Chamber

The public may view the Staff Reports listed herein at the City's Website, www.ci.east-palo-alto.ca.us, under the corresponding agenda located on City Council Agenda/Minutes Page.

COMMUNITY FORUM AND SPECIAL PRESENTATIONS: Members of the audience may address the Council on any agenda item or on any item of interest to the public within the Council's purview, before or during the Council's consideration of the item. If you wish to address the Council, please fill out a Speaker Sheet and give it to the City Clerk. When your name is called, step to the podium and state your name and address for the record. Speakers are limited to two minutes each, and presentations are limited to 10 minutes. The Mayor has the discretion to lengthen or shorten the allotted times.

6:00 P.M

Regular Joint Closed Session

Regular Joint Closed Session Call to Order

Roll Call

PRESENT: WOODS, ABRICA, MARTINEZ, ROMERO (EVANS-EXCUSED ABSENCE)

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

ACTION: MOTION/SECOND: WOODS/ABRICA VOTE: 4-0

2. Joint Closed Session Community Forum - None

3. Adjournment into Closed Session

4. **Personnel Matters (Government Code § 54957.6)**
 - a. City Attorney
5. **Potential/Pending Litigation**
 - a. Byrd/Brock DKB Homes (*Karen Tiedemann, RDA Counsel*)
 - b. Palo Alto Park Mutual Water Company (*Vincent C. Ewing, City Attorney*)
 - c. Peninsula Care Givers Collective (*Vincent C. Ewing, City Attorney*)
6. **Litigation Report** (*Vincent C. Ewing, City Attorney*)

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

Joint Call to Order

Roll Call

PRESENT: WOODS, ABRICA, MARTINEZ, ROMERO (EVANS-EXCUSED ABSENCE)

7. APPROVAL OF AGENDA

ACTION: MOTION/SECOND: WOODS/ABRICA VOTE: 4-0

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

Actions and Motions

8. **ORD# 337-Bicycle Technical Guidelines (BTG)**, (*Brent A. Butler, Planning Division Manager*)

Recommend: That the City Council:

1. Conduct the Second Reading of the Bicycle Technical Guidelines; and
2. Adopt the proposed ordinance with the corresponding zoning text amendments to Section 6102 and 6119 of the Zoning Ordinance.

9. **Reso # 4086 - Adopt a Resolution authorizing the City Manager to purchase two used Dodge Chargers from Chrysler Financial Services Americas, LLC for the amount not to exceed \$28,263.96.** (*Ronald L. Davis, Police Chief*)
10. **Reso # 4087 - A Resolution expressing the sense of the City Council of the City of East Palo Alto with respect to the tragic shooting in Tucson, Arizona, on January 8, 2011**
(*Vincent C. Ewing, City Attorney*)
11. **Proclamation** (*Minette Warren, Deputy City Clerk, Office of the City Clerk*)

Celebrating the life of Mrs. Katye A. Johnson McCall

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

- a. 12-07-10 Regular CC RDA Meeting
- b. 12-14-10 Special CC RDA Meeting
- c. 01-11-11 Special CC RDA Meeting

Recommendation: That Council Approve All Items on the Consent Calendar

Item 12a, 12-07-10 Minutes pulled by Councilmember Woods for correction of an action on Page 2. Deputy City Clerk will correct motion made for the Mayor selection before posting Minutes to website.

Action: On Items 8-throu 12b and c

MOTION/SECOND: WOODS/,MARTINEZ VOTE: 4-0

Action: On Item 12a

MOTION/SECOND: WOODS/ABRICA VOTE: 4-0

The Consent Calendar; and, Items 13 through 17 may be addressed during Community Forum only, unless otherwise approved by Council

13. Written Communications:

Letter from Johnnie Gray regarding the Boxing Club

14. Special Presentations (Each presentation is limited to 10 minutes) (Government Code § 54954.3(b)): None

Oral Reports

15. Reports Out of Closed Session- (Carlos Romero, Mayor, Vincent C. Ewing, City Attorney)

16. Staff Reports

17. City Council/Redevelopment Agency Reports

- a. City Council Outside Agencies Representative Appointments and City Committees/Sub-Committees *(Carlos Romero, Mayor)*

Mayor Romero asked for Council members to continue serving as representative to Outside Agencies and on the various committees. Council members agreed with one exception: CM Woods asked to be removed as the Peninsula Congestion Relief Alliance Representative and, Mayor Romero will serve as the Representative for the Alliance. Mayor Romero also asked that the item be brought back to allow Councilmember Evans a chance to participate. Staff to Amend the roster and bring item back to Council for further consideration.

8. Community Forum

Hearings

19. **First Reading and Public Hearing Regarding Amendments to City Ordinance 15-83: an Ordinance of the City of East Palo Alto Providing for the Purchase of Supplies and Equipment. (Continued from the January 11, 2011 meeting)**

(Stephanie Osaze, Interim Assistant City Manager, Brenda Olwin, Interim Finance Director, City Manager's Office)

Recommendation:

That the City Council:

1. Receive Report from Staff;
2. Open the Public Hearing;

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

3. Receive Testimony and Comments from Public;
4. Close the Public Hearing;

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

and

5. Approve the First Reading of the Proposed Amendments to City Ordinance 15-83; and,
6. Direct Staff to return to Council with the Second Reading at the next Regular City Council Meeting.

