



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, February 1, 2011

Closed Session: 6:30 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.

6:30 P.M Regular Joint Closed Sessions

Regular Joint Closed Session Call to Order

Roll Call

Present: ABRICA, EVANS, MARTINEZ, ROMERO WOODS: EXCUSED ABSENCE

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

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

2. Joint Closed Session Community Forum – One Resident
3. Adjournment into Closed Session
4. Personnel Matters (Government Code § 54957.6) (*Carlos Romero, Mayor, Office of the City Council*)

City Attorney's Contract

5. Potential/Pending Litigation

- a. Byrd/Brock DKB Homes (*Karen Tiedemann, RDA Counsel*)
- b. Peninsula Care Givers Collective (*Vincent C. Ewing, City Attorney*)
- c. Litigation Report
- d. Cummings Park (*Karen Tiedemann, RDA Counsel*)

6. Adjournment

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

7. Joint Call to Order

Roll Call

Present: ABRICA, EVANS, MARTINEZ, ROMERO

WOODS, ABRICA, EVANS, MARTINEZ, ROMERO

8. APPROVAL OF AGENDA

MOTION/SECOND: MARTINEZ/ABRICA	VOTE: 4-0
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CONSENT CALENDAR - City Council/Redevelopment Agency Ordinances, Resolutions/ Informational Reports/Approval Actions and Motions

Actions and Motions

9. Receive, Accept and File Treasurer's Report for the second quarter ending December 31, 2010 (*Brenda Olwin, Interim Finance Director, City Manager's Office*)

10. Approval of a Resolution authorizing the City of East Palo Alto's membership in the San Mateo County Sub-region for the Regional Housing Needs Allocation (RHNA), to include the Sustainable Communities Strategy for the 2014-2022 RHNA planning period. (*Wilbert Lee, Housing Director, Housing Department*)

11. Claims (*Vincent C. Ewing, City Attorney*)
Recommendation: Reject the following claims:
a. Johnnie Mae Elarms
b. Debra Primes

12. Action Minutes (*Minette Warren, Deputy City Clerk, Office of the City Clerk*)
a. *01/18/11 Regular Joint CC RDA Meeting*

Recommendation: That Council Approve All Items on the Consent Calendar

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

13. Written Communications:

- a) **BCDC Bay Plan Amendments on Climate Change Update and Call To Action**
(Brent Butler, Planning Manager, Planning Division)

14. Special Presentations (Each presentation is limited to 10 minutes) (Government Code § 54954.3(b)):

None

Oral Reports

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

City Attorney Ewing reported out on Items 5a through d: Items discussed, No Action taken

Mayor Romero Reported Out on Item 4: Item Discussed, Direction Given, No Action Taken

16. Staff Reports

- a. **Measure “C” Exemptions Process Clarification** *(Brenda Olwin, Interim Finance Director, City Manager’s Office)*

Interim Finance Director Olwin gave clarification on the Measure “C” Exemptions Process

- b. **Measure “C” Consultant Update Report** *(Dr. Peter Ellis, Community Crime Prevention Associates -CCPA).*

Dr. Ellis gave update on Measure “C” Report; Council gave direction for Consultant to construct a timeline for progress

17. City Council/Redevelopment Agency Reports

- a. East Palo Alto City Council Outside Agencies Representatives and City Committees/Sub-Committees *(Carlos Romero, Mayor) (Continued from 01-18-11 Regular CC RDA Meeting)*

Council Reconfirmed their appointments, Vice Mayor Laura Martinez volunteered for the Senior Advisory Board; Councilmember Evans declined to be a representative

18. Community Forum

Public Hearings

19. APPEAL OF PLANNING COMMISSION DECISION *(Brent Butler, Planning Division Manager; Brad Tarr, Senior Planner).*

Conditional Use Permit 08-36 and Categorical Exemption 08-28

APPELLEE: Richard May Foundation

APPELLANT: Ms. Sharifa Wilson

RECOMMENDATION

That the City Council, upon holding a duly noticed public hearing:

- 1) Affirm the decision of the Planning Commission or
- 2) Uphold the Appeal, requiring:
 - a. A Traffic Study, (See staff report Option 1 -Attachment 5) or
 - b. An Initial Study pursuant to the California Environmental Quality Act, or
- 3) Remand said matter to the Planning Manager or Planning Commission for further action and study.

Council did not discuss item and made a Unanimous decision to continue this item to a Regular meeting on: Tuesday, February 8, 2011, Time: 7:00p.m.; Reason: Technical difficulties with staff report as submitted for this meeting.

20. Appeals of Denial on Application for Exemption from the City of East Palo Alto Measure C Special Tax *(Brenda Olwin, Interim Finance Director, City Manager's Office)*

Appellants

- a. Mrs. Marian H. Bostic
- b. Mrs. Nettie P. Criss
- c. Mr. Ervin Hudleton
- d. Dr. Alfred LeGrand Sawyer
- e. Ms. Willie Rene Porter
- f. Mrs. Helen D. Price
- g. Mrs. Lucille D. Strong

Recommendation

That the City Council, upon holding a duly noticed public hearing:

- | | | |
|--|---------------------------------------|------------------|
| a. Open the Hearing | MOTION/SECOND: ABRICA/MARTINEZ | VOTE: 4-0 |
| b. Take Testimony | Council Deliberation held | |
| c. Close Hearing | MOTION/SECOND: ABRICA/MARTINEZ | VOTE: 4-0 |
| d. My motion, either amend or affirm the Finance Director's administration denial of claim exemption for each appellant. | | |

EXEMPTIONS GRANTED FOR ALL APPELLANTS: A THROUGH G

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

City

21. The Fiscal Year 2009-10 City of East Palo Alto Audited Financial Reports
(Brenda Olwin, Interim Finance Director, Peter Yee, Sr, Financial Services Manager - City Manager's Office and Cory Biggs, Audit Partner - Maze & Associates)

Recommendation: That the City Council receive, accept and file the following financial reports.