ACTION: MOTION/SECOND: Woods (No Second) VOTE: Failed

Council decided to be continue to this item to the February 1, 2011 meeting and place it on the Policy and Action portion for further discussion and clarification before Adoption

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

RDA

20. **Request from For the Future Housing, Inc. to exclude the residential portion of the proposed mixed-use development on Pad D in the Ravenswood Shopping Center from the Shopping Center's Covenants, Conditions and Restrictions (CC&R's)**

Recommendation:

That the Agency Board:

Following deliberation and By Motion, approve the request from For the Future Housing, Inc., to exclude the residential portion of their proposed mixed-use development on Pad D in the Ravenswood 101 Shopping Center from the requirements of the CC&R's which prohibit residential development in the Shopping Center.

By Motion – No Resolution

**ACTION: MOTION/SECOND: ROMERO/MARTINEZ VOTE: 3-1
(WOODS – NO)**

21. Governor Brown's Budget Proposal:

Staff recommends that the Council/Agency Board

1. **Reso # CC 4083 & RDA 796** Adopt a resolution opposing Governor Brown's budget proposal to eliminate Redevelopment Agencies throughout California; and
2. Direct the Mayor and Vice Mayor/RDA Chair to submit a letter along with the Resolution to Governor Brown and the State Legislators.

ACTION: MOTION/SECOND: Abrica/Woods VOTE: 4-0

22. Council and Redevelopment Agency Board consideration of resolutions amending

1) the Repayment Agreement by and Between the City of East Palo Alto and the East Palo Alto Redevelopment Agency for the Ravenswood Industrial Area, to: (a) provide for Agency payment of certain public improvements necessary for the elimination of blight, and, (b) add a repayment schedule;

2) the Repayment Agreement by and Between the City of East Palo Alto and the East Palo Alto Redevelopment Agency for the 101 Gateway Area, and the Purchase and Sale Agreement between the City and the Agency dated February 21, 1995 to: (a) add a repayment schedule.

RECOMMENDATION:

CC Reso# 4084 & RDA 797 Staff recommends that the City Council and the Agency Board adopt the attached resolutions amending 1) the Repayment Agreement by and Between the City of East Palo Alto and the East Palo Alto Redevelopment Agency for the Ravenswood Industrial Area, to: (a) provide for Agency payment of certain public improvements necessary for the elimination of blight, and, (b) add a repayment schedule;

2) CC Reso# 4085 & RDA 798 the Repayment Agreement by and Between the City of East Palo Alto and the East Palo Alto Redevelopment Agency for the 101 Gateway Area, and the Purchase and Sale Agreement between the City and the Agency dated February 21, 1995 to: (a) add a repayment schedule.

Action on Item 22 – All Motions for the recommendations requiring 2 RDA and 2 City Council Resolutions made separately:

CC RESO 4084			
MOTION/SECOND:	WOODS/ABRICA	VOTE: 3-1	ROMERO/NO
RDA RESO 797			
MOTION/SECOND:	WOODS/ABRICA	VOTE: 3-1	ROMERO/NO
CC RESO 4085			
MOTION/SECOND:	WOODS/ABRICA	VOTE: 3-1	ROMERO NO
RDA RESO 798			
MOTION/SECOND:	WOODS/ABRICA	VOTE: 3-1	ROMERO/NO

City

23. Second Reading, Public Hearing, and Adoption 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 California Fire Code with Local Amendments (Menlo Park Fire Protection District Ordinance 32). *(Frank Rainone, Building Official)* **(Continued to the February 1, 2011 Meeting)**

Recommendation:

That the City Council

1. Conduct the Second Reading of the 2010 State Building Codes
2. Adopt the 2010 State Building Codes by Reference
3. Adopt a Resolution Finding and Determining the Need for Modifications to the 2010 California Building Code

Item not discussed, it is continued to the February 1, 2011 City Council Meeting

24. **Measure “C” Oversight Committee Staggered Terms Policy** *(Vincent C. Ewing, City Attorney, Meda Okelo, Director, Community Services)*

Recommendation:

That the City Council:

1. Adopt a staggered terms policy as noted in the staff’s Recommendation below; and
2. Direct the Measure C oversight committee to review the attached draft bylaws, provide comment to the staff, and adopt bylaws.

ACTION: MOTION/SECOND: WOODS/ABRICA VOTE: 4-0

25. **ADJOURNMENT:** *In Memory of Mrs. Katye Arlene Johnson McCall’s by Observing a Moment of Silence in Recognition of her Life of Community Service*

A Moment of Silence was observed in memory of Mrs. Katye Arlene Johnson McCall