- City's Comprehensive Annual Financial Report (CAFR) for year ended June 30th, 2010.
- Management Letter (Memorandum of Internal Control & Required Communications)
- Proposition 111 Appropriation Limit Report
- Measure A Special Revenue Report
- Deferred Compensation 401(A) and 401(K) Report
- Single Audit Report

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

22. Second Reading – Proposed Amendments to City Ordinance 15-83: Purchasing System
(Stephanie Osaze, Interim Assistant City Manager and Brenda Olwin, Interim Finance Director – City Manager's Office, Neelam Naidu, Deputy City Attorney)

Recommendation: That the City Council:

- 1) Approve the Second Reading of the Proposed Amendments to the City Ordinance 15-83 and;
- 2) Adopt a Resolution Finding and Determining the Need for Amendments to the Purchasing System (Chapter 2.84); and,
- 3) Adopt an Ordinance Amending Chapter 2.84, Purchasing, of Title 2, Administration and Personnel, of the City of East Palo Alto Municipal Code.

Report given by Interim Finance Director Olwin, Council deliberations held and this item is to be brought back to the February 15th meeting for further deliberation, (to allow Absent Councilmember Woods to deliberate), and approval of the 2nd Reading

23. Memorandum of Understanding (MOU) for Fire Code Compliance, Plan Review, and Inspection Procedures between Menlo Park Fire Protection District (MPFPD) and the City of East Palo Alto - *(Harold Schapelhouman, MPFFD Fire Chief; Frank Rainone, Chief Building Official, Community Development Department)*

Recommendation: That Council Adopt a Resolution:

- 1) Approving the Memorandum of Understanding (MOU) for Fire Code Compliance, Plan Review, and Inspection Procedures between Menlo Park Fire Protection District (MPFPD) and the City of East Palo Alto; and
- 2) Authorizing the City Manager to execute the MOU.

24. **Measure “C” Oversight Committee Staggered Terms Policy** (*Vincent C. Ewing, City Attorney and Meda Okelo, Community Services Director, Community Services*) (**Continued from 01-18-11 Regular CC RDA Meeting**)

Recommendation:

That the City Council:

1. Adopt a resolution adopting a policy establishing terms of office for Measure C Oversight Committee members; and
2. Adopt a resolution appointing members to the Measure C Oversight Committee, and designating Council Members to assign each specific seat; and
3. Direct the Measure C Oversight Committee to review the attached draft bylaws, provide comment to Staff, and adopt bylaws.

Council approved the recommendation with the Exception of Number 2, after deliberations this *item removed from consideration.*

MOTION/SECOND: ABRICA/MARTINEZ VOTE: 3-1 (EVANS-NO)

25. **Measure C Oversight Committee Appointments** (*Mayor Romero and Council Members*)

Recommendation: By motion, appoint members to the Measure C Oversight Committee.

Council held deliberations, and made decision that each Council member should appoint their choices, assign terms/seats and forward information to Deputy Clerk Warren for Recordation if at all possible for the next Regularly scheduled Council meeting by unanimous agreement on the motion

26. **Hosting the 2010 Commissioners Trophy of the World Series Champion the San Francisco Giants** (*Meda Okelo, Community Services Director, Community Services Department*)

Recommendation: That the City Council adopt a resolution endorsing and supporting the hosting of the 2010 Commissioners trophy of the World Series Champions, the San Francisco Giants, in East Palo Alto and directing staff to expend no more than \$1,000 on the event.

Council held deliberation, invited the residents to participate in welcoming the Trophy and decided to include an additional \$500.00 contingent, as recommended by Mayor Romero to allow for \$1500.00 to be used for the event, if necessary.

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

27. **City Council approval of City’s responses to two reports from the 2009-2010 San Mateo County Civil Grand Jury** (*Ronald Davis, Chief of Police, Police Department*)

Recommendation:
That the City Council:

1. Adopt a Resolution approving the City's response to the 2009-2010 Grand Jury Report, "Red Light Cameras Enforcement".
2. Adopt a Resolution approving the City's response to the 2009-2010 Grand Jury Report, "Sex Offender Law Enforcement".
3. Direct the City Manager to submit the responses to the San Mateo County Grand Jury.

MOTION/SECOND:	MARTINEZ/ABRICA	VOTE:	4-0
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- 28. 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, Community Development Department) (Continued from 01/18/2011 Regular CC 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

MOTION/SECOND:	ABRICA/MARTINEZ	VOTE:	4-0
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- 29. Proposed Format of Study Sessions on Medical Marijuana Dispensaries** *(Vincent C. Ewing, City Attorney)*

Recommendation: Staff requests that the City Council obtain input from community members, and give direction to Staff as to the format and dates of the proposed study sessions

COUNCIL DELIBERATED AND GAVE DIRECTION TO STAFF ON FORMAT AND DATES FOR PROPOSED STUDY SESSIONS FOR THIS ITEM
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- 30. ADJOURNMENT: 10:40P.M.**